

**ZONING  
ORDINANCE**

**MCCONNELSBURG BOROUGH  
FULTON COUNTY**

**PREPARED FOR:**

**McConnellsburg Borough**

**1995**

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**RICHARD C. SUTTER and ASSOCIATES, Inc.**  
Comprehensive Planners/Land Planners  
Historic Preservation Planners

## TABLE OF CONTENTS

	<u>PAGE</u>
TITLE PAGE	i
TABLE OF CONTENTS	ii
ARTICLE I - GENERAL PROVISIONS	
101 Enactment	1
102 Short Title	1
103 Effective Date	1
104 Validity and Constitutional Construction	1
105 Purpose and Community Development Objectives	1
106 Municipal Self-Exemption Clause	2
ARTICLE II - TERMINOLOGY	
201 Rules for Word Usage	3
202 Definition of Terms	3
ARTICLE III - ZONING DISTRICTS	
301 Establishment of Zoning Districts	14
302 Zoning District Map	15
303 Interpretation of District Boundaries	16
304 Principal Uses on Residential Lots	16
ARTICLE IV - PROVISIONS GOVERNING RESIDENTIAL DISTRICTS	
401 R1 - Single Household Residential	17
402 R2 - Two Household Residential	19
ARTICLE V - PROVISIONS GOVERNING COMMERCIAL DISTRICTS	
501 C1 - General Commercial	22
502 C2 - Highway Commercial	24
ARTICLE VI - GENERAL PROVISIONS LI AND P/SP DISTRICTS	
601 LI - Light Industrial District	27
602 P/SP - Public/Semi-Public	28

ARTICLE VII - PROVISIONS GOVERNING HISTORIC RESOURCES OVERLAY DISTRICT

701 Historic Resources Overlay District 30

ARTICLE VIII - SUPPLEMENTAL REGULATIONS

801 General Intent 33  
802 General Requirements and Exceptions 33  
803 Accessory Uses 33  
804 Prohibited Accessory Uses 34  
805 Accessory Use Limitations 34  
806 Height and Lot Requirements of Accessory Uses 34  
807 Fencing 35  
808 Satellite Dishes, Antennas 36  
809 Signs 36  
810 Off Street Parking 43  
811 Off Street Loading Requirements 47  
812 Temporary Uses 48  
813 Buffer Areas 49

ARTICLE IX - NONCONFORMITIES

901 Continuation 52  
902 Unlawful Use Not Authorized 52  
903 Nonconforming Structures, Alteration and Repair 52  
904 Alteration of a Nonconforming Use 53  
905 Change of Nonconforming Use 53  
906 Abandonment of Nonconforming Use 54  
907 Nonconforming Lot of Record 54  
908 Termination of Nonconforming Use 54  
909 Special Exception and Conditional Uses 55  
910 District Changes 55

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

1001 Zoning Officer 56  
1002 Building Permit 57  
1003 Certificate of Use and Occupancy 58  
1004 Schedule of Fees 59  
1005 Remedies 59  
1006 Penalties 59  
1007 Changes and Amendments 59  
1008 Landowner Curative Amendments 63  
1009 Municipal Curative Amendments 64  
1010 Conditional Uses 64

ARTICLE XI - ZONING HEARING BOARD

1101 Creation and Organization	66
1102 Powers and Duties	67
1103 Procedure	70

ARTICLE XII - OFFICIAL ZONING MAP

1201 Adoption of Map by Reference, Change and Location	74
--	----

ARTICLE XIII - EFFECTIVE DATE

1301 Effective Date	75
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APPENDICES

Official Zoning Map	76
Existing Zoning Schedule	77
Proposed Zoning Schedule - Residential	78
Proposed Zoning Schedule - Commercial	79

## ARTICLE I GENERAL PROVISIONS

### SECTION 101     Enactment

It is hereby ordained and enacted by the Council of the Borough of McConnellsburg that, from and after the approval of this ordinance, the classes of districts specified herein shall be established, and the following regulations shall be in full force and effect.

### SECTION 102     Short Title

This ordinance shall be known as the Borough of McConnellsburg Zoning Ordinance, and the map shall herein be part of the ordinance and shall be known as the Borough of McConnellsburg Zoning District Map.

### SECTION 103     Effective Date

The effective date of this ordinance shall be the date of enactment of this ordinance by the Council of the Borough of McConnellsburg.

### SECTION 104     Validity and Constitutional Construction

The provisions of this act shall be severable, and should any section or provision of this ordinance be declared invalid or unconstitutional, the validity of any remaining sections or provisions shall not be declared invalid or unconstitutional. Where a section or provision is found to be invalid or unconstitutional the section or provision which enacts the higher standard for the protection of health, safety, and welfare shall prevail.

### SECTION 105     Purpose and Community Development Objectives

This zoning ordinance is designed and adopted for the following purposes:

- A. To protect and promote the health, safety, and welfare of the residents of the Borough of McConnellsburg and of the public generally.
- B. To encourage the orderly growth and development of the borough in accordance with the recommendations of the borough's Master Plan.
- C. To protect and maintain the character, stability and value of the residential, business and institutional areas within the borough.
- D. To provide adequate light, air, and privacy and to prevent the overcrowding of people and structures upon the land.

- E. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- F. To encourage the most appropriate use of the land and structures throughout the Borough through the establishment of land use districts and the regulation of land and structures and the construction and alteration of buildings and other structures in each district.
- G. To provide for the gradual elimination of those uses of land, buildings, and structures which do not conform to the use requirements of the district in which they are located and which adversely affect the development of other property in each district.
- H. To implement the goals, objectives and policies of the McConnellsburg Area Regional Plan.

**SECTION 106     Municipal Self-Exemption Clause**

Municipal actions carried out by Borough Council, the governing body of McConnellsburg Borough, may be exempt from the provisions of this Ordinance.

## ARTICLE II TERMINOLOGY

### SECTION 201     Rules for Word Usage

For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future; the singular includes the plural, and the plural number includes the singular; the word "person" refers to a firm, association, organization, trust, partnership, company or corporation, as well as an individual; the word "shall" is mandatory and the word may is permissive; the word "lot" includes "plot, piece, and parcel"; and the word "building" includes all structures; The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, maintained or designed to be used or occupied. In case of any difference of meaning or implications between the text of this ordinance and any caption or illustration, the text shall control.

### SECTION 202     Definition Of Terms

**ABANDONED** - A building or structure which has been determined to have not received utility service, (i.e.; water, sewer, electric, gas, etc.), and has not been occupied for a period of twelve months (one year). The building or structure shall be deemed deserted.

**ACCESSORY BUILDING, STRUCTURE OR USE** - A building, structure or use which is subordinate to the main building on the lot and is used for purposes customarily incidental to the use of the main building or lot.

**ALLEY** - A minor public way, approved by the Borough Council, providing for vehicular service access to the back or side of properties otherwise abutting on a street.

**ALTERATIONS, STRUCTURAL** - Any interior or exterior change which would prolong the life of the supporting members of a building such as bearing walls, columns, beams, or girders.

**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 plat or plan or for the approval of a development plan.

**APPOINTING AUTHORITY** - The Borough Council of the Borough of McConnellsburg.

**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."

**AUTOMOBILE REPAIR, MAJOR** - Engine rebuilding or major reconditioning of work or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting of vehicles.

**AUTOMOBILE REPAIR, MINOR** - Incidental repairs; replacement of parts; motor service to automobiles; state inspection; but not including any operation specified under Automobile Repair, Major, above.

**AUTOMOBILE SALES AND REPAIR ESTABLISHMENT** - The use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, and including any warranty repair work and other repair service specified under automotive repair, major or automotive repair, minor.

**BASEMENT** - A story partly underground, but having 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 five (5) feet or more or if the basement is used for business or dwelling purposes.

**BLOCK** - A tract of land, a lot, a group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the Borough, unsubdivided land, other definite barriers, or by a combination of the above.

**BOARD** - Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code to render final adjudications.

**BUFFER AREA** - A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

**BUILDING** - A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as a separate building.

**BUILDING AREA** - The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five (5) feet, one story open porches projecting not more than then (10) feet, steps, and balconies.

**BUILDING, HEIGHT OF** - The total number of stories in a building, and the vertical distance from the mean level of the adjacent ground to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs, to the mean height between eaves and ridges for gable, gambrel and hip roofs and to the highest point of any other type of roof.

**BUILDING OR SET-BACK LINE** - The line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces. (DEF: Terrace - A flat roof used for open air activities.)

1. **Front Set-Back Line**: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

2. Side Set-Back Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.
3. Rear Set-Back Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.
4. Width of Building Line: The horizontal distance between side lot lines measured at the minimum prescribed front yard setback line, after any easement areas are accounted for, as set forth in this ordinance.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is situated.

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

**CONDITIONAL USE** - A use permitted in a particular zoning district pursuant to the provisions in Article IV of the Pennsylvania Municipalities Planning Code.

**COVERAGE** - That percentage of the parcel or lot area that is covered by the building area, paved areas, parking and accessory structures.

**DAYCARE:**

1. Child Daycare - Any premise other than the child's own home operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children who are not relatives of the care giver.
2. Elderly Daycare - Care given in a home or public structure to elderly persons who need supervision for personal needs in which meals and nursing care may or may not be directly available.

**DETERMINATION** - A final action by an officer, body or agency charged with the administration of any land use ordinance or application thereunder, except the following:

- (1) the governing body
- (2) the zoning hearing board
- (3) the planning agency, only if and to the extent the planning agency is charged with the final decision on preliminary or final plans under the subdivision or land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having the jurisdiction for such appeal.

**DEVELOPER** - any landowner, agent of such landowner, tenant with permission of such landowner, or person holding a purchase agreement who makes or causes to be made a subdivision of land, buildings, or a land development.

**DISTRICT, ZONING** - A section of the Borough for which uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established and referenced on the Borough Zoning Map.

**DWELLING** - Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

1. Detached House: A dwelling unit occupying the whole of a freestanding residential structure.
2. Two Household or Semi-Detached House: A residential structure occupied by two (2) dwelling units with a common wall.
3. Duplex: A residential structure divided horizontally into two (2) dwelling units.
4. Row House or Town House: A structure with two (2) or more party walls of three (3) or more units not having any horizontal division between units.
5. Apartment: A dwelling unit separated horizontally and/or vertically from one or more other units in a structure.
  - a. Apartment House or Multi-Household Dwelling Unit: A residential structure containing three (3) or more dwelling units.
  - b. Garden Apartment: An apartment house not exceeding three (3) stories in height.

**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.

**FENCE** - A structure which permanently or temporarily serves as a visual barrier or a barrier to restrict travel between properties or portions of properties or between street or public right-of-way and a property. This structure may be constructed from wood, metal, or brick and may also be of organic nature in the form of bushes, shrubbery, vines, or any other suitable living substance which shall be deemed a living fence.

**FENCE, LIVING** - A planted visual barrier provided along a property line consisting of low-level shrubs, hedges, or similar landscape screening materials, but excluding trees.

**FLOOR AREA** - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the "floor area" of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one half (7 1/2) feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways.

For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

For the purpose of determining minimum floor area as applied to a dwelling unit, floor area shall mean the habitable living area of the dwelling as measured by exterior dimensions and shall not include attached garages, unfinished basements, laundry or furnace rooms or carports. Neither are porches included unless completely enclosed and finished.

**FOUNDATION** - Permanent base or substructure of a building that is totally or more than one half of it's clear height below the average level of the surrounding ground. It is the basic support of the building or structure.

**GOVERNING BODY** - The elected Borough Council of the Borough of McConnellsburg.

**HEARING** - An administrative proceeding conducted by a board pursuant to section 909.1 of the Pennsylvania Municipalities Planning Code.

**HOME OCCUPATION** - An occupation carried on in a dwelling unit or accessory building by the resident thereof as a customary or accessory use. In connection therewith, there shall be no display of any kind except one (1) identification sign as defined in Section 809-E. The use shall not require internal or external alterations or construction features not customary in dwellings and shall be clearly incidental to the primary use of the premises for residential purposes. Employment shall include not more than one (1) full-time employee or one (1) part-time employee other than the owner/operator of permitted occupation. Permitted home occupations subject to the regulations listed above shall include:

1. The professions of architect, artist, clergyman, dentist, engineer, lawyer, musician, physician, surgeon, consultant, writer, and teachers giving instruction to not more than two (2) pupils at any one (1) time.
2. Customary domestic occupations, including dressmaker, seamstress, milliner, shoe repair, and hairdresser.
3. Small repair work or craftsman, including furniture repairing, carpentry work, and small appliance repairs.
4. Certified public accountants, optometrists, insurance agents, chiropractors, and real estate brokers.
5. The operation of small animal grooming establishments.

**HISTORIC DISTRICT** - A geographically definable area with a significant concentration of buildings, structures, sites, spaces, and/or objects unified by physical and/or historical events or associations which is designated to provide for the protection, preservation, maintenance, restoration, and appropriate use of historic resources located within the Borough.

**HISTORIC FEATURE** - A building, structure, site, space or object considered individually or together in a group that conveys or represents a certain aspect of history and that (typically) meets an age requirement (generally taken to be 50 years).

**INDUSTRIAL, LIGHT** - The assembly and/or production of manufactured materials used to produce a final product for retail or other industrial use.

**LAND DEVELOPMENT** - Any of the following activities which involves the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
2. 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.
3. A subdivision of land.
4. The conversion of single household dwellings to multi-household dwellings.
5. Any additions made to a main building or accessory structure on a lot.

**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.

**LOADING SPACE** - A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

**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, BUILDING AREA OF** - That portion of a conforming or nonconforming lot bounded by the required yards. When a yard is not required, the boundary is the lot line.

**LOT, BUILDING LINE OF** - The line that bounds the buildable area of the lot, including front, rear and side building lines exclusive of any easement.

**LOT, CONFORMING** - A lot occupied or unoccupied by building or structures, fronting on a public street or a street in a plan of land subdivision, and having such area and open spaces thereon as are required by this chapter for one (1) of the uses permitted in the district in which it is located.

