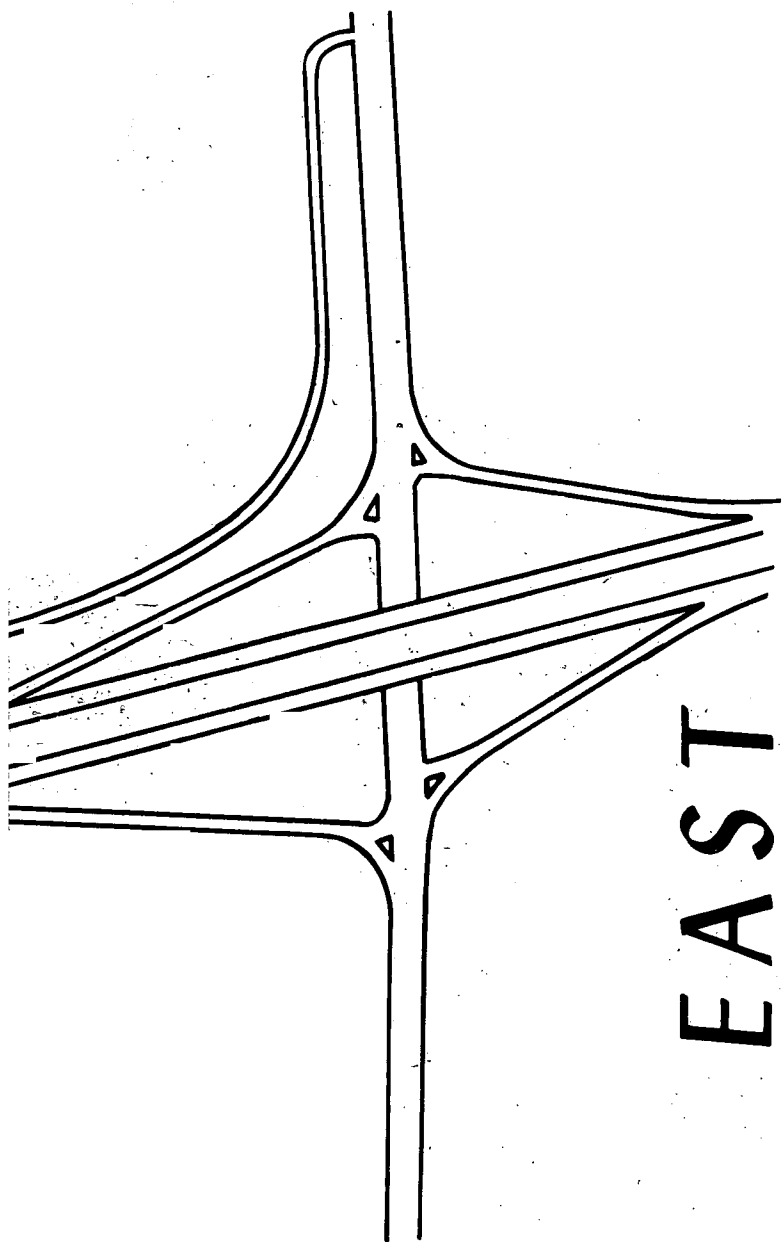


# zoning ordinance

NEEDS REVISIONS TO  
MOBILE HOME PARK  
SECT. 3 ADD R-3



EAST

LACKAWANNOCK

TOWNSHIP

East Lackawannock Township

Mercer County  
Pennsylvania

ORDINANCE NO. 1965-1

ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING:

- THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES;
- THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES;
- THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED;
- THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES;
- THE DENSITY OF POPULATION;
- THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES;
- THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SET BACK BUILDING LINES UPON ANY OR ALL PUBLIC ROADS OR HIGHWAYS;
- CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF;
- DEFINING CERTAIN TERMS USED HEREIN;
- PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT, FOR A BOARD OF ADJUSTMENT AND FOR THE IMPOSITION OF PENALTIES.

BE IT ORDAINED by the Township of East Lackawannock, Mercer County, Pennsylvania, that in the interest of promoting the health, safety, morals or the general welfare of the Township the following articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases and words be, and at the same time are, hereby enacted into law to read as follows, viz:

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ARTICLE I

SHORT TITLE - PURPOSE - SCOPE

Section 100 - Short Title. - This ordinance shall be known and may be cited as the "East Lackawannock Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The accompanying map is hereby declared to be a part of this ordinance and shall be known and may be cited as the "East Lackawannock Township Zoning Map" hereinafter referred to as the "Zoning Map".

Section 101 - Purpose. - The regulations of the "Zoning Ordinance" are made in accordance with a comprehensive plan and designed:

- (a) to lessen congestion on the roads and highways.
- (b) to secure safety from fire, panic and other dangers.
- (c) to promote health and the general welfare.
- (d) to provide adequate light and air.
- (e) to prevent the overcrowding of land.
- (f) to avoid undue congestion of population.
- (g) to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations are also made with reasonable consideration, among other things, to the character of the districts hereinafter set forth and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

Section 102 - Scope. - The "Zoning Ordinance" regulates and restricts within the boundaries of the Township of East Lackawannock, Mercer County, Pennsylvania:

- (a) The height, number of stories and size of buildings and other structures.
- (b) Their construction, alteration, extension, repair and maintenance.
- (c) All facilities and services in or about such buildings and structures.
- (d) The percentage of lot that may be occupied.
- (e) The size of yards, courts and other open spaces.
- (f) The density of population.
- (g) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- (h) The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways.

ARTICLE II  
ZONING DISTRICTS

Section 200 - Zoning Districts. - The Township of \_\_\_\_\_ for the purposes of the Zoning Ordinance is hereby divided into the following Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Agricultural-Rural Zoning District	R-1
Residential Zoning District	R-2
General Business Zoning District	B-1
Interchange Development Zoning District	I.D.D.
Industrial Zoning District	I

Section 201 - Boundaries of Zoning Districts. - The boundaries of the Zoning Districts are hereby established and shall be as shown upon the Zoning Map entitled "East Lackawannock Township Zoning Map", which accompanies this Ordinance and is hereby made part of the Zoning Ordinance. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, as shown on the Zoning Map, the following rules shall apply:

201.1 - Where A Zoning District Boundary Approximately Follows the Center Line or Street Lot Line or a Center Line or Alley Lot Line of a Street or Alley the center line of such street or alley shall be interpreted to be the Zoning District boundary.

201.2 - Where A Zoning District Boundary Approximately Parallels A Street Lot Line or Alley Lot Line. - The Zoning District boundary shall be interpreted as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

201.3 - Where A Zoning District Boundary Approximately Follows a Lot Line. - The lot line shall be interpreted to be the Zoning District boundary.

201.4 - Where A Zoning District Boundary Follows a Railroad Line. - The Zoning District boundary shall be interpreted to be located midway of the track or center of the tracks of the railroad line.

201.5 - Where A Zoning District Boundary Follows a Body of Water. - The Zoning District boundary shall be interpreted to be at the limit of the jurisdiction of the Township of East Lackawannock unless otherwise indicated.

201.6 - Submerged Areas Not Included in Any Zoning District. - All areas within the corporate limits of the Township which are under water and are not shown on the Zoning Map as included within any Zoning District shall be subject to all the regulations and provisions of the Zoning District which immediately adjoins the water area. If the water area adjoins two (2) or more Zoning Districts the boundaries of each Zoning District shall be construed to extend into the water area in a straight line until they meet the other Zoning District.

201.7 - Zoning District Regulations and Provisions Apply to Schools, Parks, etc. - Any areas shown on the Zoning Map as park, playground, school, cemetery, water, street or alley, shall be subject to the regulations and provisions of the Zoning District in which they are located. In case of doubt, the regulations and provisions of the most restricted adjoining Zoning District shall govern.

201.8 - Where Property Has Not Been Included in Any Zoning District. - In every case where property has not been specifically included within a Zoning District, the same shall automatically be classed as lying and being in the "R-1" Residential Zoning District until such classification shall have been changed by an amendment to the Zoning Ordinance, as provided by law.

201.9 - Unsubdivided Land. - In unsubdivided land, the Zoning District boundary shall be determined by use of the scale indicated on the Zoning Map.

201.10 - Vacation of Public Ways. - Whenever any street or alley is vacated in the manner authorized by law, the Zoning District or Districts adjoining such side of such street or alley, shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations and provisions of the extended Zoning District or Districts.

Section 202 - Zoning District Boundary Line Zoning. -

202.1 - Lots in Two Zoning Districts. - Where a Zoning District boundary line divides a lot which was in single ownership and a lot of record at the effective date of the Zoning Ordinance, the use thereon and the other Zoning District regulations and provisions applying to the least restricted portion of such lot under the Zoning Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 25 feet of said dividing Zoning District boundary line. The use so extended shall be deemed to be conforming.



ARTICLE III

INTERPRETATION AND APPLICATION

Section 300 - Interpretation. - In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and the general welfare. Where the provisions of the Zoning Ordinance impose greater restriction than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling. The Zoning Ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, the restrictions of the easement, covenant, or other agreement shall govern.

Section 301 - Application. - The provisions of the Zoning Ordinance shall apply to the use, and/or occupancy of all buildings, other structures, and/or lots.

301.1 - Conformity of Buildings, Other Structures and/or Lots.

Any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located.

301.2 - Conformity of Uses. - The use and/or occupancy of any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located. Any use which is not listed shall automatically be interpreted as a prohibited use.

301.3. Add Minimum floor Area.

ARTICLE IV

"R-1" AGRICULTURAL - RURAL ZONING DISTRICT

(SEE NOTE ON COVER  
REGARDING TRAILERS)

Section 400 - Purpose of Zoning District. - To provide a Zoning District in which the predominate use will be agricultural in order to:

- (a) preserve and conserve farm and agricultural areas.
- (b) to maintain the food producing capacity of the soil.
- (c) to retain an open fringe for civilian defense purposes.
- (d) to preserve an easily accessible open-country area for the health and general welfare of an urban area.
- (e) to discourage the subdivision of land into uneconomic and unproductive parcels.
- (f) to encourage all agricultural principal and accessory uses so as to retain a stable and well-balanced agricultural area.
- (g) to permit easy accessibility to essential agricultural processing needs.
- (h) to enable the furtherance and conservation of an agricultural district, thereby protecting the community, region, state and national interest in the basic needs of agriculture.
- (i) the orderly conversion of land to residential use.

Section 401 - Use Regulations. -

401.1 - Principal Uses Permitted. -

- (1) Agriculture and Related Uses.
- (2) Farm Dwellings.
- (3) One Family detached dwellings. (and two family dwellings.)
- (4) Church, church school, church uses, cemetery.
- (5) College, preparatory school, boarding school, including therewith dormitories for faculty or students, fraternity or sorority houses.
- (6) Experimental station for agriculture or related uses.
- (7) Fish or game club, riding stables or academies.
- (8) Forest Preserve.
- (9) Golf courses.
- (10) Grange Hall, or building of similar agricultural organizations.
- (11) Nursery or greenhouse.
- (12) Processing of agricultural products conducted primarily within a building.
- (13) Hospital or similar institution.
- (14) Governmental or governmental authority facility, service structure or use, provided:
  - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of services.
  - (b) It shall be authorized by a governmental agency.

(15) Public Utility facility, service structure or use, provided:

- (a) It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
- (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
- (c) It shall be reasonably necessary to adequate distribution of service.

(16) Cottage or Tent Camp, provided:

- (a) The request for a Permit, as herein required, shall be accompanied by a site plan drawn to scale showing the location of the proposed camp site in relation to all roads, streets and lot lines within 200 feet of the camp boundaries, the location, size and arrangement of all camp roads and camp lots, the location of all proposed sanitary facilities and wells or other sources of water supply, and the location of special camp buildings and other pertinent camp features.
- (b) An authorized representative of the State Department of Health shall have inspected the proposed plan showing the proposed sanitary facilities including the source of water supply, and have found them to be acceptable and in accordance with State Regulations.
- (c) Written approval shall have been received from the State Department of Health.

(17) Trailer Camp or Park, provided: (including Picnic Area).

- (a) The request for a Permit, as herein required, shall be accompanied by a site plan drawn to scale showing the location of the proposed camp in relation to all roads, streets and lot lines within 200 feet of the camp boundaries, the location, size and arrangement of all camp roads and trailer lots, the location of all proposed sanitary facilities and wells or other sources of water supply and the location of special camp buildings and other pertinent camp features.
- (b) An authorized representative of the State Department of Health shall have inspected the proposed plan showing the proposed sanitary facilities including the source of water supply, and have found them to be acceptable and in accordance with State Regulations.
- (c) Written approval shall have been received from the State Department of Health.

*sect. (16) should be revised.*

- (d) All trailer lots shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street or highway.
- (e) All such driveways shall be hard surfaced, or properly compacted gravel, well marked and lighted.
- (f) It shall be unlawful for any person to remove or cause to be removed any wheel from any trailer located in any trailer camp, except temporarily for the purpose of repair.
- (g) It shall be unlawful for any persons at any trailer camp to attach any trailer to the ground by means of posts, piers, foundations or otherwise, or to attach any skirt-ing awnings to any such trailer in such a manner as would prevent its ready removal from the premises.