**LOT, CORNER** - A lot situated and abutting the intersection of two (2) streets, having an interior angle not greater than one hundred and thirty-five degrees (135).

**LOT, DEPTH** - The distance between the front and rear lot lines, perpendicular or radial to the Right Of Way line, measured along the median between the two (2) side lot lines.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT, RECORDED** - A lot designated on a plot or subdivision duly recorded pursuant to the statute with the Recorder of Deeds of Fulton County. A "recorded lot" may or may not coincide with a conforming lot or a nonconforming lot.

**LOT, THROUGH** - An interior lot, the front and rear lines of which abut streets.

**LOT, WIDTH** - The horizontal distance between the side lot lines measured along the front and rear building lines of the lot as determined by the prescribed front yard requirement.

**MOBILE HOME/TRAILERS** - A transportable, single household 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. The dwelling's kitchen sink must display the seal of the Pennsylvania Department of Community Affairs.

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

**MOBILE HOME PARK** - A parcel, or contiguous parcels, of land which has been so designated and improved that it contains two (2) or more mobile homes.

**MODULAR UNIT, (MODULAR HOME)** - A unit transported on a removable or non-removable frame, in which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the site for assembly and installed on the building site with a permanent foundation. The term includes "module," "prefab," "factory built," "panel built," and similar other terms. The completed unit shall comply with building code standards for conventionally constructed units; the modular unit is considered real property. The completed unit's kitchen sink must display the seal of the Pennsylvania Department of Community Affairs.

**MOTEL** - A group of attached or detached buildings containing individual sleeping rooms or living units (except in the case of quarters for a resident manager or proprietor) with accessory facilities, designated for temporary use by automobile travelers or transients, including auto courts, tourist courts, motor lodges and the like. It may or may not include common dining and drinking facilities, meeting rooms and recreation facilities.

**MUNICIPALITY** - Any city, borough, incorporated town, township of the first or second class, county or 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.

**MUNICIPAL OR PUBLIC BUILDING** - Any building or structure erected, altered, and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

**NONCONFORMING LOT** - A lot, 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.

**NONCONFORMING STRUCTURE** - A structure or a 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 or amendment of a zoning 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, nonconforming signs.

**NONCONFORMING USE OF LAND OR NONCONFORMING USE OF STRUCTURE-** Any use of land, use of structures, or use of structures and land in combination, lawfully existing prior to the enactment of a zoning ordinance, for a use not permitted in the district in which such land or structure is located.

**NURSERY SCHOOL** - A premise other than the child's own home which shall provide daytime care or instruction to two or more children of preschool age.

**PARKING LOT** - Any lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-household or two-household dwelling.

**PARKING SPACE** - An off-street space available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**PERMITTED USES-** Those land uses allowed within a zoning district as specifically listed, subject to the restrictions applicable to that zoning district description.

**PLANNING AGENCY** - The Planning Commission for the Borough of McConnellsburg.

**PLANNING COMMISSION** - The Planning Commission for the Borough of McConnellsburg.

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

**PUBLIC GROUNDS** - Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas
2. Sites for municipal buildings, schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
3. Publicly owned or operated scenic and historic sites.

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

**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 the time and place of the hearing or meeting 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 or meeting.

**SATELLITE DISH ANTENNA** - A device comprised of a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or similar type signals between terrestrially and/or Earth orbiting satellites. This definition is meant to include but is not limited to what are commonly referred to as satellite Earth stations, TVRO's (Television Reception Only), and microwave antennas.

**SHED** - A building or structure used as a storage place or workshop and should have a maximum square footage of 160 square feet and a maximum height of 10 feet.

**SIGN** - Any surface, fabric, or device bearing letter, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; any structure or device designed or installed principally to carry the above information as a means of directing or attracting attention, except traffic signs and devices.

**SIGN, BUSINESS** - A sign which directs attention to a business, profession or industry where the sign is displayed, to the type of products sold, manufactured or assembled and/or service or entertainment offered on said premises.

**SIGN, IDENTIFICATION** - A sign used to identify only the name of the individual or organization occupying the premises, the profession of the occupant and the name of the building on which the sign is displayed.

**SPECIAL EXCEPTION** - A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

**STREET** - A public way, approved by the Borough Council, for vehicular and pedestrian traffic, whether designated as a street, highway, avenue or way.

1. **Arterial** - A public street intended to carry a large volume of local and through traffic to or from collector streets and expressways.
2. **Collector** - A street that collects and distributes traffic between local access and arterial streets. Such streets provide intra-regional connections between residential areas and shopping areas, employment centers and other local traffic generators.
3. **Local** - A street that provides access to abutting property and connections to local streets.
4. **Alley** - A service road that provides secondary means of through access to lots.
5. **Cul-de-sac** - A street with a single means of ingress and egress and a turnaround.
6. **Marginal access street** - A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic.

7. Access drive - A private drive providing access between a public or private street and a parking area within a land development, or any driveway servicing two or more buildings or uses.

**SUBDIVISION** - The division or redivision of an existing structure, 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, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of ten or more acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**STRUCTURE** - Anything constructed or erected, which was lawful prior to the adoption or amendment of a zoning ordinance, the use of which requires either directly or indirectly, a fixed location on the land.

**STRUCTURE, HEIGHT OF** - (other than a building), The vertical measured distance from the adjacent finished grade level to the highest point of the structure.

**SWIMMING POOL, PRIVATE** - Any constructed pool which is used or is intended to be used as a swimming pool in connection with a one or two household dwelling and available only to the members of the household and their private guests. This term does not include wading pools that are less than twenty-four inches in depth.

**USE, PRINCIPAL** - The main purpose or activity for which the land or building or structure thereon is designed, arranged or intended or for which it is occupied or maintained.

**VARIANCE** - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

**YARD** - An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky.

**YARD, FRONT** - A yard extending across the full width of the lot and abutting the front lot line, the required depth of which yard is a prescribed minimum distance between the front lot line and the front building line.

**YARD, REAR** - A yard extending the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and the rear building line.

**YARD, SIDE** - A yard extending from the front to the rear yard or rear lot line, where no rear is required, and abutting a side lot line, the required width of which yard is a prescribed minimum distance between the side lot line and the side building line.

**ZONING OFFICER** - The administrative officer appointed by elected officials to administer the zoning ordinance in accordance to its literal terms and requires the officer to identify and register nonconforming uses and structures. Any disagreement with the zoning officer's literal administration can be settled judicially through the appeals process.

**ZONING APPEALS** - The Zoning Board hears and decides requests by landowners or persons aggrieved who believe that any officer or agency of the municipality made a decision or issued an order that is not authorized by or is contrary to the ordinance.

**ZONING HEARING BOARD** - A multiple member board, appointed by the McConnellsburg Borough Council, to hear appeals and challenges under Section 909.1(a) of the Pennsylvania Municipalities Planning Code, and hear challenges to the validity of the Zoning Ordinance or Map.

**ZONING OR LAND USE ORDINANCE** - Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

## ARTICLE III ZONING DISTRICTS

### SECTION 301     Establishment of Zoning Districts

To carry out the purpose of this chapter, the Borough of McConnellsburg is hereby divided into eight (8) zoning districts. These districts shall be designated as follows:

<u>FULL NAME</u>	<u>SHORT NAME</u>
Single Household Residential	R1-District
Multi-Household Residential	R2-District
General Commercial	C1-District
Highway Commercial	C2-District
Light Industrial	LI-District
Public/Semi-Public	P/S

The following is a description of the purposes of the above zoning districts:

#### ***R1 - Single Household Residential***

Single Household Residential District is comprised of quiet, low density residential areas in McConnellsburg Borough, Fulton County. Certain open areas where similar residential development seems likely will also be included. The regulations for this district are designed to protect the amenities of certain areas of McConnellsburg Borough where the pattern has already been established with single household developments. These regulations are designed to protect the characteristics of the area and to encourage a suitable environment for family life. All activities of a commercial nature except home occupations are prohibited. Such non-residential uses are controlled by specific limitations which restrict size and extent of non-residential activities. Development in these districts is limited to low concentration with relatively large lot sizes and permitted uses are basically limited to single household dwellings plus certain additional uses such as schools, parks, churches and public facilities which are beneficial to the district residents.

#### ***R2 - Two Household Residential District***

The R2 Multi-Household Residential District is composed of certain medium and high density residential areas of McConnellsburg Borough, Fulton County. A compatible mingling of single-unit and double-unit and multi-unit dwellings is permitted. This development will also occur in certain open areas where similar residential development is likely to occur. The regulations of this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature except home occupations, controlled by limitations governing size and extent of such non-residential activities.

#### ***C1 - General Commercial District***

The C1 Main Street Commercial District encompasses the borough's main business district and provides for a wide variety of retail and service commercial uses along with business, professional and governmental offices, and other related business uses.

Residential uses are also permitted, consistent with the established character of this district. The orientation of this district is toward the pedestrian rather than the automobile. The district shall not be characterized by constant heavy trucking other than stocking or delivery of light retail goods, or by any nuisance factors other than is occasioned by light and noise for congregation of people and passenger vehicles. This includes such uses as retail stores, theater and other amusement enterprises, business offices, newspaper offices and printing presses, restaurants, bars, and community garages and community parking areas subject to special regulations.

### ***C2 - Highway Commercial District***

The purpose of the C2 Highway Commercial District is to establish standards for the orderly development of highway oriented businesses and commercial uses along major roadways. Uses in this district usually require convenient automobile access and parking and loading areas. Site design standards include provisions to avoid traffic congestion and assure that these areas will blend attractively with adjoining residential and business areas.

### ***LI - Light Industrial District***

The LI Light Industrial classification is intended to establish a control standard for the development and protection of light industrial land use. It is to be designated as an area of public, retail, and industrial use. This is an area that will require automobile and trucking access and parking and unloading areas.

The area shall not be characterized by storage of household appliances or abandoned automobiles in open areas easily seen by the public, and will be developed and maintained in a manner minimizing potential land use conflicts with the adjacent sections of the Borough.

### ***MP - Municipal Property***

The MP Municipal Property classification shall be used to describe all properties owned and maintained by the Borough of McConnellsburg. Various uses shall be: parks, parking lots, storage houses, garages, meeting places and any other used deemed to be needed by the Borough. Areas should be kept in compliance with the environment of the Borough. These areas may be located throughout the Borough and in every zoning district.

## **SECTION 302     Zoning District Map**

The locations and boundaries of the districts enumerated in Section 301 are hereby established as shown upon the map attached to this document. It shall be designated as the "Official Zoning Map." The zoning map and all information shown thereon are hereby made a part of this Article and this Ordinance. The "Official Zoning Map" shall be dated and shall carry the signature of the Borough Secretary certifying that it is the true map adopted by the Borough of McConnellsburg.

The "Official Zoning Map" shall be maintained by the Zoning Officer at the Municipal Building. For informational purposes, a Zoning Map is attached to this ordinance, but in the event of any dispute between the informational map and the ordinance, or the official map at the Municipal Building, the "Official Zoning Map" shall control.

**SECTION 303      Interpretation of District Boundaries**

- A. Boundaries indicated as approximately following natural features or the centerlines of streets, highways or alleys shall be constructed to follow such center lines.
- B. Boundaries indicated as approximately following the boundary line of a recorded lot or separate parcel of land shall be constructed as following said line of recorded lot or parcel of land.
- C. Boundaries indicated as approximately following Borough boundaries shall be constructed as to follow said Borough boundaries.
- D. Boundaries indicated by measured distances on the zoning map shall be determined by such dimensions. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- E. The Historic Overlay District shall be geographically defined as follows: starting at Cherry Street between Second and Third Streets, along Cherry Street for four blocks then north a block to head west for a block along East Lincoln Way and then north a block. The district then cuts diagonally across a block to the midpoint of the block to the west and continues north along North Fourth Street to East Market Street (excluding the lot on the corner of Fourth and Market), passing Third Street and bisecting the block to the north in a north-south direction to the next alleyway. The district continues westward to the next road and then turns north until it reaches East North Street and continues west. It includes the lot on the southeast corner of North Second and West North Streets, taking a southward turn down the alley between First and Second Streets for three blocks and then continues west to North First Street heading south following the Borough line as it turns west and then bisects the first blocks on either side of West Lincoln Way picking up at Cherry Street for a block and then south to Chestnut Avenue where it cuts between two lots on the block to the east and then south along South Second Street to the Borough line heading east and then north again between the single family district and the public parcel until West Maple Street. The Historic Overlay District then turns east for a third of a block and then north to East Cherry Street.

**SECTION 304      Principal Uses on Residential Lots**

There shall be one (1) principal and permitted use on a legally sized and dimensioned lot in the R1 and R2 Residential.

**ARTICLE IV**  
**PROVISIONS GOVERNING RESIDENTIAL DISTRICTS**

The following regulations shall supplement the Zoning Regulations appearing henceforth in this Ordinance.

**SECTION 401**     **R1 - Single-Household Residential**

This district is intended to preserve areas for single-household dwelling units. It is intended to protect and promote the integral characteristics of the district. The district is comprised of quiet, low-density residential development. This also encompasses areas where similar residential development seems apt to arise. In essence, the area is limited to larger lot sizes and low-density concentrations. Buildings may be erected and lots used or occupied for any of the following uses:

A.     Permitted Uses:

1.     Single-household detached dwelling.
2.     Churches or similar places of worship, including residency and educational facilities.
3.     Public and private schools.
4.     Parks, playgrounds, and other recreational uses which are intended as noncommercial uses.
5.     Public utility structures, but shall not involve the storage of equipment or materials outside of a structure.
6.     Governmental, historical, and cultural uses in character provided that any storage of equipment or materials shall not be tolerated outside of any building.

B.     Accessory Uses:

1.     Private detached garages and parking areas
2.     Cultivation of plants by residents, including greenhouses, noncommercial.
3.     Private swimming pools, see Article VIII, Section 803.
4.     Home occupation, provided in the dwelling and shall have no external evidence of such use except an identification sign. (see Article VIII, Section 809.)
5.     Fences, (see Article VIII, Section 807.)
6.     Signs, (see Article VIII, Section 809.)