401.2 - Accessory Uses Permitted. -

- (1) Private garage.
- (2) Farm Structure.
- (3) Related Farm Uses.
- (4) Stand for sale of Agricultural or Nursery products, provided:
  - (a) It shall be operated by landowner or residing tenant.
  - (b) It shall be set back a minimum of 50 feet from the center of highway.
- (5) Private playhouse, swimming pool, tennis court, tool or storage shed, and private greenhouse.
- (6) Private shelter for Domestic Pets including ponies or horses.
- (7) Private Incinerator, provided:
  - (a) It shall be located within the dwelling, or in the rear yard only.
  - (b) It shall be used only for burning of refuse produced on the premises.
- (8) Wall, fence, lamp post, similar accessory structure, subject to height limitations outlined in Section 402.22 and 402.23.
- (9) Boarding Unit, lodging unit, rooming unit, provided:
  - (a) It shall be limited to a maximum of 3 such units.
  - (b) It shall be for non-transients only.
  - (c) It shall be located in the principal dwelling building.
- (10) Servant's quarters located within the principal dwelling building.
- (11) Home Occupation as defined in this Zoning Ordinance, providing:
  - (a) There shall not be more than 3 non-residents employed on the premises.
- (12) Storage or parking of a commercially licensed vehicle, provided:
  - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.

(b) It shall be limited to two such commercially licensed vehicles, except school busses.

(13) Any other accessory use, provided:

- (a) It shall be customarily incident and subordinate to a permitted principal use.
- (b) It shall be located on the same lot as the principal use.
- (c) It shall be approved by the Zoning Board of Adjustment.

401.3 - Accessory Signs, subject to provisions of Article X.

401.4 - Parking and Loading Facilities, subject to provisions of Article XI.

Section 402 - Height Regulations.

401.1 - Principal Structures.

402.11 Maximum Height for dwellings.

- (1) Farm Dwellings - 3 stories, not to exceed 40 feet.
- (2) Other Dwellings - 2 1/2 stories, not to exceed 35 feet.

402.2 - Accessory Structures

402.21 - Maximum height for Residential accessory structures - not to exceed ~~75%~~ of the height of the principal structures.

402.22 - Maximum height for solid wall or fence - 4 feet, or 6 feet along rear lot line.

402.23 - Maximum height for open fence - 8 feet.

402.24 - Signs, subject to Article X.

Section 403 - Area Regulations.

403.1 - Minimum Lot Area Per Dwelling Unit.

Where both water supply and sanitary sewage disposal are provided by individual on-lot systems the minimum lot area shall be ~~2,000~~ square feet. Street right-of-way may not be included in determining minimum lot area.

403.2 - Minimum Lot Width.

Minimum Lot width shall be <sup>125</sup> feet as determined at the setback building line.

403.3 - Maximum Percentage of Lot Coverage - 25% including accessory structures.

403.4 - Minimum Building Setback.

Building setback line shall be 100 feet on all roads indicated as major or minor thoroughfares on the Official Street Map of the Township and 75 feet on all other roads or streets. Measurements are to begin at the centerline of the streets.

403.5 - Minimum Side Yard Width.

Minimum Side Yard shall be <sup>20</sup> ~~10~~ feet on one side or a combined width of ~~2~~ <sup>40</sup> feet on both sides.

403.6 - Corner Lots.

The minimum building setback line on any <sup>20</sup> street not having lots fronting upon it shall be fifteen (~~5~~) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

403.7 - Minimum Rear Yard Depth.

Minimum rear yard depth shall be 35 feet for principal structures and 10 feet for accessory structures.

ARTICLE V

"R-2" RESIDENTIAL ZONING DISTRICT

(SEE NOTE ON CODER  
REGARDING TRAILERS)

Section 500 - Purpose of Zoning District.

To provide a zoning district in which the predominate use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of single and two-family dwellings.

Section 501 - Use Regulations.

501.1 - Principal Uses Permitted:

- (1) One or two-family detached dwellings.
- (2) Farm Dwellings.
- (3) Agriculture and Related Uses.
- (4) Church, church school, church uses, cemetery, provided:
  - a. It shall not include a funeral home or mortuary establishment, a rescue-mission, or the occasional use for religious purposes of properties not regularly so used.
- (5) College, Preparatory school, boarding school, including there-with dormitories for faculty or students, fraternity or sorority houses.
- (6) Golf courses, except miniature golf courses with lights.
- (7) Governmental or Governmental Authority Facility, service structure and/or use, provided:
  - a. It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
  - b. It shall be authorized by a governmental agency.
- (8) Public Utility Facility, Service Structure and/or Use, provided:
  - a. It shall not include any type of equipment which will in any way interfere with local radio or television or otherwise be detrimental to the surrounding area.
  - b. It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
  - c. It shall be reasonably necessary to adequate distribution of service.
- (9) Hospital or similar institution.

501.2 - Accessory Uses Permitted:

- (1) Private Garage, not including space for more than 3 private passenger vehicles.
- (2) Private playhouse, private swimming pool, private tennis court, private pool or storage shed, private greenhouse.
- (3) Private shelter for Domestic Pets, including horses and ponies, provided it shall not be used on a commercial basis.
- (4) Private Incinerator, provided:
  - a. It shall be located within the dwelling, or only in the rear yard.
  - b. It shall be used only for burning of refuse produced on the premises.

- (5) Wall, Fence, Lamp Post, Similar Accessory Structure, subject to height limitations outlined in Section 502.21, 502.22 and 502.23.
- (6) Boarding Unit, Lodging Unit, Rooming Unit, provided:
  - a. It shall be limited to a maximum of 2 such units.
  - b. It shall be for non-transients only.
  - c. It shall be located in the principal dwelling building.
- (7) Home Occupation as defined in this Zoning Ordinance, providing:
  - a. There shall not be more than 1 non-resident employed on the premises.
  - b. There shall not be an animal hospital or animal clinic permitted therewith.
- (8) Storage or Parking of a Commercially Licensed Vehicle, provided:
  - a. A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
  - b. It shall be limited to one such commercially licensed vehicle of 1/2 ton capacity or less.
- (9) Any Other Accessory Use, provided:
  - a. It shall be customarily incident and subordinate to a permitted principal use.
  - b. It shall be located on the same lot as the principal use.
  - c. It shall be approved by the Zoning Board of Adjustment.

501.3 - Accessory Signs, subject to provisions of Article X.

501.4 - Parking and Loading Facilities, subject to provisions of Article XI.

Section 502 - Height Regulations.

502.1 - Principal Structures.

502.11 Maximum Height for dwellings as follows:

- (1) Farm Dwellings - 3 Stories, not to exceed 40 feet.
- (2) Other Dwellings - 2-1/2 stories, not to exceed 35 feet.

502.2 - Accessory Structures.

502.21 Maximum Height for Residential Accessory Structures - not to exceed [redacted] the height of the principal structures.

502.22 Maximum Height per solid wall or fence - 4 feet, or 6 feet along rear lot line.

502.23 Maximum Height for Open Fence - 8 feet.

502.24 Signs subject to Article X.

Section 503 - Area Regulations.

503.1 - Minimum Lot Area Per Dwelling Unit



- (1) Where both water supply and sanitary sewage disposal are provided by individual on-lot systems the minimum lot area shall be 25,000 square feet. Street right-of-way may not be included in determining minimum lot area.
- (2) Where either or both water supply and sanitary sewage disposal are provided by a public or community system the minimum lot area shall be 15,000 square feet. Street right-of-way may not be included in determining minimum lot area.