C. Uses By Special Exception:

1. Bed and breakfast establishment.

D. Yard Setbacks:

No building shall be constructed or enlarged unless the minimum yard setback requirements are provided for.

1. Front Yard Depth - Thirty (30) feet, or the average front yard depth of existing structure, on the block whichever is less.
2. Side Yard Depth - Ten (10) feet minimum and 25 feet aggregate, or the average side yard depth of existing structures on the block, whichever is less.
3. Rear Yard Depth - Not less than thirty (30) feet.

Corner Lot:

1. Front Yard Depth - Twenty-five (25) feet, or the average front yard depth of existing structures or the block, whichever is less.
2. Side Yard Depth Abutting Street - Twenty (20) feet, or the average side yard depth of existing structures on all adjacent corner lots, whichever is less.
3. Side Yard Depth Not Abutting Street - Ten (10) feet, or the average side yard depth of existing structures on the block.
4. Rear Yard Depth - Not less than thirty (30) feet.

Exception:

1. Accessory building in rear yard shall be permitted, see Article VIII, Section 806.
2. Projections into yards shall be permitted in compliance with the standards found in Article VIII, Section 806.

E. Height Requirements:

For the uses listed in subsections A, B, and C of this section, the height of structures hereafter erected or enlarged shall not exceed the height requirements of this subsection.

1. Maximum Height:
  - a. Single-Household Detached Dwelling - Two and one-half (2-1/2) stories with a maximum height of thirty-five (35) feet.

- b. Other Permitted Uses and Special Exceptions - Three (3) stories with a maximum height of forty (40) feet.
  - c. Accessory Buildings - One (1) story with a maximum height of fifteen (15) feet.
2. For projections which rise above the height limits of towers, steeples, flagpoles, and similar such structures, see Article VIII, Section 806.
  3. For erection of buildings above the height limits of the district, see Article VIII, Section 806.

F. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for single-household detached dwelling unit: six thousand (6,000) square feet.
2. Maximum building coverage: forty percent (40%) of the total lot area.
3. Minimum lot width: fifty (50) feet, nonconforming lot see Article IX, Section 907.

G. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**SECTION 402     R2 - Two-Household Residential**

This district is intended to establish and preserve neighborhoods for two-household and multi-household residential dwelling units. It is intended to protect and promote the characteristics of the neighborhood. Development is limited to medium concentrations of single- and two-household dwelling units as well as certain home occupations. This shall encompass areas where similar development may arise. Buildings may be erected and lots used or occupied for any of the following uses:

A. Permitted Uses:

1. Two-household dwelling unit.
2. Multi-household dwelling unit.
3. Single-household detached dwelling.
4. Churches or similar places of worship, including residency and educational facilities.
5. Public and private schools.
6. Parks, playgrounds, and other recreational uses which are intended as noncommercial uses.

7. Public utility structures, but shall not involve the storage of equipment or materials outside of a structure.
8. Governmental, historical, and cultural uses in character provided that any storage of equipment or materials shall not be tolerated outside of any building.

B. Accessory Uses:

1. Private detached garages and parking areas
2. Cultivation of plants by residents, including greenhouses, noncommercial.
3. Private swimming pools, see Article VIII, Section 803.
4. Home occupation, provided in the dwelling and shall have no external evidence of such use except an identification sign. (see Article VIII, Section 809.).
5. Fences, (see Article VIII, Section 807.).
6. Signs, (see Article VIII, Section 809.).

C. Uses By Special Exception:

1. Bed and breakfast establishment.

D. Yard Setbacks:

1. Front Yard Depth - Thirty (30) feet, or the average front yard depth of structure, on the block whichever is less.
2. Side Yard Depth - Fifteen (15) feet, or the average side yard depth of existing structures on the block, whichever is less.
3. Rear Yard Depth - Not less than forty (40) feet, or the average rear yard depth of existing structures on the block, whichever comes first.

Corner Lot:

1. Front Yard Depth - Twenty-five (25) feet, or the average front yard depth of existing structures or the block, whichever is less.
2. Side Yard Depth Abutting Street - Twenty (20) feet, or the average side yard depth of existing structures on all adjacent corner lots, whichever is less.
3. Side Yard Depth Not Abutting Street - Fifteen (15) feet, or the average side yard depth of existing structures on the block.

4. Rear Yard Depth - Not less than Forty (40) feet, or the average rear yard depth of existing structures on the block, whichever comes first.

Exception:

1. Accessory building in rear yard shall be permitted, see Article VIII, Section 806.
2. Projections into yards shall be permitted in compliance with the standards found in Article VIII, Section 806.

E. Height Requirements:

For the uses listed in subsections A, B, and C of this section, the height of structures hereafter erected or enlarged shall not exceed the height requirements of this subsection.

1. Maximum Height:
  - a. Single-Household Detached Dwelling - Two and one-half (2-1/2) stories with a maximum height of thirty-five (35) feet.
  - b. Other Permitted Uses and Special Exceptions - Three (3) stories with a maximum height of forty (40) feet.
  - c. Accessory Buildings - One (1) story with a maximum height of fifteen (15) feet.
2. For projections which rise above the height limits of towers, steeples, flagpoles, and similar such structures, see Article VIII, Section 806.
3. For erection of buildings above the height limits of the district, see Article VIII, Section 806.

F. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for two-household detached dwelling unit: seven thousand, five hundred (7,500) square feet per dwelling unit.
2. Maximum building coverage: forty percent (40%) of the total lot area.
3. Minimum lot width: fifty (50) feet, nonconforming lot see Article IX, Section 907.

G. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**ARTICLE V**  
**PROVISIONS GOVERNING COMMERCIAL DISTRICTS**

The following regulations shall supplement the Zoning Regulations appearing henceforth in this Ordinance.

**SECTION 501     C1 - General Commercial**

This district is intended to preserve the Main Street area of McConnellsburg Borough. The district is exemplified by an assortment of retail- and service-oriented business. Residential uses, predominantly multi-household, are also permitted. Buildings may be erected and lots used or occupied for any of the following uses:

A.     Permitted Uses:

1.     Multi-household residential.
2.     Hotels.
3.     Commercial and residential combinations with business located on first or primary floor.
4.     Churches or similar places of worship.
5.     Parks, playgrounds, and other recreational uses.
6.     Public utility structures, not involving the storage of equipment or materials outside of a structure.
7.     Governmental, historical, and cultural uses not involving the storage of equipment and materials outside.
8.     Amusement activities: billiards, bowling, movie theaters, etc..
9.     Art, antique, gift, and decorator shops.
10.    Appliance sale and repair.
11.    Bakery shops, having the major percentage of goods sold on the premises.
12.    Banks and financial institutions.
13.    Barber and hair stylists.
14.    Book and stationary store.
15.    Candy and confectionery store.
16.    Clothing, dressmaking, tailor, and accessory apparel shops.

17. Shoe repair, Laundromat (hand or self service), and dry cleaning establishment.
18. Department and/or variety stores.
19. Florist.
20. Drugstore.
21. Furniture store.
22. Jewelry or gift shop.
23. Hardware and hobby supplies.
24. Liquor store.
25. Photography shop.
26. Restaurant, except fast food or drive-in.
27. Day care and personal care facilities.
28. Sporting goods store.
29. Professional services such as accountant or certified accountant, architect, chiropractors, dentists, engineers, lawyers, optometrists, and physicians.
30. Personal Business Services.
31. Other compatible retail sales and services by Special Exception.

B. Accessory Uses:

1. Parking areas to serve residents, customers, and employees of business establishments, see Article VIII, Section 810.
2. Fences, see Article VIII, Section 807.
3. Signs, see Article VIII, Section 809.

C. Yard Setbacks:

No building shall be constructed or enlarged unless the minimum yard setback requirements are provided for.

1. Front Yard Depth - 0 feet or the front yard setback of the adjacent existing structures.

2. Side Yard Depth as follows:
  - a. Side Yard abutting commercial property - No setback required.
  - b. Side Yard abutting residential property - Not less than the setback of the adjacent existing structure.
3. Rear Yard Depth - Not less than five (5) feet.

All portions of a lot in a commercial district which are not used for buildings shall be attractively landscaped and maintained in good condition. All properties which adjoin residential districts shall be screened from the abutting land by an ornamental fence or shrubbery hedge not less than six (6) feet in height.

D. Height Requirements:

For the uses listed in subsections A and B of this section, the height of structures hereafter erected or enlarged shall not exceed the height requirements of this subsection.

1. Maximum Height:
  - a. Permitted Uses - Three (3) stories with a maximum height of forty (40) feet.
  - b. Accessory Buildings - One (1) story with a maximum height of fifteen (15) feet.
2. For projections which rise above the height limits of towers, steeples, flagpoles, and similar such structures, see Article VIII, Section 806.
3. For erection of buildings above the height limits of the district, see Article VIII, Section 806.

E. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for general commercial businesses: six thousand (6,000) square feet.
2. Maximum building coverage: eighty (80%) percent of the total lot area.

F. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**SECTION 502    C2 - Highway Commercial**

This district has been established to provide standards for development of highway business. The district shall be marked by easy automobile access and parking. The area shall be blended well into the surrounding environment. Buildings may be erected and lots used or occupied for any of the following uses:

A. Permitted Uses:

1. Hotels, Motels, and Bed and Breakfast establishments.
2. Department and variety stores.
3. Governmental, historical, and cultural uses.
4. Art, antique, gift, and decorator shops.
5. Appliance sale and repair.
6. Bakery shops.
7. Restaurant, including fast food or drive-in.
8. Grocery/Produce, and convenience store.
9. Automobile sales and repairs.
10. Beverage distributor.
11. Gasoline service station.
12. Banks and Financial institutions.
13. Drive-in Facilities.
14. Building supply establishments.
15. Other compatible retail uses by Special Exception.

B. Accessory Uses:

1. Parking areas to serve residents, customers, and employees of business establishments, see Article VIII, Section 810.
2. Fences, see Article VIII, Section 807.
3. Signs, see Article VIII, Section 809.

C. Yard Setbacks:

No building shall be constructed or enlarged unless the minimum yard setback requirements are provided for.

1. Front Yard Depth - Not less than fifteen (15) feet.

2. Side Yard Depth as follows:
  - a. Side Yard abutting commercial property - Not less than fifteen (15) feet.
  - b. Side Yard abutting residential property - Not less than twenty (20) feet.
3. Rear Yard Depth - Not less than fifteen (15) feet.

All portions of a lot in a commercial district which are not used for buildings shall be attractively landscaped and maintained in good condition. All properties which adjoin residential districts shall be screened from the abutting land by an ornamental fence or shrubbery hedge not less than six (6) feet in height.

D. Height Requirements:

For the uses listed in subsections A and B of this section, the height of structures hereafter erected or enlarged shall not exceed the height requirements of this subsection.

1. Maximum Height:
  - a. Permitted Uses - Three (3) stories with a maximum of forty (40) feet.
  - b. Accessory Buildings - One (1) story with a maximum height of fifteen (15) feet.
2. For projections which rise above the height limits of towers, steeples, flagpoles, and similar such structures, see Article VIII, Section 806.
3. For erection of buildings above the height limits of the district, see Article VIII Section 806.

E. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for Highway Commercial businesses: seven thousand, five hundred (7,500) square feet.
2. Maximum building coverage: fifty (50%) percent of the total lot area.
3. Minimum lot width: one hundred (100) feet.

F. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**ARTICLE VI**  
**GENERAL PROVISIONS FOR LI AND P/SP DISTRICTS**

**SECTION 601**     **LI - Light Industrial District**

This district is characterized by public, retail, and industrial uses. It shall require automobile and truck access, as well as loading and unloading areas. Buildings may be erected and lots used or occupied for any of the following uses:

A.     Permitted Uses:

1.     Establishments involved in the assembly, processing and production of goods.
2.     Establishments involved in the distribution and/or storage of goods.
3.     Automobile repair: including major repairs.
4.     Business and professional office complexes.
5.     Establishments involved in information and data processing.
6.     Carpentry, and woodworking shops.
7.     Lumber storage, and millworks.
8.     Plumbing, heating, and electrical shops and storage.
9.     Other compatible Light Industrial uses as by Special Exception.

B.     Accessory Uses:

1.     Private garages and parking areas to serve residential areas.
2.     Public parking to serve customer of businesses, See Article VIII, Section 810.
3.     Fences, See Article VIII, Section 807.
4.     Signs, See Article VIII, Section 809.
5.     Offices associated with permitted uses.

C.     Yard Setbacks:

No building shall be constructed or enlarged unless the minimum yard setback requirements are provided for.

1.     Front Yard Depth - Not less than twenty (20) feet.

2. Side Yard Depth as follows:
  - a. Side Yard abutting LI district - Not less than ten (10) feet.
  - b. Side Yard abutting residential districts - Not less than thirty (30) feet.
3. Rear Yard Depth - Not less than twenty (20) feet.

D. Height Requirements:

1. Maximum Height - For all structures, two and one-half (2 1/2) stories with a maximum height of thirty-five (35) feet.
2. Accessory Building - One (1) story with a maximum height of fifteen (15) feet.

E. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for all structures is 20,000 square feet.
2. Maximum building coverage: fifty percent (50%) of the total lot area.
3. Minimum lot width: two hundred (200) feet.

F. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**SECTION 602     P/SP - Public/Semi-Public**

This district classifies and identifies all property owned and used by the Borough, the School District, and/or public/semi-public agencies. The areas shall be in compliance with the surrounding environment and can be found in every zoning district. The designated areas may also be used for a wide variety of uses. Buildings may be erected and lots used or occupied for any of the following uses:

A. Permitted Uses:

1. Public parking.
2. Governmental use or building.
3. Public and Private Schools.
4. Health Care Facilities.
5. Cemeteries.

B. Conditional Uses:

1. Other public or essential services.

C. Yard Setbacks:

No building shall be constructed or enlarged unless the minimum yard setback requirements are provided for.