503.2 - Minimum Lot Width.

- (1) Minimum lot width shall be 125 feet as determined at the set-back building line for lots specified in 503.1 (1).
- (2) Minimum lot width shall be 100 feet as determined at the set-back building line for lots specified in 503.1 (2).

503.3 - Maximum Percentage of Lot Coverage - 35%, including accessory structures.

503.4 - Minimum Front Yard Depth on all roads indicated as major or minor thoroughfares.

- (1) Building Setback Line shall be 100 feet on all roads as indicated on the Official Street Map of the Township and 75 feet on all other roads or streets. Measurements are to begin at the centerline of the streets.

*Look in  
Land Use Plan  
Pg. 53*

503.5 - Minimum Side Yard Width.

<u>Minimum Lot Area</u> <u>25,000 Sq. Ft.</u>	<u>Minimum Lot Area</u> <u>15,000 Sq. Ft.</u>
20 Feet, or 40 Feet combined	10 Feet, or 20 Feet combined

503.6 - Corner Lots.

The minimum building setback line on any street not having lots fronting upon it shall be twenty (20) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

503.7 - Minimum Rear Yard Depth.

Minimum rear yard depth shall be 35 feet for principal structures and 10 feet for accessory structures.

ARTICLE VI

"R-3" RESIDENTIAL MULTIPLE-FAMILY ZONING DISTRICT

SECTION 600 - PURPOSE OF THE ZONING DISTRICT

To provide a Zoning District in which the predominate use will be residential, with height and area regulations establishing an intensity of land use designed to encourage proper development of multiple-family dwellings.

SECTION 601 -- USE REGULATIONS

601.1 - Principal Uses Permitted

- (1) One family detached dwelling.
- (2) One family semi-detached dwelling.
- (3) Two family detached duplex dwelling.
- (4) Multiple dwelling other than a row dwelling.
- (5) Apartment house.
- (6) Boarding house, lodging house, rooming house.
- (7) Church, church school, church use, cemetery, provided it shall not include a funeral home or mortuary establishment, a rescue mission or the occasional use for religious purposes of properties not regularly so used.
- (8) College, preparatory school, boarding school, day nursery school, included therewith dormitories for faculty and students, and fraternity or sorority houses.
- (9) Convalescent home, provided:
  - (a) It shall be privately operated.
  - (b) It shall not be for care of epileptics, drug or alcoholic patients, nor for the care of insane or feeble-minded persons.
  - (c) It shall be approved by the State.
- (10) Governmental or governmental authority facility, service structure or use, provided:
  - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
  - (b) It shall be authorized by a governmental agency.
- (11) Hospital, sanatorium, sanitarium, or institutional home. (included therewith may be a dormitory for nurses and attendants on the same plot or on an adjoining lot), provided: (a) It shall not include a hospital solely for persons suffering from insanity or from diseases, such as are commonly isolated in a separate building.
- (12) Public utility facility, service structure and/or use, provided:
  - (a) It shall not include any type of equipment which will in any way interfere with local radio or television, or otherwise be detrimental to the surrounding area.
  - (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
  - (c) It shall be reasonably necessary to adequate distribution of service.

601.2 - Accessory Uses Permitted

- (1) Private garage, provided (a) It shall not exceed a limit of spaces for more than 2 private passenger vehicles above the number of dwelling units on the lot.
- (2) Private playhouse, private swimming pool, private tennis court, private tool or storage shed, private greenhouse.
- (3) Private shelter for domestic pets, including horses and ponies, providing it shall not be used on a commercial basis.
- (4) Private Incinerator, provided:
  - (a) It shall be located within the dwelling, or in the rear yard only.
  - (b) It shall be used only for burning of refuse produced on the premises.
- (5) Wall, fence, lamp post, similar accessory structures subject to height limitations outlined in Section 602.22 and 602.23.
- (6) Home Occupation as defined in this zoning ordinance, providing:
  - (a) There shall not be more than 1 non-resident employed on the premises.
  - (b) There shall not be an animal hospital or animal clinic permitted therewith.
- (7) Storage or parking of a commercially licensed vehicle - provided:
  - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
  - (b) It shall be limited to one such commercially licensed vehicle of 1/2 ton capacity or less.
- (8) Any other accessory use, provided:
  - (a) It shall be customarily indigent and subordinate to a permitted principal use.
  - (b) It shall be located on the same lot as the principal use.
  - (c) It shall be approved by the Zoning Hearing Board.

601.3 - Accessory Signs (Subject to provisions of Article XIV).

601.4 - Required Parking and/or Loading Facilities (Subject to *May need revised.* provisions in Article XV).

SECTION 602 - HEIGHT REGULATIONS

602.1 - Principal Structures -

602.11 - Maximum Height Per Dwelling Building - 3 stories, not to exceed 40 feet.

602.2 - Accessory Structures -

*attached garage  
may be allowed at  
same height of dwelling*

- 602.21 - Maximum height for residential accessory structures, not to exceed  $\frac{2}{3}$  of the height of the principal structures.
- 602.22 - Maximum height per solid wall or fence - 4 feet, or 6 feet along rear lot line.
- 602.23 - Maximum height for open fence - 8 feet.
- 602.24 - Signs subject to Article XIV.

SECTION 603 - AREA REGULATIONS

603.1 - Minimum Lot Area Per Dwelling Unit

- (a) Where both water supply and sanitary sewage disposal are provided by individual on-lot systems, the minimum lot area per dwelling building shall be doubled.

603.11 - Minimum Lot Areas

- (a) One family detached dwelling - 6,000 square feet per unit.
- (b) One family semi-detached dwelling - 15,000 square feet.
- (c) Two family detached duplex dwelling - 12,000 square feet.
- (d) Public housing, multiple dwelling, apartment house - 12,000 square feet plus 4,000 square feet per dwelling unit.
- (e) Boarding house, lodging house, rooming house - 12,000 square feet, plus 1,000 square feet per boarding, lodging or rooming unit.
- (f) Convalescent home - 20,000 square feet plus 1,000 square feet per bed.

*doesn't make sense according to definition*

*questionable (See Parkway)  
If doubled would not meet Co Sub. Regs  
Minimums*

603.2 - Minimum Lot Width Per Dwelling

- (a) One family detached dwelling - 50 feet.
- (b) One family semi-detached dwelling - 100 feet.
- (c) Two family detached duplex dwelling - 60 feet.
- (d) Public housing, multiple dwelling, apartment house - 120 feet.
- (e) Boarding house, lodging house, rooming house - 120 feet.

603.3 - Maximum Percentage of Lot Coverage - 35 percent, including necessary structures.

603.4 - Minimum Front Yard Depth -

- (1) Minimum setback on existing platted lots shall be 50 feet as measured from street center line.
- (2) Minimum setback on any future platted lots shall be 75 feet as measured from street center line.