1. Front Yard Depth - Not less than twenty (20) feet.
2. Side Yard Depth as follows:
  - a. Side Yard abutting P/SP district - Not less than ten (10) feet.
  - b. Side Yard abutting residential districts - Not less than thirty (30) feet.
3. Rear Yard Depth - Not less than twenty (20) feet.

D. Height Requirements:

1. Maximum Height - For all structures, two and one-half (2 1/2) stories with a maximum height of thirty-five (35) feet.
2. Accessory Building - One (1) story with a maximum height of fifteen (15) feet.

E. Lot Area and Percentage of Lot Coverage:

1. Minimum lot area for all structures is 20,000 square feet.
2. Maximum building coverage: thirty percent (30%) of the total lot area.
3. Minimum lot width: two hundred (200) feet.

F. Off-Street Parking and Loading Requirements:

Shall be provided for as required or permitted under Article VIII, Section 810.

**ARTICLE VII  
HISTORIC RESOURCES OVERLAY DISTRICT**

**SECTION 701. HR - Historic Resources Overlay District**

This overlay district is intended to provide for the protection, preservation, maintenance, and appropriate use of historic resources of special significance within the Borough of McConnellsburg through the identification and classification of historic resources; establishment and enforcement of regulations to govern the use, alteration, reconstruction and demolition of historic resources; and the regulation of new construction to assure the maintenance of the architecture and historic quality of the district.

The district establishes a framework which assures that the regulation of historic resources is compatible and coordinated with the Community Development Objectives and other requirements of this Ordinance, exercises the authority to protect historic resources in compliance with the requirements and procedures of the Pennsylvania Municipalities Planning Code, and is carried out in an equitable manner which assures those affected the same rights of appeal as are provided for other zoning matters by provisions of the Pennsylvania Municipalities Planning Code.

The historic resources may include structures, sites, properties, and objects deemed historically significant and in existence as residential and non-residential uses. All provisions of the underlying zoning district shall continue to apply to land and structures within the HR Overlay District except as specifically superseded, excepted, or modified by provisions of this Article. The location of the Historic Resources Overlay District shall be delineated on the Official McConnellsburg Borough Zoning Map, which is adopted as part of this Ordinance.

A. Permitted Uses:

1. Museum
2. Cultural facility
3. Other uses permitted in the underlying district.

B. Accessory Uses:

Same as permitted in the underlying district.

C. Conditional Uses: If not a permitted use in the underlying district:

1. Professional Offices
2. Single-family, Two-family, Multi-family residential, in structures originally constructed as a dwelling
3. Bed and Breakfast establishments, provided that the owner resides in the building
4. Small commercial establishments, containing under 1,000 square feet of retail space

D. Yard Setbacks:

1. For alterations to existing structures - Front, rear, and side setbacks as permitted in the underlying district.

2. For new construction on a vacant lot - Front, rear, and side setbacks conforming with those on adjacent parcels or within the same block.

E. Special Provisions:

1. All applications for building permits for new structures and alterations to existing structures shall be submitted to the Planning Commission for review and comment, and approved by Borough Council prior to action on the application by the Zoning Officer. Council reserves the right to attach conditions to the permit authorized to be approved by the Zoning Officer.
2. In reviewing building permit applications for additions, reconstruction, restoration, rehabilitation, and other alterations to existing structures, the Planning Commission and Borough Council shall be guided by the "Standards for Rehabilitation" as issued by the Secretary of the U.S. Department of Interior, and by the "Guidelines for applying the Secretary of Interior's Standards for Rehabilitation" copies of which will be kept on file in the Borough Office, and the following guidelines:
  - a. Every attempt shall be made by the applicant to provide for a compatible use for a property which requires minimal alteration of the structure or site, or to use the property for its originally intended purpose.
  - b. The distinguishing architectural detail, stylistic features, and character of the building or site shall not be destroyed.
  - c. In cases where the architectural features of the building have been altered or removed, the restoration of the architectural integrity of the building shall be encouraged but not required. Rather, it is the intent to assure that future alterations or additions are appropriate, and to encourage the restoration of historic features where feasible.
  - d. Deteriorated architectural features shall be repaired rather than replaced where feasible. In the event that replacement is necessary, the new material shall closely match the material being replaced.
  - e. Surface cleaning shall be the least damaging possible. Sandblasting shall not be permitted.
  - f. Contemporary design is permissible as long as such design does not destroy significant architectural and/or historical material, and when such design is compatible with the character of the neighborhood.
  - g. New additions and alterations should be encouraged in a manner that if such additions/alterations were to be removed in the future, the integrity of the structure would be unimpaired.
3. A demolition permit shall be required for all demolitions, in whole or in part, of a structure which is located in the Historic Resources Overlay District.  
All applications for demolition permits shall be submitted to the Planning Commission for review and comment, and approved by Borough Council prior to action on the application.
4. In deciding upon applications for variances within the HR District, the Zoning Hearing Board shall follow the procedure outlined in Article XI, and will take into consideration the historical pattern of lots, lot sizes, and lot dimensions of the District, which are elements of the overall historical character of the District, and should provide the framework for dimensional variances.

5. In reviewing building permit applications for new construction, the Planning Commission and Borough Council shall be guided by the following:
- a. Building height should be within ten percent (10%) of the average height of adjacent buildings.
  - b. The elevation and width of the front elevation of the new building should be within ten percent (10%) of the average proportions of adjacent buildings.
  - c. The relationship of the height to width of the windows and doors of a new building should be within 10% of the average proportions of adjacent buildings.
  - d. The shape, materials, and style of the roof of the new building should be similar to the roofs of adjacent buildings, or to those shapes, materials, and styles historically common to the district.
  - e. The architectural form and details of a new structure (i.e. porches, windows, doors, dormers, etc.) should be compatible with that of adjacent structures.
  - f. The spacing of buildings, setbacks, side yards, and projection of porches of new buildings should be similar to that of adjacent buildings.
  - g. The use of paving, fencing, and landscape material should be compatible with those common to the district.

By its very nature, the application of standards in evaluating proposed new construction within the historic district requires a consideration of existing conditions in relation to adjacent buildings. Thus, the review is site specific and the standards may be interpreted differently for each proposed building site depending upon the unique character of each location.

F. Signs

All signs permitted in the HR District shall comply with the sign regulations applicable to the underlying district unless excepted under the provisions of this Subsection.

1. Illumination shall not be internal but may consist of neon or direct lighting which is shielded and directed so as to prevent glare on adjacent properties and rights-of-way.
2. Permitted sign types include:
  - a. Framed signs on a background
  - b. Signs painted on a building or board
  - c. Individual letters cut out and mounted
  - d. Plaques and nameplates
  - e. Hanging shingle signs projecting no more than three (3) feet beyond the building, and at least seven and one-half (7 1/2) feet above the sidewalk
  - f. Signs etched or painted on glass covering no more than twenty-five percent (25%) of the area of the glazing surface
3. All signs permitted in the HR District shall be permanently attached, mounted, or fastened to the mounting surface.

## ARTICLE VIII SUPPLEMENTAL REGULATIONS

### SECTION 801     General Intent

The regulations that are included in this Article are intended for all uses, buildings, structures, or lots within all Zoning Districts unless otherwise provided for in this Ordinance.

### SECTION 802     General Requirements and Exceptions

- A.   Mixed Uses: The use of residential buildings, land, or structures shall be designed and designated for uses which are approved for the appropriate zoning district. Except where specifically noted in this ordinance, any multiple use of buildings, land, or structures is strictly prohibited. Except where permitted, not more than one (1) principal residential building shall be located on a conforming lot, nor shall a principal detached residential building be located on the same conforming lot with any other principal building.
  
- B.   Cellar or Basement Dwellings: Any dwelling contained solely within a cellar or basement below surface grade level shall be prohibited.

### SECTION 803     Accessory Uses

#### A.   Permitted Accessory Uses:

Any permitted accessory uses must meet the requirements found in the definition of "accessory use" contained within this ordinance. Examples of such uses are:

- 1.   Carports, garages, and sheds or buildings and structures used for storage.
- 2.   Private greenhouses, gazebos, or garden sheds.
- 3.   Civil defense shelter for not more than ten (10) persons.
- 4.   Fences, as regulated in this ordinance.
- 5.   Signs, as regulated in this ordinance.
- 6.   Radio, television, or satellite dish antennas, as regulated in this ordinance.
- 7.   Storage of merchandise which is normally stocked on the same lot as the retail, service, manufacturing, or office use, unless prohibited by this ordinance.
- 8.   Swimming Pools shall have a fence to provide for safety, see Section 807 of this Article for regulations.

**SECTION 804      Prohibited Accessory Uses:**

- A. All of the following shall not be parked or stored in a public right-of-way in the R-1 and R-2 districts:
  - 1. Any truck or van exceeding 11,000 pounds gross weight or designated as Class 5 or above by the Pennsylvania Motor Vehicle Code.
  - 2. Construction vehicles.
- B. No vehicle which is disabled from which the wheels or engine have been removed, which is not in operating condition or which does not have a current motor vehicle license and inspection sticker attached shall be placed, parked, stored, or repaired on any street, right-of-way, or in any yard in any district, nor shall any owner or occupant of property in any district permit said property to be used for the parking, storage, or repair of said motor vehicles. The foregoing shall not prohibit the rental of space in a private or public garage, or repairs in a permitted garage in the C-2, and LI Districts.
- C. Any outdoor storage of supplies or equipment shall not be permitted as an accessory unless specifically authorized by this ordinance.

**SECTION 805      Accessory Use Limitations:**

- A. All accessory structures shall comply with the use limitations of this ordinance for each zoning district.
- B. No accessory structure shall be used for a dwelling unless authorization is expressed by this ordinance.
- C. No accessory structure shall precede the construction of the main structure to which it is accessory.

**SECTION 806      Height and Lot Requirements of Accessory Uses:**

The following requirements shall apply unless otherwise provided within this ordinance.

- A. No accessory use shall exceed fifteen (15) feet in height unless otherwise specified by this ordinance.
- B. Lot Requirements of Accessory Uses:
  - 1. **Front Yard:** No accessory use or structure shall be permitted in the required front yard setback, except for authorized signs or fences. In commercial and industrial districts, off-street parking may be permitted, in a required front yard provided that any front yard parking have a minimum of a three (3) foot landscape setback from any street or sidewalk line.

2. Side Yard: Accessory uses may be permitted in any required side yard provided it is no closer than three (3) feet from any existing building, structure, or lot line on the same lot and meets respective side yard setbacks.
  3. Rear Yard: No accessory use shall occupy more than thirty (30) percent of any required rear yard except under any other provision of this ordinance. In commercial and industrial districts parking may exceed thirty (30) percent of any required rear yard, provided any rear yard parking shall not be located within five (5) feet of any rear property line. Rear setbacks for detached garages shall be five (5) feet or the setback of the closest adjacent detached garage, whichever is less.
  4. Corner Lot: An accessory use located in a side yard or rear yard shall maintain the same setback from the street right-of-way as the principal structure on the lot.
- C. No part of any accessory structure shall be located closer than ten (10) feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than five (5) feet to another structure, other than a fence on an abutting property.

**SECTION 807     Fencing:**

- A. Height and Location: Fences, walls, and other screens may be erected in any yard subject to the following height requirements, with height measured from the existing ground elevation:
1. Front yard and side yard between the front yard and rear building line - maximum of four (4) feet.
  2. Side or rear yard - six (6) feet maximum provided the ratio of solid to open portion does not exceed 1:2.
  3. Fences, screens, or living fences up to ten (10) feet in height may be approved by the Zoning Hearing Board for any yard of a public school, recreational facility, or public building provided that the ratio of solid to open portion does not exceed 1:2.
  4. A fence, wall, or living fence cannot be erected in a public or dedicated right-of-way.
  5. Fences along an abutting property shall be set back at least six (6) inches from the property line.
  6. Fences or living fences either publicly or privately owned shall not block the clear sight distance at street intersections or driveways.
  7. Fences shall not include barbs or other harmful projections unless approved by the Zoning Hearing Board for security reasons.
  8. The finished side of fences or walls shall always face the abutting street or property.

9. A swimming pool shall be enclosed by a fence or other enclosure six (6) feet in height as measured from the existing ground elevation which can be locked to prevent accidental or unauthorized entry. The height requirement for fences enclosing above ground pools maybe met via railings attached to the pool wall, in which the lowest ground elevation at any point for pool and railing combined is six (6) feet.
10. A fence, wall, or hedge shall require a building permit, be in keeping with the surrounding area, and not hinder the appropriate development or use of adjacent buildings or impair their value.

**SECTION 808     Satellite Dishes, Antennas:**

**A.     Satellite Dishes:**

1. A satellite dish and other antenna are a permissible accessory structure in any zoning district subject to the requirements of this section.
2. Such antennas may be installed in rear and side yard, provided that no structure shall be located within ten (10) feet of any property lines, and on roof tops.
3. Installation of such antennas shall be mounted on the ground and the maximum height of a dish shall not exceed fourteen (14) feet and shall have a maximum diameter of ten (10) feet.

- B.     Exceptions to regulations:** Any applicant may apply to the Zoning Hearing Board for a special exception regarding the height, size, or placement of a satellite dish when it is demonstrated that the present requirements are detrimental to reception.

**SECTION 809     Signs:**

**A.     Application:**

1. Any sign hereafter erected, relocated, remodeled, enlarged, or altered, shall conform to the provisions set forth in this ordinance.
  - a. A sketch of the proposed sign with height and size requirements shall be submitted for approval at the time of obtaining the required permits.
  - b. All existing abandoned signs shall be brought into conformance with this Ordinance within ten (10) years of its enactment.
  - c. If an existing abandoned sign is not brought into conformance with this Ordinance, it shall be removed.

2. The following signs are exempt from the requirements of this section, provided that the clear sight distance at intersections shall be retained:
  - a. Address numerals.
  - b. Traffic, directional, legal notices, or similar type of instructional or regulatory signs erected by a unit or agency of government.
  - c. Flags or other type of emblems of a governmental, educational, religious, philanthropic or corporate organization, which are displayed on private property, provided the flag pole or other support structure shall not exceed the required height limitations of the zoning district.
  - d. All signs, whether permanent or temporary, shall require a permit issued in accordance with Article IX of this Ordinance prior to their placement or installation.