603.5 - Minimum Side Yard Width.

- (1) Minimum side yard width of lots 20,000 square feet or more shall be 10 feet.
- (2) Minimum side yard width of lots less than 20,000 square feet shall be 8 feet.

603.6 - Corner Lots.

The minimum building setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

603.7 - Minimum Rear Yard Depth.

The minimum rear yard depth shall be twenty-five (25) feet for principal structures and ten (10) feet for accessory structures.

603.8 - Minimum Floor Area.

Minimum floor area for a single family dwelling unit shall be 750 square feet.

SECTION 604 - GENERAL REGULATIONS

Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE VII

"B-1" GENERAL BUSINESS ZONING DISTRICT

Section 700 - Purpose of Zoning District. - To provide a Zoning District in which will be encouraged the establishment and maintenance of those offices, retail and service business establishments essential to the efficient functioning and servicing of the township in such a manner that it will preserve the essential character of the adjoining Residential Zoning District.

Section 701 - Use Regulations.- (a) any business, servicing, storage or processing activity shall be conducted within a completely enclosed building, except for parking and loading facilities, and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles, (b) any business establishment shall deal directly with the consumer only, (c) all work done shall be for sale on the premises and (d) any display of goods shall be in back of the setback building line.

701.1 - Permitted Principal Uses. -

- (1) Automotive Service Establishment, such as: automotive gasoline service station, automotive garage, provided: (a) it shall not be located within 100 feet of any lot line of any Residential Zoning District, (b) means of ingress or egress shall be located no closer than 30 feet from the intersecting right-of-way lines of street intersections, (c) access drives shall not exceed 35 feet in width within 10 feet of the street right-of-way line, and (d) access drives shall not exceed two per lot on any one street frontage.
- (2) Club, such as: membership club, lodge, fraternal organization building.
- (3) Eating and/or Drinking Establishment, excluding drive-in businesses.
- (4) Governmental or Governmental Authority Facility, Service Structure and/or Use, provided: (a) it shall serve as a community facility or be reasonably necessary to the adequate distribution of service and (b) it shall be authorized by a governmental agency.
- (5) Offices, Retail Establishment: such as office, studio, medical clinic, dental clinic, agency, book and stationery store, drug store, dry goods store, hardware, variety store.
- (6) Motels

- (7) Parking Lot and/or Parking Structure, provided: (a) there shall not be any vehicle parked within 10 feet of any Residential Zoning District, (b) there shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon, (c) there shall not be any storage of material, junk or any equipment on the lot, and (d) there shall not be any vehicle parked in front of the front or side street setback building line.
- (8) Personal Service Establishment, such as: barber shop, beauty parlor, dry cleaning or clothes pressing pick-up station, laundry pick-up station, automatic self-service laundry, lending library, bank, mortuary, shoe repair shop.

701.2 - Permitted Accessory Uses. -

- (1) Processing, Cleaning, Servicing, Testing or Repair, provided: (a) except in an automotive service establishment, it shall be limited to 20 percent of the gross floor area of the principal structure, and (b) except in an automotive service establishment, it shall not extend beyond 10 feet from the front of the principal structure.
- (2) Service Facility on a Lot Occupied by an Automotive Service Establishment for the Service of Gas, Oil, Air or Water or Repair Facility, provided: (a) any such equipment shall not be less than 15 feet from any alley or street nor less than 50 feet of any lot line in any Residential Zoning District or 100 feet from any lot line of a hospital, church, school.
- (3) Storage of Inflammable Liquids on a Lot Occupied by an Automotive Service Establishment, provided: (a) it shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
- (4) Any Other Accessory Use, provided: (a) it shall be customarily incidental and subordinate to a permitted principal use, (b) it shall be located on the same zoning lot as the principal use, and (c) it shall be approved by the Zoning Board of Adjustment.

701.3 - Permitted Accessory Signs (Subject to provisions prescribed in Article X).

701.4 - Required Parking and/or Loading Facilities (Subject to provisions prescribed in Article XI).

Section 702 - Height Regulations -

(Signs subject to provisions prescribed in Article X).

702.1 - Principal Structures. -

702.11 - Maximum Height -

(1) Dwellings - 2-1/2 stories, not to exceed 35 feet.

702.2 - Accessory Structures. -

702.21 - Maximum Height - 2 stories, not to exceed 30 feet.

Section 703 - Area Regulations -

(Signs subject to provisions prescribed in Article X).

703.1 - Principal and Accessory Structures. -

703.11 - Minimum Lot Area - 25,000 square feet where both water supply and sanitary sewage disposal are provided by individual on-lot systems, 15,000 square feet where either or both water supply and sanitary sewage disposal are provided by a public or community system.

703.12 - Minimum Lot Width - 125 feet.

703.13 - Maximum Percentage of Lot Area - 60 percent, including principal and accessory structures.

703.14 - Minimum Front Yard Depth - Building setback line shall be 100 feet on all roads indicated as major thoroughfares on the Official Street Map of the Township and 75 feet on all other roads or streets. Measurements are to begin at the centerline of the streets.

703.15 - Minimum Distance to a Lot Line of Any "R" Zoning District - 25 feet, unless otherwise specified.

703.16 - Minimum Distance to Any Other Lot Line - 10 feet, except if used for vehicular access - 12 feet.



ARTICLE VIII

INTERCHANGE DEVELOPMENT ZONING DISTRICT

Section 800 - Purpose of the Interchange Development District (I.D.D.)

To provide a Zoning District which will:

- (a) permit the development of land uses that are highway-oriented and of either a commercial or light industrial use designed to serve the motoring public.
- (b) encourage the development of an environment which will permit the creation of near optimum economic values and maximize the return to the community.
- (c) control access to the intersecting highway, Route 19, in order to encourage sound development and minimize the congestion and danger caused by too frequent approaches and interruption to through-traffic.
- (d) provide more suitable sites for the greatest development rather than only sites adjacent to Route 19 right-of-way; hence, better use of more land.

Section 801 - Permitted Uses

801.1 - Principal Uses Permitted -

- (1) Amusement Establishment, such as: auditorium, bowling alley, club, dance hall, theater, skating rink, other social, sport or recreation center operated as a business.
- (2) Automotive Service Establishment, such as: automotive gasoline service station, automotive garage, automotive laundry, automotive sales area, automotive sales and/or parts sales building.
- (3) Eating and/or Drinking Establishment including Drive-in Businesses.
- (4) Office, Retail Establishment, such as: office, studio, medical clinic, dental clinic, agency, book and stationery store, drug store, dry goods store, hardware, variety store.
- (5) Personal Service Establishment, such as: barber shop, beauty parlor, dry cleaning, or clothes pressing pick-up station, laundry pick-up station, automatic self-service laundry, lending library, bank, mortuary, shoe repair shop.
- (6) Tourist Court and Motels

- (7) Transportation Terminal Establishment, such as: aircraft passenger station, bus passenger station, railroad passenger station, motor freight terminal, provided the site shall be designed in such a manner as to permit forward movement of all vehicles, both upon entering and leaving the site.
- (8) Inflammable Liquid Storage, provided:
  - (a) It shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
- (9) Automotive Storage and Repair Facility
- (10) Usual Light Industrial Activities
- (11) Canopies, attached to principal structures of drive-in establishments
- (12) Any Other Principal Use Equivalent to the Above Permitted Principal Uses, provided:
  - (a) It will further the welfare and best interests of the Township.
  - (b) It shall not include any church, church use, cemetery.
  - (c) It shall not include any dwelling unit, school, hospital or other institutional use for human care of service (except as an accessory use to a particular permitted principal use).
  - (d) It shall be approved by the Zoning Board of Adjustment.

801.2 - Accessory Uses Permitted

- (1) Storage of Inflammable Liquids on a lot occupied by an automotive service establishment, provided: (a) it shall be stored in underground tanks, and (b) it shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
- (2) Wall, fence, lamp post, similar accessory structure.
- (3) Any Other Accessory Use, provided:
  - (a) It shall be customarily incident and subordinate to a permitted principal use.
  - (b) It shall be located on the same lot as the principal use.
  - (c) It shall be approved by the Zoning Board of Adjustment.

801.3 - Provisions of Use

Any permitted principal and/or accessory use shall be subject to the following use regulations:

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and maintained in good condition or by a cyclone or equal wire fence at least 6 feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
- (2) It shall not emit any noxious, toxic or corrosive fumes or gases or offensive odors.
- (3) It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters - both natural and artificial.
- (4) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

801.4 - Access Control Requirements

Future Right-of-Way

For future widening of Major highways, a minimum future right-of-way of 100' will be assumed.

Setback Requirements

No principal structures will be permitted closer than 100 feet from the Centerline of major highways.

Access Control

The State Highway Department has control of access by right of purchase and ownership of land immediately adjacent to Route 19, both north and south of the right-of-way area purchased for construction of Interstate 80 and its intersection with State Route 19. At the extremities the State Highway Department has erected fences. Outside of these fences both to the north and the south, are areas within the Interchange development district over which East Lackawannock Township will exercise access control.

- (1) Along Route 19, there will be two areas, one north of the Interchange and one south, in which the following restrictions apply:
  - (a) Beginning at a point 600 feet north of the State Highway fence and continuing to the northerly boundary of the district, and
  - (b) Beginning at the intersection of Route 19 and the extension of the line which lies between the properties owned by the Popciak's, Mr. Lewis, and Mr. Perelman, and continuing to the southern end of the district (which is also the southern boundary of the township) there will be:
    1. a minimum of 300 feet and
    2. a maximum of 1,000 feet--between successive access routes intersecting Route 19 on any one side of the highway.
- (2) Public streets having access to Route 19 shall have a minimum of 50 ft. R.O.W.
- (3) Minimum width of interior lots, not fronting on Route 19, shall be 100 feet.
- (4) Corner lots shall have a minimum width of 125 feet. (Measured along narrowest side of lot.)
- (5) Maximum length of blocks shall be 1,000 feet.

801.5 - Permitted Principal and/or Accessory Signs

Subject to provisions in Article 10, (I.D. District - 1000.5).

801.6 - Required Parking and/or Loading Facilities

Subject to provisions prescribed in Article XI.

Section 802 - Height Regulations

Signs subject to provisions prescribed in Article X - 1000.5.

802.1 - Principal Structures and/or Accessory Structures

none

Section 803 - Area Regulations

Signs subject to provisions prescribed in Article X.

803.1 - Principal Structures and/or Accessory Structures

803.11 - Maximum Percentage of Lot Area - 70 percent.

803.12 - Minimum Area of Lots - 20,000 square feet.

- (a) Measured so that road right-of-way is excluded and proper septic tank operations are not hampered.

ARTICLE IX

INDUSTRIAL ZONING DISTRICT

Section 900 - Purpose of Zoning District.

To provide a Zoning District which will:

- (a) encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.
- (b) prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
- (c) Not permit residential uses for the purpose both of preserving the area for its appropriate use and for preventing the location of dwelling units in an area inappropriate for residential use.

Section 901 - Use Regulations.

901.1 - Principal Uses Permitted:

- (1) Automotive Gasoline Service Station.
- (2) Restaurant or Eating Establishment, provided: (a) it shall serve primarily the industrial establishments located in an "I" Zoning District.
- (3) Governmental or Governmental Authority Facility, Service Structure and/or Use, provided: (a) it shall not include a public school, playground, or other outside recreational use.
- (4) Office Establishment, provided: (a) it shall serve an industrial establishment located in an "I" Zoning District.
- (5) Parking Lot and/or Parking Structure, provided:
  - (a) There shall not be any vehicle parked within 50 feet of any Residential Zoning District.
  - (b) There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.
  - (c) There shall not be any storage of material, junk or any equipment on the lot.
  - (d) There shall not be any vehicle parked in front of the front or side street setback building line.
- (6) Public Utility Facility, Service Structure and/or Use.
- (7) Any Other Industrial Use, provided it shall meet all of the requirements of this section or any other section of the Zoning Ordinance.

(8) Inflammable Liquid Storage, provided:

- (a) It shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
- (b) It shall not be located within 150 feet of any lot line in any "R" Zoning District or within 25 feet of any adjoining lot line.
- (c) The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

(9) Any Other Principal Use Equivalent to the Above Permitted Principal Uses, provided:

- (a) It will further the welfare and best interests of the Township.
- (b) It shall be subject to the provisions of use prescribed in Subsection 901.3.
- (c) It shall not include any church, church use, cemetery.
- (d) It shall not include any school, dwelling unit, hospital or other institutional use for human care or service (except as an accessory use to a particular permitted principal use).
- (e) It shall be approved by the Zoning Board of Adjustment.

901.2 - Permitted Accessory Uses

(1) Automotive Storage and Repair Facility.

(2) Loading Area, provided:

- (a) There shall not be any storage of material, junk or any equipment on the area.
- (b) There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
- (c) There shall not be any vehicle loading or unloading within 10 feet from any front or side street setback building line.

(3) Office, Restaurant, Recreation Use, Museum and/or Hospital Use, provided:

- (a) It shall be clearly incidental to a particular industry.
- (b) It shall be on the same lot as the industrial use or establishment it serves.

(4) Structure or Service Facility on a Lot Occupied by an Automotive Gasoline Service Station or Automotive Garage for the Service of Gasoline, Oil, Air, or Water, provided:

- (a) Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any "R" Zoning District, nor less than 100 feet from any hospital, church, playground, or public building.

(5) Any Other Accessory Use, provided:

- (a) It will further the welfare and best interests of the Township.
- (b) It shall be subject to the provisions of use prescribed in Subsection 901.3.
- (c) It shall not include any use specifically prohibited in this Article.
- (d) It shall be approved by the Zoning Board of Adjustment.