B. General Regulations:

1. Location, placement, and types:
  - a. All signs shall be located on the same lot containing the use or structure to which the sign relates, except off-lot directional signs.
  - b. No sign mounted on a building shall project above the top full floor.
  - c. No sign shall be attached to a utility pole or tree whether on private or public property.
  - d. No sign shall be erected at a street or driveway intersection. A minimum setback distance of fifteen (15) feet shall be retained for clear sight distance.
  - e. No sign shall be constructed in or projecting over any public right-of-way unless specifically authorized in this or any other Borough ordinance.
  - f. No sign attached to a pole shall project above the top of the highest full floor of a structure.
  - g. Double-face signs are permitted. In computing the square foot area of a double-face sign, only one side shall be considered provided both faces are identical.
  - h. Every authorized permanent sign shall be constructed of durable materials and maintained in good condition and repair. If any sign deteriorates to an unsightly or hazardous condition, the Zoning Officer shall order it repaired, replaced or removed within thirty (30) days after notice to the owner. Failure to comply with the order shall be a violation of this Ordinance.

- i. If a use ceases operation for a period of six (6) months, all signs including any supporting structures shall be removed. If such signs are not removed, the Zoning Officer shall notify the owner which will then have thirty (30) days to comply or be in violation of this Ordinance.
- j. Letters or symbols which are individually attached to a window, building, or wall, the sign's area shall be considered to be that of the smallest rectangle that encompasses all of the symbols or letters. These signs will conform to height and size regulations according to type of sign and location, etc.
- k. A conforming sign may be removed for repair without obtaining a new permit to re-hang it. If the sign was originally non-conforming and is being changed to a conforming sign, then a permit shall be obtained to re-hang it.
- l. It shall be unlawful to display upon any sign, any obscene, indecent, or immoral matter as per the Zoning Hearing Board's discretion.
- m. Any sign which is attached to or projects out from a building, structure, or support and projects into a pedestrian way shall be a minimum height of seven and one-half feet (7 1/2') from the bottom of the sign to ground level.
- n. Flashing or animated signs conforming to a 100 foot setback from any street right-of-way.

2. Prohibited Signs:

The following signs are prohibited in all zoning districts.

- a. Signs illuminated by bare, unshielded bulbs.
- b. Sandwich boards, except when used as a temporary sign.
- c. Billboards.
- d. Roof signs, attached to or above the top full floor of a structure.
- e. Banner signs of any other type across a public street or on any private property, except for such signs which are approved by the Borough Council to be of general benefit to the Borough or for public convenience, necessity, or welfare.
- f. Flashing and animated signs within one-hundred (100) feet of a public right-of-way, or property line.

C. Illumination:

- 1. Illuminated signs shall be designed and placed so as not to interfere with, distract, or blind operators of motor vehicles or to create glare for adjacent properties.

2. Signs may be illuminated either directly or indirectly in accordance with this ordinance.
  - a. Directly illuminated - a sign designed to give forth artificial light directly (or through a transparent material) from a source of light internal to the sign.
  - b. Indirectly illuminated - a sign with a light or lights external to the sign, such that the light shines on or in a direction that illuminates the sign without direct rays from the light being visible elsewhere on the property.

D. Permitted Signs for All Zoning Districts:

The following signs are permitted in any zoning district subject to the requirements in this ordinance, and do not require permits.

1. Nameplate - an identification sign not exceeding one (1) square foot and attached to a wall of the structure.
2. Memorial or historical sign - placed by a public or nonprofit organization, not exceeding fifteen (15) square feet, non-illuminated or indirectly illuminated.
3. On-lot directional signs - located on private property, not exceeding six (6) square feet in height.
4. No trespassing, Warning, private property signs - displayed on private property, not exceeding one (1) square foot per sign. More than one sign may be permitted on a lot.
5. Real estate, rental, construction, garage/yard sale, political signs.

The above-listed signs shall be non-illuminated in any residential district but may be indirectly illuminated in any other zoning district.

E. Residential R-1 and R-2 Districts:

1. Permitted signs and size limitations:
  - a. Identification sign for a multi-household structure or development, subdivision, planned development, or authorized conditional/special exception use, not to exceed fifteen (15) square feet.
  - b. Identification sign for a daycare center, personal care home, or group residence, not to exceed twelve (12) square feet.
  - c. One (1) identification sign for a residential dwelling. This sign may include the name and/or address of the residence.
  - d. Such signs shall not encroach into easements, right-of-ways or over existing property lines.

2. Regulations:

- a. All identification signs shall be flush mounted signs, except a place of worship, recreational facility, public building/use, school, nursing home, subdivision or planned development may have a free standing sign as an alternative.
- b. Where authorized, a free standing sign shall be set back at least ten (10) feet from any property line or public right-of-way and shall not exceed eight (8) feet in height.
- c. Signs shall be non-illuminated or indirectly illuminated.
- d. Any sign for a commercial or industrial use shall conform to the applicable standards for a sign in a C-1 district.

F. Commercial C-1 and C-2 Districts:

1. Permitted signs and size limitations:

- a. Identification sign for a single business establishment which may be any two (2) of the following:
  - (1) A flush-mounted sign, not to exceed one (1) square foot for every two (2) feet of building frontage in the C-2 District, one (1) square foot for every two (2) feet of lot frontage in the C-2 District. The maximum size for a flushmounted sign in the C-2 District is twenty-four (24) square feet, and sixty (60) square feet in the C-2 District.
  - (2) An awning or canopy sign not to exceed a total of eight (8) square feet, and not projecting beyond the awning, canopy, or marquee surface.
  - (3) A projecting sign mounted perpendicular to the structure on which it is mounted but not exceeding more than sixteen (16) square feet.
  - (4) A window graphic sign, not to exceed more than twenty (20) percent of the gross window area.
  - (5) A free standing sign, not to exceed more than sixteen (16) square feet in the C-1 District and thirty-two (32) square feet in the C-2 District.
- b. Identification sign for a place of worship, public use/building, recreational facility, multi-household structure, group residence, personal care, or boarding home, not to exceed sixteen (16) square feet.

2. Regulations:

- a. A free standing sign shall be allowed where (1) the business fronts on a public street; (2) the principal structure is set back twenty-five (25) feet or more from the street right-of-way; and (3) the lot has a frontage of fifty (50) feet or more.
- b. When authorized, a free standing sign shall be set back at least ten (10) feet from a street right-of-way and at ten (10) feet from any side lot line and shall not exceed twenty (20) feet in height.

G. LI District:

1. Permitted signs and size limitations:

- a. Identification sign for a single business establishment which may be any two (2) of the following:
  - (1) A flush-mounted sign, not to exceed one (1) square foot for every two (2) feet of building frontage but not exceeding more than 60 square feet in area.
  - (2) An awning, canopy, or marquee sign not to exceed eight (8) square feet per sign face, and not projecting beyond the awning, canopy, or marquee surface.
  - (3) A window graphic sign, not to exceed more than twenty (20) percent of the gross window area.
  - (4) A free standing sign, not to exceed one (1) square foot for every two (2) feet of building frontage but not more than 60 square feet.
- b. Identification signs for industrial area or unified complex in accordance with the following:
  - (1) One (1) free standing sign which identifies the name of the center or complex and/or individual business occupants, not to exceed 120 square feet.
  - (2) In addition to the center's or complex's principal identification sign, each business within the center or complex may have a flush-mounted, awning, or window graphic sign in compliance with paragraphs 1 and 3 above.

2. Regulations:

- a. For a single business establishment a free standing sign shall be allowed when (1) the business fronts on a public street, (2) the principal structure is set back thirty-five (35) feet or more from the street right-of-way, and (3) the lot has a frontage of 75 feet or more.

- b. When authorized, a free standing sign shall be set back at least fifteen (15) feet from a street right-of-way, at least ten (10) feet from any side lot line, and shall not exceed twenty-five (25) feet in height.
- c. Signs may be either non-illuminated or illuminated directly or indirectly.

#### H. Temporary Signs:

Temporary signs such as those advertising real estate, renting purposes, professional services, construction, grand openings, sales, exhibits, political campaigns, cultural and religious activities, and garage/yard sales, or similar events are permitted subject to the following regulations:

1. Permits for a temporary sign shall specify the length of time for the sign, its location, type, and the parties responsible for its removal.
2. Real estate, construction, political campaign, private garage/yard sale signs shall not require a permit but shall conform to the regulations of this Article.
3. Length of time a temporary sign shall be displayed shall be no longer than thirty (30) days unless otherwise noted in this Article. Signs shall be removed immediately upon expiration of the permit and a permit for a temporary sign shall only be granted for the same purpose on the same lot not more than four (4) times in one (1) calendar year.
4. Off-lot directional signs which give directions for a temporary event or similar activity sponsored by a nonprofit organization are permitted. Such signs shall not be displayed more than thirty (30) days prior to the event and shall be removed within one (1) week after the termination of the event.

Such signs shall not be more than twenty (20) square feet in area and may be located on private property. Along with the permit, evidence that the permission of the owner of the property on which such signs are to be displayed has been given.

5. Real estate signs, advertising the premises on which they are located for sale or lease shall not exceed ten (10) square feet in residential districts or thirty (30) square feet in nonresidential districts. Only one sign shall appear on the property and shall be removed within fifteen (15) days of the sale or leasing of the property or when the last unit of a multi-unit development is sold or leased.
6. Construction signs which advertise the services of professional building trades during construction or alteration of a premises are permitted but only one such sign shall be displayed on a parcel or lot during such work. The sign shall not exceed ten (10) square feet and shall be removed fifteen (15) days after the completion of work.
7. Political campaign signs shall not exceed four (4) square feet in size and shall be posted on private property only with the permission of the owner and shall not be displayed more than thirty (30) days prior to an election and shall be removed within one (1) week after the election.

8. Garage and yard sale signs shall be placed on the property where the sale will take place and such sign shall not exceed four (4) square feet. It shall not be displayed more than one (1) week prior to the sale and shall be removed within forty- eight hours (two (2) days) after the sale.

**SECTION 810     Off-street Parking:**

**A.     Application:**

1.     Except when specifically exempt from the regulations of this ordinance, all structures built and all uses established hereafter shall provide off-street parking areas in accordance with this ordinance.
2.     When an existing structure or use is expanded, parking spaces shall be provided for the premises in accordance with this ordinance.
3.     Any expansion or alteration of an existing use or subdivision or combination of zoning lots shall not reduce or eliminate any of the existing required off-street parking.

**B.     General Provisions:**

1.     Open Parking - Open-air parking areas shall be located on a zoning lot in accordance with the provisions of the district regulations and applicable regulations for accessory uses.
2.     Location - Required off-street parking spaces shall be located on the same zoning lot as the structure or use that they serve unless a joint-use or off-site parking plan is approved.
3.     Design and Maintenance - Shall be guided by the following:
  - a.     Size - The minimum dimensions for a perpendicular parking space will be nine (9) feet in width by eighteen (18) feet in length. The minimum dimensions for a parallel parking space shall be eight (8) feet in width by twenty three (23) feet in length. Handicapped parking spaces shall be thirteen (13) feet in width by twenty (20) feet in length.
  - b.     Design - Each parking space shall open directly onto an aisle or driveway with a minimum dimension of not less than fifteen (15) feet. All access ways shall be designed so that safe exit and entrance to and from the street shall be provided in accordance with the Pennsylvania Department of Transportation or Borough regulations.
  - c.     Surfacing - All parking areas, except those for single- and two-household dwellings, shall be graded and stabilized or paved. Paving can consist of concrete, asphalt, grouted brick, paving blocks or similar material. Single and two-household dwelling parking areas shall be paved or of a crushed stone or gravel surface.

4. Screening - In commercial and industrial areas, all open off-street parking areas containing more than five (5) parking spaces shall be screened on each side by a wall, fence, living fence or some similar type structure not more than three (3) feet in height. Open-space parking areas for fifty (50) or more cars shall be interspersed with the landscape or other appropriate land forms in the area.
5. Lighting - Any artificial lighting used to illuminate off-street parking areas and driveways shall be directed away from residential properties or public streets in such a way as to not interfere with such uses.
6. Joint Use of Parking Spaces:
  - a. Two (2) or more uses may share a common parking area as long as the total number of spaces is equal to or greater than the sum of the spaces required for each individually. The Zoning Hearing Board may approve a reduction of spaces pursuant the following:
    - (1) If it is proven that a multi-use building is used for one type of use while another type is not being used and that spaces could be shared without complications.
    - (2) All uses shall be located within 250 feet of the joint parking spaces and connected by safe pedestrian access.
  - b. This joint parking provision shall not apply to shopping centers or multi-household residential units.
  - c. Any changes made to the sharing of the joint parking shall require a new review by the Zoning Hearing Board and may result in the addition of parking spaces.

7. Off-Site Parking Facilities:

The Zoning Hearing Board may approve a plan for providing all or some of the required off-street parking spaces on a lot other than where the principal use is located, provided that:

- a. Both lots are held in the same ownership, or are leased by the same person.
  - b. The off-site spaces are located within 250 feet of the principal use and are connected by a safe pedestrian walkway.
  - c. The availability of the off-site parking shall be continued, otherwise a suspension of the principal users certificate of occupancy may occur.
8. Parking for Recreational Vehicles - A recreational vehicle shall be parked or stored in an off-street parking space complying with the applicable requirements of this ordinance.

C. Required Spaces:

1. When calculating the number of spaces for a type of use, a fractional space of one half (1/2) over shall be considered a whole space while a fraction below one half (1/2) may be dismissed.
2. In the case of a two (2) household residence or townhouse unit, a driveway for exit and entrance may count as one (1) full space as long as it does not block exiting or entering.
3. Where employee parking is required, the number of spaces shall be calculated for the number of employees on a peak shift.
4. The following are the minimum number of spaces required (all are based on Gross Floor Area):

<u>Use type</u>	<u>Required Spaces</u>
All residential districts	Two (2) per dwelling unit
Department Stores and Supermarkets	One (1) per 200 sq. ft. (GFA)
Other Retail Stores	One (1) per 300 sq. ft. (GFA)
Bank, Financial Institutions	One (1) per 350 sq. ft.(GFA)
Business and Professional Office (other than medical and dental)	One (1) per 400 sq. ft. (GFA)
Eating and drinking establishments	One per fifty (50) sq. ft. (GFA) plus one (1) per four seats at tables and one (1) per two
Funeral Home/Mortuary	One (1) per three (3) seats in a chapel or seating area and not less than three (3) for each viewing room
Gasoline station/repairs	Two (2) spaces per service bay plus one (1) per employee
Hotel/Motel/Bed and Breakfast establishments	One (1) per guest room plus parking regulations for any eating or drinking

<u>Use type</u>	<u>Required Spaces</u>
Medical or Dental Offices	One (1) per examining room plus one (1) per two hundred and fifty (250) sq. ft. (GFA) plus one (1) for the physician and staff member
Theater	One (1) per four (4) seats
Veterinary office or clinic	One (1) per 300 sq. ft. (GFA) or hospital activity plus one (1) per staff member
Bowling alleys	Four (4) per alley. Other commercial uses within the same building will be computed separately in accordance with this ordinance
Tennis, racquetball courts	Four (4) spaces per court
Manufacturing, warehouse, wholesale	One (1) per two (2) employees plus space every eight hundred (800) sq. ft. (GFA)
Place of Worship	One (1) per four fixed seats
Hospital	One (1) per three (3) beds plus one (1) for each staff physician and one (1) for each two (2) other employees on a peak shift
Nursing homes	One (1) per four (4) beds plus one (1) for each two (2) employees on a peak shift
Private clubs or lodges	One (1) per 200 sq. ft. (GFA)
Recreation, public or nonprofit	One (1) per four (4) persons of maximum design capacity for the facility
Schools	One (1) per four (4) seats in the auditorium
Mobile Home	Two (2) per mobile home
Others not listed here	Based on review by the Zoning Hearing Board

**SECTION 811      Off-Street Loading Requirements:**

**A.    Application:**

1.    In all zoning districts, all structures and uses which require the receipt or distribution of materials by trucks or other type vehicle shall provide accessory off-street loading spaces as required by this Ordinance.
2.    When an existing structure is expanded or use is expanded, an accessory off-street loading space shall be provided in accordance with the following regulations. No existing required off-street loading spaces shall be eliminated or reduced by an expanded or altered existing use or subdivision or combination of zoning lots.
3.    Off-street loading requirements may be changed or waived by the Zoning Hearing Board where the applicant can show that existing site constraints affect the application of the standards.

**B.    General Provisions:**

1.    Location - All required loading spaces shall be located on the same lot as the use serves. No loading space shall be located in a required front yard. No unloading vehicle shall project itself into any traffic lane. Screens and buffers such as walls, fences, and living fences, shall surround any loading or unloading area.
2.    Area - For manufacturing and wholesalers, a required off-street loading space shall be fourteen (14) feet in width by at least fifty-five (55) feet in length and shall have a vertical clearance of at least sixteen (16) feet.
3.    Access - Each required off-street loading space shall have an appropriate access and exit way which will provide the least interference with traffic movement. All off street parking shall be encouraged to be via an alley, rear entry or service street to the rear of the building.
4.    Surfacing - All open off-street loading shall be improved with a compacted gravel base not less than seven (7) inches thick surfaced with an all-weather material.
5.    Repair and Service - No motor vehicle repair work shall be permitted to take place in any off-street loading facility.
6.    Operation - Spaces allocated for loading purposes shall not be used to satisfy off-street parking regulations.

**C.    Off-street Loading:**

1.    Uses which exceed 2,500 sq. ft. (GFA) shall provide off-street loading areas in accordance with the following:

<u>Use</u>	<u>Required Berth</u>
Manufacturing, wholesale	One (1) berth for every 10,000 sq. ft. up to a maximum of three (3) berths, then one (1) berth for each additional 25,000 sq. ft.
Business and professional offices	One (1) berth for 10,000 sq. ft. not exceeding a total of two (2) required stalls
Food stores and other	One (1) berth for every 10,000 sq. ft. retail stores up to a maximum of two (2) stalls and then one (1) berth for every 20,000 sq. ft.

2. Uses that require off-street loading facilities but are under the standard minimum floor area requirements shall provide adequate receiving facilities and shall adhere to any other requirement which may be applicable to this Article.

**SECTION 812 Temporary Uses:**

A. Permits Required:

A certificate of occupancy issued by the Zoning Officer in accordance with the provisions of this Ordinance is required for any temporary use of land and/or structure.

B. Authorized Temporary Uses:

1. Residential Districts:

- a. Model home in a plan of homes used as a sales office which shall terminate upon the sale or rental of the last property including said unit.
- b. Rental or sales office in a multi-household residential complex.
- c. Outdoor fair, exhibit, show, other special event sponsored by a nonprofit organization.

2. All Other Zoning Districts:

- a. Outdoor fairs, exhibits
- b. Temporary sales events
- c. Other uses as approved by the Zoning Hearing Board

3. No Approval for Temporary Uses shall be granted unless the following are provided:

- a. Adequate off-street parking provided

- b. Adequate pedestrian and traffic access provided
- c. Any licenses and permits to sell or handle products or food from governmental agencies shall be submitted prior to the issuance of a certificate of occupancy
- d. Borough Chief of Police and the Fire Chief shall be notified of any temporary usages
- e. If the temporary-use applicant does not own the land, then a letter stating the applicant is using the land must be submitted by the owner and the applicant
- f. The applicant is responsible for any activity taking place during the time of the temporary use
- g. The Zoning Officer may submit the application for a temporary use to the Borough Planning Commission for review and recommendations

C. Temporary Construction Structures:

Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within thirty (30) days after the end of the work. Permits for such temporary structures shall not exceed one (1) year.

**SECTION 813     Buffer Areas:**

- A. Any use within any district may be required to provide a buffer area where the Planning Commission deems it necessary to screen or block vision or other types of action associated with the use. The exact placement and type of buffer area shall be determined by the Zoning Officer based upon a recommendation by the Planning Commission subject to the following regulations.
- B. General Requirements:
  - 1. A buffer area shall provide a year-round screen of the area. Buffers may consist of the following:
    - a. Evergreen and deciduous plants of various species (a living fence). Seventy five percent (75%) of this type buffer shall be Evergreen to remain consistent with year-round screening.
    - b. Natural landscapes, provided that such an area is preserved from future development by easement, deed restriction, covenant, or similar restriction.
    - c. A fence or wall between four (4) and six (6) feet high with at least sixty (60) percent of the surface being opaque.

2. Unless otherwise specified, the required depth of a buffer area shall be determined by the Zoning Officer based on the recommendation by the Planning Commission.
3. When an evergreen or deciduous plant buffer is used, it shall conform to the following:
  - a. The buffer zone around a storm water basin shall consist of evergreen trees. Austrian Pine (*Pinus Niagra*) shall be used. Each tree should be a minimum of six (6) feet in height at the time of field planting.
  - b. The deciduous plant material shall be of varying heights with a maximum height not to exceed six (6) feet.
  - c. Each planting should be free from disease, insect infestation, and mechanical injuries and in all respects be ready for field planting.
  - d. All plantings should be guaranteed from the period of installation for a period of no less than one year from the date of installation
  - e. All plants should conform to the American Standard for Nurserymen Stock (ANSI.260.1-1986) in regards to sizing, growing and B & B specifications.
  - f. All plantings should be situated in a manner that their root systems shall not encroach on underground utilities. Details for plantings should be provided for each type of plant used. This requires cross sections for each type of plant used.
  - g. All plantings in sight triangle areas should not exceed twenty-four (24) inches in height.
4. Fences or walls shall have the same exterior as the principal structure and shall comply with the regulations of Article VIII, Section 807 of this ordinance.
5. The property owner shall be responsible for the maintenance of any and all buffer areas. This includes replacement of dead plant material and removal of all debris, rubbish, and tall grass.
6. No structure, parking area, loading area, storage area, vehicular circulation area shall be allowed in a buffer area.
7. The buffer area shall be contiguous along property lines except for areas used for vehicular or pedestrian access or exiting.
8. The Zoning Officer may authorize a modification in the otherwise applicable buffer area regulations, upon the recommendation of the Planning Commission, where it deems that:
  - a. A larger buffer area is needed to fulfill the requirements of this Ordinance.

- b. The changes in elevation along the buffer area between properties demonstrates that little need is found for the buffer area and it may be interrupted as long as the lot to which the buffer area belongs is properly screened.
9. Conflicting districts may use streets and alleys as buffer areas but shall provide screening required in this Article on at least one side of the street or alley.

## ARTICLE IX NONCONFORMITIES

### SECTION 901     Continuation:

A. Continuation:

1. Subject to the provisions of this section, a use of a building, structure, or existing land use on the effective date of this Ordinance may be continued even though such use does not conform to the provisions of these regulations for the district in which it is located, provided such nonconforming conditions shall comply with the provisions of this Article.
2. The Zoning Officer shall keep and maintain a list of all nonconformities existing at the time of the passage of this Ordinance and which may come to exist in the future.
3. The owner of the nonconforming premises may obtain a certificate of nonconformity which shall be used for the purpose of ensuring to the owner the right to continue the nonconformity. Application shall be made with the Zoning officer and said officer shall take note of all nonconformities of the property and keep it under record.

### SECTION 902     Unlawful Use Not Authorized:

Nothing in this section shall be interpreted as authorization for approval of the continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Ordinance.

### SECTION 903     Nonconforming Structures, Alteration and Repair:

- A. Nothing in this section shall prevent the restoration or maintenance of a structure which will return the structure to a safe condition.
- B. A nonconforming building or structure may be altered, repaired, enlarged, or reconstructed provided its nonconformity is not increased and the structure complies with other applicable requirements of this Ordinance.
- C. If a nonconforming use is destroyed totally or partially by natural or artificial disaster, it may be reconstructed to the same nonconforming use, provided that:
  1. Reconstruction must commence within one (1) year of the date of destruction and must be completed within one (1) year of the issuance of the building permit.
  2. Reconstruction must comply with applicable building codes at the time of reconstructions.
- D. A conforming use in a nonconforming structure may expand within the structure.

- E. A nonconforming structure shall not be moved to any other location on the lot or to another lot unless every portion of such structure, the use thereof, and the lot shall be in conformance with the provisions of this Ordinance.

**SECTION 904     Alteration of a Nonconforming Use:**

- A. To allow for economic growth, a nonconformity may be altered in terms of gross floor area or lot coverage, (measured in square feet). If no building exists, the following regulations shall apply:
1. Structures in residential or mixed residential districts may expand up to a thirty percent (30%) increase.
  2. Structures in commercial and industrial districts may expand up to a fifty percent (50%) increase.
- B. Alteration shall comply with the following:
1. Applicable area and dimensional requirements.
  2. Shall not change a presently conforming building, structure or use to a nonconforming one.
  3. Shall not extend nonconforming use onto another lot or parcel.
  4. Shall not reduce any off-street parking or loading areas that fulfill the regulations of this Ordinance.
- C. The Zoning Hearing Board may authorize an alteration which exceeds the allowable percentages if the expansion is to provide off-street parking or loading areas or to correct a hazardous or unsafe condition in violation of a local, county, state, or federal law and the expansion is not detrimental to surrounding areas.

**SECTION 905     Change of Nonconforming Use:**

- A. When a nonconforming use is changed to a conforming one, it shall not be subsequently changed to a nonconforming use. A nonconforming use may be changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. A change of one nonconforming use to another requires review and approval by the Zoning Hearing Board, in accordance with the following:
1. The proposed use is within the same type of use category as the original nonconforming use or is a use that is more closely conforming to the current district regulations. In making a judgment on similar uses, the Board shall be guided by the Standard Industrial Classification Manual, Federal Office of Management and Budget.

2. The proposed use shall not be any more detrimental than the original nonconforming use and shall be guided by the regulations of this Ordinance.

**SECTION 906     Abandonment of Nonconforming Use:**

- A. A nonconforming use which has been abandoned shall not be returned to a nonconforming use. A nonconforming use shall be deemed abandoned when one (1) or more of the following conditions have been met:
  1. The intent of the owner to discontinue the use is apparent. Examples of possible abandonment are: discontinued use of the structure, boarding up of windows or entrances, and maintenance or upkeep of structure discontinued.
  2. A nonconforming use has been discontinued for a period of twelve (12) consecutive months or a total of twelve (12) months within a period of eighteen (18) months.
  3. It has been replaced by a conforming use.
  4. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.

**SECTION 907     Nonconforming Lot of Record:**

- A. A single or two (2) household residential dwelling may be erected on any lot of record in any R-1 and R-2 District respectively as long as the following requirements are met:
  1. The lot is displayed on a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size was not regulated or prohibited by any zoning ordinance in existence at that time.
  2. The lot has remained separate and individual of any other lots during the time that the creation of such lots has been prohibited by the applicable zoning ordinance.
- B. Construction permitted by the above shall comply with all regulations, except lot area and width.

**SECTION 908     Termination of Nonconforming Signs:**

- A. Upon adoption of this Ordinance, the Zoning officer shall prepare a list of all nonconforming signs.
- B. If the existing use ceases, any new use shall be conforming.

- C. If the Zoning Officer designates repairs to a nonconforming sign and the repairs are equal to or greater than sixty percent (60%) of the sign's replacement value, the sign shall be brought into conformance as part of the repairs.
- D. Nonconforming signs cannot be enlarged or altered except for safety reasons or to be brought into or closer to conformity with the provisions of this Ordinance.

**SECTION 909     Special Exception and Conditional Uses:**

- A. Any use which a Conditional Use or Special Exception Use permit has been issued as provided for by this Ordinance shall be considered as a lawful conforming use.
- B. Where a use exists at the effective date of this Ordinance and is permitted by this ordinance only as a conditional or special exception use in the zoning district in which it is located, then it shall be deemed to be a lawful nonconforming use in such zoning districts.