901.3 - Provisions of Use.

Any permitted principal and/or accessory use shall be subject to the following use regulations:

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and maintained in good condition or by a cyclone or equal wire fence at least 6 feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
- (2) It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- (3) It shall not emit any noxious, toxic or corrosive fumes or gases.
- (4) It shall not emit any offensive odors.
- (5) It shall not exhaust or waste into the air any dust or smoke created by an industrial operation in excess of any density described as No. 2 on a Ringleman Chart, except for a period of not in excess of 4 minutes in any 30-minute period.

before proper treatment

- (6) It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters - both natural and artificial.
- (7) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

901.4 - Permitted Principal and/or Accessory Signs (Subject to provisions in Article X).

901.5 - Required Parking and/or Loading Facilities (Subject to provisions prescribed in Article XI).

Section 902 - Height Regulations (Signs subject to provisions prescribed in Article X).

902.1 - Principal Structures and/or Accessory Structures - None.

Section 903 - Area Regulations (Signs subject to provisions prescribed in Article X).

903.1 - Principal Structures and/or Accessory Structures - None.

903.11 - Maximum Percentage of Lot Area - 70 percent.

903.12 - Minimum Distance to a Street Lot Line - 50 feet.

903.13 - Minimum Distance to Any Other Lot Line - 15 feet.

903.14 - Minimum Distance to a Lot Line of any "R" Zoning District - 100 feet.



ARTICLE X

SIGN REGULATIONS

Section 1000 - General Provisions and Exceptions. -

1000.1 - Projection - A sign shall not project over a street or other public space.

1000.2 - Direct or Reflected Light -

A sign shall not be so placed so as to cast direct or reflected light upon a window of any dwelling in any "R" Zoning District, or on any street.

1000.3 - Vision Obstruction -

A sign shall not be so placed that it will cause danger to traffic on a street by obscuring the view or otherwise interfere with traffic; or within a 40' radius from the intersection of the right-of-way lines.

1000.4 - Imitation of or Resemblance to Official Traffic Control Signs -

A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within 50 feet of any intersection shall not contain any visible green, yellow or red colored lights which might be confused with official traffic control devices.

1000.5 - Distance to a Church, Playground, School or Other Public Building -

A ground sign or billboard over 30 square feet in surface area shall not be within 100 feet of a church, hospital, park, playground, school or other public building.

1000.6 - Posting of Sign -

A sign shall not be affixed to, painted on or otherwise posted on certain roadside features such as, fence posts, utility poles, trees, bridges or barricades that are within 25 feet of any right-of-way.

1000.7 - Signs Not Requiring a Permit -

In any Zoning District where permitted, the following accessory signs shall be exempted and shall not require a permit as required in Article XV:

(1) Special Display:

Special decorative display used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, when authorized by the Board of Supervisors.

(2) Permitted Real Estate Sign:

(3) Permitted Temporary Signs or Banners:

(4) Permitted Identification Sign:

An accessory identification less than 12 square feet in surface area.

(5) Semi-public Use Sign:

A directional sign showing the location of churches, service clubs or other public uses.

(6) Flashing Lights: not permitted.

Section 1001 - Permitted Principal and Accessory Signs.

1001.1 - "R" Zoning Districts.

(1) Name Plate.

1 lighted or unlighted name plate for each dwelling unit or other permitted use, provided:

- (a) it shall not exceed 8 inches by 24 inches in surface area.
- (b) if lighted, it shall be illuminated with white light by reflector method only.
- (c) it shall not be used other than for identifying the name of the occupant.

(2) Identification Sign.

1 unlighted sign for each lot in any "R" Zoning District wherein rooms are rented and/or meals served, provided:

- (a) it shall not exceed 8 square feet in surface area.
- (b) it shall set back at least 1/2 the depth of the existing front yard.
- (c) it shall appertain only to the renting of rooms or serving of meals.

(3) Other Identification Sign.

2 lighted or unlighted signs for each lot used as a permitted use for agricultural products processing establishment, cottage or tent camp, church, college, convalescent home, experimental station, farm, game preserve, grange hall, hospital, institutional home, nursery, park, sanatorium, sanitarium, school or trailer camp, provided:

- (a) it shall not exceed 20 square feet in surface area.
- (b) if lighted, it shall be illuminated with white light by reflector method only.
- (c) it shall be only for the purpose of displaying the name and activities thereof or the services therein offered.

(4) Real Estate Signs.

(a) Sale, Rent, or Development Sign:

A single sign publicizing the sale, rental, or development of the premises upon which they are erected, provided:

- (a) it shall not exceed 6 square feet in surface area.
- (b) such sign shall be set back at least one-half the depth of the existing front yard.

1001.11 - General Provisions.

- (1) A sign shall not be on the roof of a building.
- (2) A sign attached to the wall of a building shall not extend above the roof line.
- (3) A sign shall not project over a public sidewalk.
- (4) Advertising painted upon a barn or other building shall be subject to the above provisions.

1001.2 - "B" Zoning Districts.

- (1) Name Plate, Accessory Identification Sign and/or Real Estate Sign for any lot used for a principal business use, provided:
  - (a) it shall not exceed 50 square feet in surface area.
  - (b) it shall not include a flashing or animated illuminated sign.
  - (c) it shall be limited to the business on that premises.
- (2) Wall Sign: 1 illuminated wall sign (excluding a flashing or animated illuminated sign) or unilluminated sign for each street frontage of a principal business use, provided:
  - (a) it shall be attached to the main wall of a building and shall not project horizontally more than 12 inches therefrom.
  - (b) it shall be erected at a height not less than 10 feet, nor more than 20 feet above the ground or sidewalk.
  - (c) it shall be limited to use as a business sign.
- (3) Projecting Sign: 1 illuminated projecting sign (excluding a flashing or animated illuminated sign) or unilluminated sign for each street frontage of a principal business use, provided:

- (a) it shall not project more than 10 feet from the face of the building or structure.
  - (b) it shall not, in any case, be beyond a vertical plane 25 feet inside the curb line.
  - (c) its innermost edge shall not be placed more than 12 inches from the setback building line.
  - (d) it shall be limited to use as a business sign.
- (4) Pole Sign in Business Districts: One (1) illuminated sign (excluding flashing or animated illuminated sign) and one (1) non-illuminated sign for each street frontage of an automotive gasoline service station, automotive garage, or motel, provided:
- (a) any portion of it shall set back at least 25 feet from any street lot line.
  - (b) it shall be limited to use as a business sign.
- (5) Marquee Signs: 1 illuminated marquee sign (excluding a flashing or animated illuminated sign or unilluminated sign for each side of a marquee located on a lot used as a motion picture theater, provided:
- (a) it shall not exceed 7 feet in height.
  - (b) it shall not project below the fascia of the marquee.
  - (c) it shall not be lower than 10 feet above the sidewalk.
  - (d) it may extend the full length of the marquee but in no case, shall it project beyond the ends of the marquee.
  - (e) it shall be limited to use as a business sign.
- (6) Temporary Signs and Banners - Provided:
- (a) they shall be removed as soon as torn or damaged and in no case later than 60 days after erection, except that temporary signs suspended from or attached to a canopy or marquee shall be limited to a period of 10 days.
  - (b) they shall be limited in size to 10 feet in one dimension.
  - (c) they shall not exceed 500 square feet in surface area.