**SECTION 910     District Changes:**

Whenever the boundaries of a district change so as to transfer an area from one district to another of a different classification, the foregoing provisions shall apply to any nonconforming use, structure or lot or record existing therein.

**ARTICLE X  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 1001 Zoning Officer:**

**A. Zoning Enforcement:**

A Zoning Officer shall be appointed by the Borough Council to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the municipality.

**B. Duties and Powers of Zoning Officer:**

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended, and he or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

1. Receive application for and issue zoning permits and sign permits.
2. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
3. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
4. Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
5. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
6. Institute Civil enforcement proceedings as a means of enforcement.
7. Notification about nonconforming uses.

**C. Notice of Violations:**

The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same.

If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land. The violation notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding that parcel, and to any other person requested in writing by the owner of record. The violation notice shall include at least the following information:

1. Name of the owner of record and any other person against whom the Borough intends to take action;
2. Location of the property in violation;
3. Specific violation(s) with a description of the requirements which have not been met, referring applicable provisions of the McConnellsburg Borough Zoning Ordinance;
4. Date before which the steps for compliance must be commenced and the date before which the steps must be completed;
5. Rights of appeal and prescribed appeal time period of the recipient according to the McConnellsburg Borough Zoning Ordinance; and
6. Notice that failure to comply within the time period, unless extended by the Zoning Hearing Board, constitutes a violation, and possible sanctions clearly described.

**SECTION 1002 Building Permit:**

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefor, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Ordinance or by the Court.

**A. Form of Application:**

All applications shall be made in writing and shall be accompanied by two sets of plans showing at least the following information:

1. Actual dimensions and shape of the lot to be built upon.
2. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto.
3. The number of dwelling units, if any, to be provided.
4. Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment if required.
5. Parking spaces provided and/or loading facilities.

6. Statement indicating the existing or proposed use.
7. Height of structure, building, or sign.
8. All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
9. Verification of conformance with Pennsylvania Workers Compensation requirements to contractors, or documentation of exemption from these requirements.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Building Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

**B. Expiration of Building Permit:**

Building permit shall expire within ninety (90) days from date of issuance, if work described in any permit has not begun. If work described in any building permit has begun, said permit shall expire after one (1) years from date of issuance thereof.

**SECTION 1003 Certificate Of Use And Occupancy:**

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

**A. Form of Application:**

The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

**B. Issuance of Certificate of Use and Occupancy:**

1. The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he/she is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Building Permit, he/she shall issue a Certificate of Use and Occupancy.
2. Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

**SECTION 1004**    **Schedule Of Fees:**

Each application for a building permit shall be accompanied by cash, certified check or money order payable to McConnellsburg Borough in accordance with the schedule of fees adopted by the McConnellsburg Borough Council.

**SECTION 1005**    **Remedies:**

In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Ordinance, the Governing Body, or with their approval the Zoning Officer, in addition to other remedies, may institute in the name of McConnellsburg Borough any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**SECTION 1006**    **Penalties:**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough pay a judgement not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district magistrate. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the district magistrate determining that there was a good faith basis for the defendant to have believed there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district magistrate and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of the zoning ordinance shall be paid over to McConnellsburg Borough. The court of common pleas, upon petition may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

**SECTION 1007**    **Changes And Amendments:**

Whenever it is deemed desirable in order to meet the public needs; promote the convenience welfare and safety of the public; conform with good zoning practice and the intent and purpose of this Ordinance; and adhere to the guiding principles of the Comprehensive Master Plan; the Borough may amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance, subject to the procedure provided in this section.

Any amendment, supplement, reclassification, modification or change may be initiated by any of the following:

1. The Planning Commission may initiate action by filing a written report to the Governing Body; or
2. The Governing Body may initiate action by filing a written request to the Planning Commission; or
3. If 51% of the frontage of a property found between two (2) intersecting streets is proposed for change, the owner(s) may submit a notarized petition of appeal to the Borough;
4. The owner of a tract of land may submit a petition for a zoning amendment to Borough Council. An owner should be defined as landowner under the Pennsylvania Municipalities Planning Code.

A. Petition for Map Change, Amendment or Special Exception:

1. Form and Content:

Petitions for change of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be on forms supplied by the Planning Commission. A narrative description which: (1) defines the limits of the requested change by street name or recognizable physical feature; (2) states the specific reason for the requested change and (3) states the specific use, type of development and type of structure to be erected under proposed change. A map and/or preliminary site plans of the area to be rezoned shall also be submitted to the Commission for reference and review by the Commission.

2. Preliminary Review by Planning Commission:

After the facts are presented and the data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall, within fifteen (15) days after regularly scheduled meeting, submit the petition with its preliminary recommendations to the Borough Council. The preliminary report by the Planning Commission is not intended to establish final approval by the Commission but rather to serve as a means of providing a format for action and review by the Borough Council.

B. Action by McConnellsburg Borough Council:

1. Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Borough, the Council Members shall fix a time for a public hearing, pursuant to Public Notice: requirements.
2. Public Notice shall include the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where a copy of the proposal will be available for public inspection, and briefly describe the change proposed.

3. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

C. **McConnellsburg Area Regional Planning Commission Review:**

In the case of amendments not initiated by the McConnellsburg Borough Planning Commission the planning commission shall have been informed of the amendment at least 30 days prior to the hearing.

D. **Fulton County Planning Commission Review:**

The Borough Council shall submit the proposed amendment to the Fulton County Planning Commission for recommendation at least 30 days prior to the public hearing.

E. **Conduct of Public Hearing:**

The Borough Council Members or an examining officer appointed by the Borough Council Members shall be responsible for the conduct of the public hearing, advertised in conformance with Public Notice. The purpose of the Public Hearing is to receive relevant facts, data, comments, opinions, and other material desirable and necessary for a decision on the petition for change.

If after the public hearing the proposed amendment is changed substantially, or is revised to utilize land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to Public Notice requirements, prior to proceeding to vote on the amendment.

F. **Final Report by Planning Commission:**

Within thirty (30) days following the public hearing, the Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change. The Commission shall make a final report on the Petition for change setting forth in detail reasons wherein public necessity, convenience and general welfare do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the Comprehensive Plan and good zoning practices and shall forward its findings and recommendations to the Borough Council Members.

If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any event the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough or other parties to the issue.

G. Publication:

Notice of the proposed enactment shall include the time and place of the meeting when passage will be considered, and a reference to the place where copies of the amendment may be examined without charge or obtained at cost. The McConnellsburg Borough Council Members shall publish the proposed amendment once each week for two (2) successive weeks in a newspaper of general circulation in McConnellsburg Borough. Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting. The first publication shall not be more than 30 days and the second publication shall not be less than 7 (seven) days from the date of the meeting. Publication of the proposed amendment shall include either the full text or the title and brief summary, prepared by the Borough Solicitor. If the full text is not included, a copy will be supplied to the newspaper at the time public notice is published, and an attested copy of the proposed ordinance will be filed at the Fulton County Law Library. If substantial changes are made to the amendment after this point, the Borough Council Members shall re-advertise a brief summary setting forth all provisions and changes, according to the aforementioned notice requirements enactment in a newspaper of general circulation in McConnellsburg Borough.

H. Final Action by the Borough Council Members:

1. The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this ordinance, shall require the affirmative vote of a majority of the Borough Council Members.
2. Any ordinance amending, supplementing or changing the regulations, district boundaries or classifications of property hereinafter established by this ordinance, if not passed by the Borough within ninety (90) days after the required public hearing, shall require a new public hearing.
3. Within 30 days after the enactment, the Borough Council Members shall forward a copy of the amendment to the Fulton County Planning Commission.

I. Fees:

Any person other than the Borough Council Members or Planning Commission requesting an amendment of the zoning ordinance shall pay a fee of one hundred dollars (\$100) at the time the request is filed to the Secretary of the Borough. At the conclusion of the proceedings the Borough may assess the applicant for the cost incurred by the Borough in the conduct of the proceedings. All fees shall be paid to the Borough to be deposited in the General Fund. No part of the fees shall be refunded to the applicant.

J. Appeals to Zoning Hearing Board:

Any persons, corporation, or individual aggrieved by any decision on modification, amendment, or special exception by the Borough may, within thirty (30) days after such decision by the Borough, seek a review and hearing by the Zoning Hearing Board in a manner provided under Section 1103 of this Ordinance.

**SECTION 1008 Landowner Curative Amendment:**

A landowner who desires to challenge the validity of the zoning ordinance, map or any provision thereof, on substantial grounds, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council Members with a written request that his challenge and proposed amendment be heard and decided. The Borough Council Members shall commence a public hearing within 60 days of the written request.

**A. Notification**

The McConnellsburg Borough Planning Commission and the Fulton County Planning Commission, shall be submitted the proposed amendments at least 30 days prior to the public hearing.

**B. Publication**

Publication requirements of Article X, Section 1007 of this Ordinance apply.

**C. Public Hearings**

The hearing shall be conducted in accordance with Section 1103 of this ordinance, and all references therein to the zoning hearing board shall, for the purposes of this section, refer to the Borough Council Members.

**D. Invalidation Limitation**

If the Borough Council Members do not accept the landowner's curative amendment and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance or maps, but only for those provisions which specifically relate to the landowners' curative amendment and challenge.

**E. Enactment Options**

If it is determined that the challenge has merit, the Borough Council Members may accept the landowner's curative amendment with or without revision, or may adopt an alternative amendment which cures the challenged defects. In addition, to the curative amendments, plans, and information submitted by the landowner, the Borough Council Members shall also consider the following:

1. A report of the proposal on roads, sewer facilities, water supplies and other public facilities;
2. A report of residential proposals on regional housing needs and their effectiveness in providing housing units of the type available to and affordable by classes of persons otherwise excluded by the challenged ordinance or map;
3. Site suitability in relation to physiographic features;

4. A report of the proposed use on physiographic and environmental considerations;
5. A report on agricultural preservation, public health and public welfare considerations.

**SECTION 1009 Municipal Curative Amendments:**

The Borough Council Members may determine that this zoning ordinance or sections thereof are substantially invalid. This determination shall declare by formal action the Sections substantially invalid and propose a curative amendment to overcome this invalidity.

- A. Within 30 days of this declaration and proposal the Borough Council Members shall:
  1. Make specific findings setting forth the declared invalidity which may include specific uses, class of uses or references to the entire ordinance.
  2. Begin to prepare and consider a curative amendment to correct the declared invalidity.
- B. Within 180 days of the declaration and proposal, the Borough Council Members shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the procedures outlined in Section 1007 of this ordinance.
- C. After using these procedures, the Borough may not again utilize this method for a 36-month period following the date of a curative amendment, or reaffirmation of its zoning ordinance, unless a new duty or obligation is imposed on the Borough by a change in statute or Pennsylvania Appellate Court Decision after the date of declaration and proposal. In this case the Borough may use the provision of this section to fulfill said duty or obligation.

**SECTION 1010 Conditional Uses:**

Borough Council shall hear and decide upon allowable conditional uses in accordance with the following procedure:

- A. A written application for a conditional use must be submitted to the Zoning Officer indicating the Section of the Zoning Ordinance under which the conditional use is being sought, and stating the grounds on which it is being requested. The application must be accompanied by payment of the required fees to facilitate further processing.
- B. A copy of the application for a conditional use shall be submitted to the Planning Commission for review. The Commission shall then make a recommendation to Borough Council.
- C. A public hearing shall be held at which time any party may appear in person, by agent, or by attorney.

- D. The hearing shall be held in accordance with Public Notice. In addition, the owner of the property for which the conditional use is being sought, or his agent, and the property owners within one hundred (100) feet of the proposed conditional use shall be notified by certified mail by the Zoning Administrator. Notice of such hearing shall also be posted on the property for which the conditional use is sought, and at the McConnellsburg Town Hall at least fourteen (14) days prior to the public hearing.
- E. Enforcement, Assurances, and Implementation:
1. In considering any conditional use, Borough Council may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance with penalties in accordance with Article X, Section 1006.
  2. If Borough Council determines that the application for conditional use meets all requirements of this Ordinance and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this Ordinance, it shall direct the Zoning Officer to issue a Building Permit and/or an Occupancy Permit for such conditional use.

**ARTICLE XI  
ZONING HEARING BOARD**

**SECTION 1101    Creation and Organization:**

**A.    Creation and Membership:**

There is hereby established a Zoning Hearing Board. The membership of the Board shall consist of three residents of the municipality appointed by the Borough Council. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council 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 Borough. The Borough Council may appoint at least one but not more than three alternative members of the board for a three-year term of office.

**B.    Removal of Members:**

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**C.    Organization:**

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 the members of the Board but 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. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested by the Council.

If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate the alternate member to sit on the board to provide a quorum. The alternate member shall continue to serve on the board in all proceedings involving the care for which the alternate was initially appointed until the board has made a final determination of the matter or case.

**D.    Expenses:**

Within the limits of funds appropriated by the Borough, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties. Alternate members of the board may receive compensation for the performance of their duties.

In no case shall the compensation paid to board members and alternates exceed the rate of compensation paid to the governing body.

**SECTION 1102 Powers and Duties:**

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render final adjudication in accordance with Section 909.1(a) of the Pennsylvania Municipalities Planning Code.

**A. Powers Relative to Errors and Appeals:**

1. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on an application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
2. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
3. Appeals from the zoning officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
4. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V (Subdivision and Land Development) or Article VII (Planned Residential Development) in the Pennsylvania Municipalities Planning Code.

**B. Powers Relative to Variances:**

The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. 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 neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.

4. That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriated use or development of adjacent property, nor be detrimental to the public welfare.
5. 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.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

C. Powers Relative to Special Exceptions:

1. In any instance where the board is empowered to consider a request for a special exception, the board should determine that the following guidelines should be met before granting said special exception.
  - a. The size, scope, extent and character of the special exception, variance or use requested is consistent with the Comprehensive Plan of the Borough and promotes the harmonious and orderly development of the zoning district involved.
  - b. The proposed changes or modification constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property or the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition of use for which the applicant seeks approval.
  - c. The proposed use is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
  - d. Major streets and a highway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the major Street or highway.
  - e. The proposed changes are reasonable in terms of the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
  - f. All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use.

- g. Conditions are being imposed on the grant of the request necessary to insure that the general purpose and intent of this zoning ordinance are complying with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation lighting numbers of persons involved allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
  - h. The proposed change protects and promotes the safety, health, morals and general welfare of the Borough.
2. Upon appeal, the Board shall be empowered to permit the following special exceptions in addition to those otherwise specifically set forth in other parts of the ordinance.
    - a. To allow for either of the uses to be accommodated under either of the zoning districts in cases where the boundary line of a district divides a lot of record in single ownership.
    - b. To permit the reconstruction, alteration, extension or enlargement of a non-conforming building as provided in Article IX, Section 903.
    - c. To interpret the provisions of the Zoning Ordinance where the actual street layout on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
  3. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance as the Board may deem necessary.

**D. Powers Relative to Zoning Challenges:**

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916. 1(a)(2) of the Pennsylvania Municipalities Planning Code (i.e. Landowner Curative Amendments).
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of a said ordinance.

**E. Exercise of Powers:**

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

In considering all appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not permit a non-permitted use for the district and will not impair an adequate supply of light and air to increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of McConnellsburg Borough. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variations is allowed.

F. Required Action:

The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it required to pass under this ordinance, or to allow any variation of this ordinance.

G. Appeal from Action of the Board:

Any party before the Board or any office or officer of the Borough or the Aggrieved may appeal to the Court of Common Pleas. All zoning appeals shall be filed with the Prothonotary not later than thirty (30) days after issuance of the notice of the decision or report of the Board. Appellants' procedure shall follow the requirements of the Pennsylvania Municipalities Planning Code, pursuant to Article X.

**SECTION 1103 Procedure:**

- A. The Board shall hear and decide appeals filed with the Board in writing when it is alleged by any person aggrieved or by a proxy of the Aggrieved that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
- B. The Board may also hear all challenges to the validity of the zoning ordinance or map, except those brought before the governing body pursuant to Article IX, Section 908, under the provisions of Section 909.1 (a) of the Pennsylvania Municipalities Planning Code, as specified in Section 1102 of this Ordinance, and shall hear all requests for variances and special exceptions filed with the Board by any landowner or any tenant with the permission of such landowners.
- C. The Board shall conduct hearings and make decisions in accordance with the following requirements:
  - 1. Public Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, such other persons as the governing body shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manners as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

The Borough Council may prescribe reasonable fees with respect to hearings before the board which may include compensation for the secretary and members of the board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the board, engineering expenses, fees for architectural or other technical consultants, or expert witness costs.

2. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
3. The hearing 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 prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be any person who is entitled to notice under clause (1) without special request therefore who has made timely appearance of record before the board and any other person permitted to appear by the board.
5. The chairman or acting chairman of the board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents by the parties.
6. 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.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for the stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer, or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. 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, except advice from their solicitor 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 representatives unless all parties are given an opportunity to be present.

10. 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 thereon together with the reasons therefore. Conclusions based on any provisions of this act 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 is final, the board 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 30 days after the report of the hearing officer. Where the board has power to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.
11. 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 not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place which the full decision or findings may be examined.

D. Stay of Proceedings:

1. Upon filing any proceeding referred to in Section 913.3 of the Pennsylvania Municipal Planning Code and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent perils to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on a petition, after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bonds as a condition to continuing the proceedings before the board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bonds may be waived by the appellee, but such waivers may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petitions should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
  4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees
- E. A fee of one hundred (\$100) dollars shall be paid by the applicant at the time any appeal or request for a hearing is filed. At the conclusion of the hearing or proceeding the Borough may assess the applicant for 'costs' incurred by the Zoning Hearing Board or the Borough in the conduct of the proceedings, pursuant to Section 1103 C(7). All fees shall be paid to McConnellsburg Borough to be deposited in the General Fund.
- F. Time Limitations and Appeals:

No person shall be allowed to file any proceeding with the board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person had succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, PAMPC, or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2, of the PAMPC shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

**ARTICLE XII  
OFFICIAL ZONING MAP**

**SECTION 1201 Adoption of Map by Reference. Changes and Location:**

- A. The Borough is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Borough Secretary, and bearing the Seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Article XII, Section 1201 of the Borough Zoning Ordinance of the Borough of McConnellsburg, Pennsylvania.
- C. If in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by Borough Council together with an entry on the Official Zoning Map as follows: "On (date), by official action by the Borough Council, the following (change) changes were made to the Official Zoning Map: (brief description of change)," which entry shall be signed by the Mayor and attested to by the Borough Secretary. The amending chapter shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed of the Official Zoning Map shall become effective until after such change and entry has been made on said map.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with procedure set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under Section 1006 of this Ordinance.
- E. Regardless of the existence of purported copies of the Official Zoning Map which may come from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Officer shall be final authority as to the current Status of land and water areas, buildings and other structures in McConnellsburg Borough.

Section 1301

Effective Date

Duly elected and ordained by the Borough Council of McConnellsburg Borough,  
Fulton County, Pennsylvania, this 6th day of December, 1995.

Approved by Resolution No. # 4

McCONNELLSBURG BOROUGH  
BOROUGH COUNCIL

ATTEST:

Ellis L. Foyler  
Chairman

James J. Tucker  
Secretary

Max J. Shigen

George R. Brown

(SEAL)

12-6, 1995

I, JACK FIELDS, do hereby certify that the foregoing is a true copy of an Ordinance  
adopted by the Borough Council of McConnellsburg Borough, Fulton County, Pennsylvania,  
on 12-6, 1995.

James J. Tucker  
Borough Secretary

# APPENDICES

**EXISTING ZONING SCHEDULE**

McCONNELLSBURG BOROUGH FULTON COUNTY								
DISTRICT	USES	MAX. HEIGHT	MIN. AREA	MIN. WIDTH	YARDS *			MAX. COVER
					FRONT	SIDE	REAR	
R	1-Family	35'	6,000	New	20'	(10')	30'	30%
	2-Family	35'	4,000	Lot	20'	and	30'	30%
	Multi-Family	45'	3,000	60'	20'	(20')	30'	30%
	Other Perm.	45'	---	---	---	---	---	---
	Accessory	15'	---	---	---	---	---	---
R2	1-Family	35'	6,000	New	20'	(10')	30'	30%
	2-Family	35'	4,000	Lot	20'	and	30'	30%
	Multi-Family	45'	3,000	60'	20'	(20')	30'	30%
	Other Perm.	45'	---	---	---	---	---	---
	Accessory	15'	---	---	---	---	---	---
C1	Multi-Family	---	---	---	1'	(0')	15'	80%
	Other Perm.	50'	---	---	1'	and	15'	80%
	Accessory	15'	---	---	1'	(20')	15'	80%
C2	Multi-Family	50'	---	---	1'	(0')	15'	80%
	Other Perm.	50'	---	---	1'	and	15'	80%
	Accessory	15'	---	---	1'	(20')	15'	80%
S	Other Perm.	35'	---	---	10'	(10')	10'	60%
	Accessory	15'	---	---	10'	and (30%)	10'	60%

**McConnellsburg Borough**  
Proposed Requirements for Residential Districts

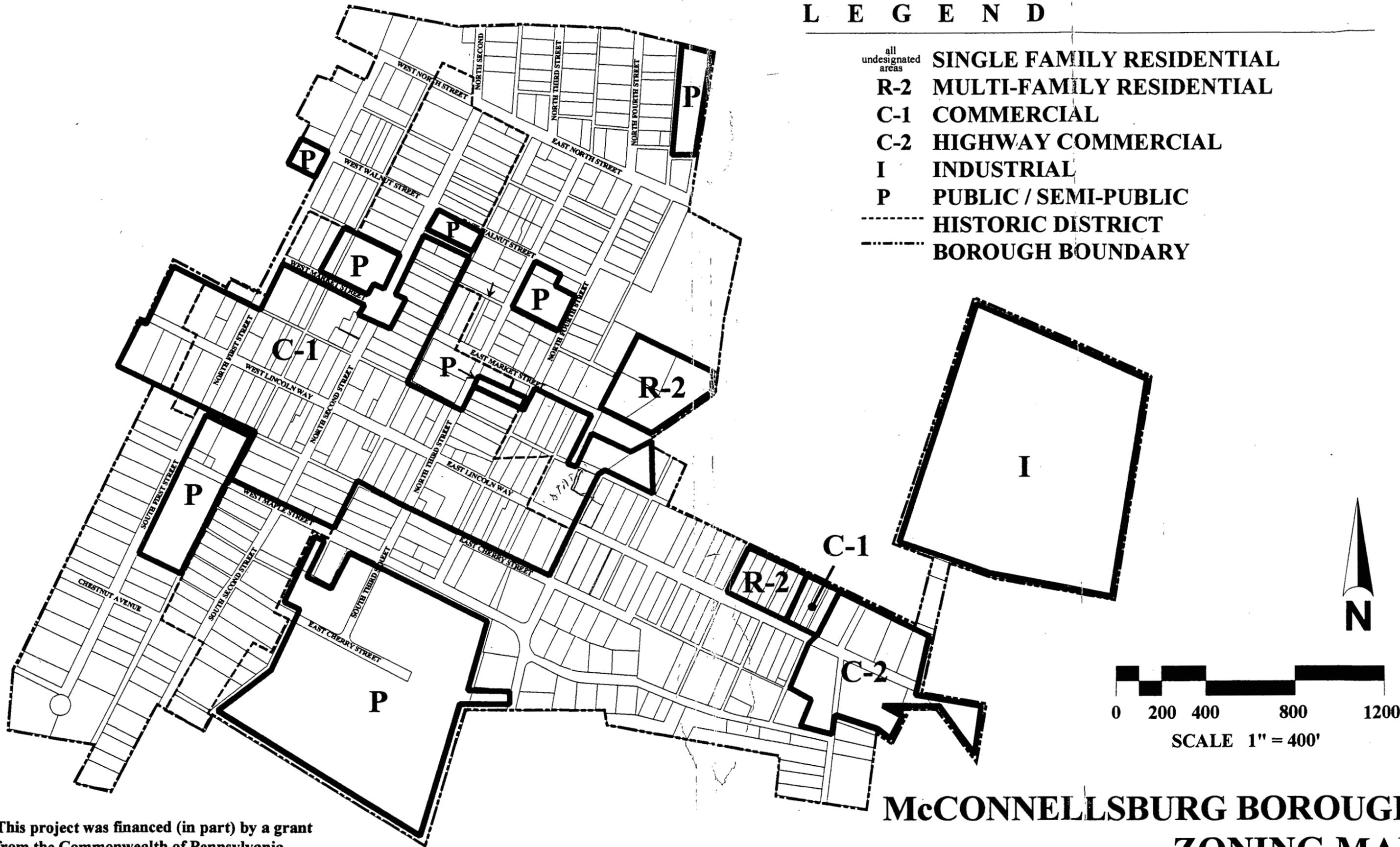
District	Use	Lot	Maximum Height	Minimum Lot Area	Minimum Lot Width	Minimum Yard Setback			Maximum Building Cover
						Front	Side	Rear	
R1	Single Household Detached	Regular	35'	6000 sq. ft.	50'	30'	10'	30'	40%
		Corner	35'	6000 sq. ft.	50'	25'	10'	30'	40%
							20' (street side)		
	Other Permitted Uses and Special Exceptions	Regular	40'	6000 sq. ft.	50'	30'	10'	30'	40%
		Corner	40'	6000 sq. ft.	50'	25'	10'	30'	40%
						20' (street side)			
Accessory Building			15'			3'	3'	3'	
R2	Single Household Detached	Regular	35'	7500 sq. ft.	50'	30'	15'	40'	40%
		Corner	35'	7500 sq. ft.	50'	25'	15'	40'	40%
							20' (street side)		
	Other Permitted Uses and Special Exceptions	Regular	40'	7500 sq. ft.	50'	30'	15'	40'	40%
		Corner	40'	7500 sq. ft.	50'	25'	15'	40'	40%
						20' (street side)			
Accessory Building			15'			3'	3'	3'	

**McConnellsburg Borough**  
Proposed Requirements for Commercial, Light Industry,  
and Public/Semi-Public Districts

District	Use	Maximum Height	Minimum Lot Area	Minimum Lot Width	Minimum Yard Setbacks			Maximum Building Cover
					Front	Side	Rear	
C1	Permitted Uses	40'	6000 sq. ft.	None	0 or same as adjacent	(Residential side) same as adjacent structure (Commercial side) none	5'	80%
	Accessory Buiding	15'			3'	3'	3'	
C2	Permitted Uses	40'	7500 sq. ft.	100'	15'	(Residential side) 20' (Commercial side) 15'	15'	50%
	Accessory Building	15'			3'	3'	3'	
LI	Permitted Uses	35'	20,000 sq. ft.	200'	20'	(Residential side) 30' (Light Industry side) 10'	20'	50%
	Accessory Building	15'			3'	3'	3'	
P/SP	Permitted Uses	35'	20,000 sq. ft.	200'	20'	(Residential side) 30' (Public side) 10'	20'	30%
	Accessory Building	15'			3'	3'	3'	

# LEGEND

- all undesignated areas
- SINGLE FAMILY RESIDENTIAL**
- R-2 MULTI-FAMILY RESIDENTIAL**
- C-1 COMMERCIAL**
- C-2 HIGHWAY COMMERCIAL**
- I INDUSTRIAL**
- P PUBLIC / SEMI-PUBLIC**
- HISTORIC DISTRICT**
- BOROUGH BOUNDARY**



This project was financed (in part) by a grant from the Commonwealth of Pennsylvania, Department of Community Affairs.

## McCONNELLSBURG BOROUGH ZONING MAP

RICHARD C. SUTTER and ASSOCIATES, Inc.  
Comprehensive Planners/Land Planners  
Historic Preservation Planners