1001.3 - "I" Zoning Districts. -

1001.31 - Principal Identification, Business and/or Advertising Signs, - Provided:

- (a) it shall not be a flashing or animated sign.
- (b) any portion of it shall be a minimum of 25 feet from the street lot line.

1001.4 - Interchange Development - Zoning Districts -

1001.41 - Principal Identification, Business and/or Advertising  
Signs - Provided:

- (a) its surface area shall not exceed 150 square feet.
- (b) it shall not be erected so that any part of it is over 60 feet above the ground, whether free standing or roof signs.
- (c) it shall not be a flashing sign.
- (d) any portion of it shall be a minimum of 15 feet from the future R.O.W. of Route 19.

ARTICLE XI

PARKING AND LOADING REGULATIONS

Section 1100 - Off-Street Parking and/or Loading Facility Requirements.

1100.1 - New Use of a Structure and/or Land - For the use of any structure constructed and any use of land established after the effective date of the Zoning Ordinance, parking and/or loading facilities shall be provided in accordance with the following schedules; and

1100.2 - Increase in Intensity of Use of a Structure and/or Land - The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area or other units of measurement prescribed in the following schedules unless accessory parking and/or loading facilities shall be provided in accordance with said schedules; and

1100.3 - Change in Use of Structure and/or Land - An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use. However, if said use of a structure and/or land was established prior to the effective date of the Zoning Ordinance additional parking and/or loading facilities shall be required only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the following schedule and space requirements.

PARKING SPACE

- (1) Minimum parking space.....10 feet x 20 feet
- (2) Minimum loading space.....12 feet x 30 feet
- (3) Minimum loading space for wholesale or industrial use....12 feet x 50 feet
- (4) Space shall not include aisles or turnaround areas.

PARKING SCHEDULE

AGRICULTURAL USES

PARKING SPACES

- (1) Farm.....3 per dwelling unit.
- (2) Agricultural Products Processing.....1 for each 500 square feet of gross floor area.
- (3) Experimental Station.....1 for each 500 square feet of gross floor area.
- (4) Grange Hall, Similar Use.....1 for each 200 square feet of gross floor area.
- (5) Nursery.....1 for each 100 square feet of gross floor area.
- (6) Stand for sale of Agricultural Products.....5

1/2 unit

RESIDENTIAL USES

PARKING SPACES

- (7) Apartment Hotel, Apartment House.....1 for each dwelling, apartment or rooming unit or any combination unit, plus one additional space if over 5 units.
- (8) Boarding Unit, Convalescent Unit, Lodging Unit or Rooming Unit.....1 for each unit, plus one additional space if over 5 units.
- (9) Convalescent Home, Hospital, Sanatorium, Sanitarium, Institutional Home.....1 for each 400 square feet of gross floor area.
- (10) Cottage or Tent Camp.....1 for each cottage or tent.
- (11) Dwelling, Public Housing.....1 for each dwelling unit.
- (12) Professional Office.....1 for each 100 square feet of gross floor area devoted to such use plus 1 per dwelling unit.
- (13) Trailer Camp.....1 for each trailer lot.

COMMUNITY FACILITIES

PARKING SPACES

- (14) Governmental or Governmental Authority Facility Service Structure and/or Use (Other than a place of Public Assembly).....1 for each 200 square feet of gross floor area.
- (15) Church, Church School, Church Use.....1 for each 500 square feet of gross floor area.
- (16) Dormitory, Fraternity House, Sorority House, Nurses Home, Hospital, Similar Institution.....1 for each sleeping room or 1 for each 500 square feet of gross floor area, whichever requires the greater number of spaces.
- (17) School, College, Day Nursery School.....1 for each classroom plus in a high school or college 1 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity house, sorority house and/or office establishment.

- (18) Place of Public Assembly (other than a church, funeral home, mortuary or amusement establishment).....1 for each 200 square feet of gross floor area.
- (19) Golf Course, Country Club.....25

PUBLIC UTILITY FACILITIES

PARKING SPACES

- (20) Public Utility Facility, Service Structure and/or Use (other than an Office Establishment).....1 for each 500 square feet of gross floor area.

BUSINESS USES

PARKING SPACES

- (21) Amusement Establishment.....1 for each 200 square feet of gross floor area.
- (22) Boarding House, Rooming House, Lodging House.....1 for each rooming unit plus one additional space if over 5 units.
- (23) Business School or College.....1 for each 200 square feet of gross floor area.
- (24) Club.....1 for each 200 square feet of gross floor area.
- (25) Eating Establishment, Drinking Establishment.....1 for each 200 square feet of gross floor area.
- (26) Hotel, Tourist Court.....1 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25.
- (27) Mixed Use.....Sum of various uses computed separately.
- (28) Mortuary.....1 for each 1000 square feet of gross floor area used for mortuary purposes plus 1 for each dwelling unit.
- (29) Office Establishment.....1 for each 200 square feet of gross floor area.
- (30) Retail Establishment.....1 for each 200 square feet of gross floor area.
- (31) Service Establishment.....1 for each 200 square feet of gross floor area.



TRANSPORTATION USES

PARKING SPACES

- (32) Automotive Service Establishment.....1 for each 500 square feet of gross lot or 1 for each 200 square feet of gross floor area whichever requires the greater number of spaces.
- (33) Transportation Terminal Establishment.....1 for each 500 square feet of gross floor area.

WHOLESALE USES

PARKING SPACES

- (34) Warehouse Establishment, Wholesale Establishment.....1 for each 500 square feet of gross floor area.

INDUSTRIAL USES

PARKING SPACES

- (35) Industrial Plant, Manufacturing Establishment.....1 for each 2 employees on largest shift.

LOADING SCHEDULE

USES

LOADING SPACES

- Any Apartment Hotel, Apartment House, Multiple-family Dwelling, Community Facility. Public Utility Use, Business Use, Transportation Use, Agricultural Products Processing Use, Wholesale Use or Industrial Use which has an aggregate gross floor area of 10,000 square feet or more....1 plus 1 additional space for each 20,000 square feet of aggregate gross floor area, provided: (a) not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 80,000 square feet in which case there shall be 1 additional space for each additional 40,000 square feet in excess of 20,000 square feet.
- Mixed Use.....Sum of various uses computed separately.

Section 1101 - General Provisions. -

1101.1 - Location of Required Parking Facilities - The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve.

1101.2 - Location of Required Loading Facilities - The loading spaces required for the uses listed in the above schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

1101.3 - Use of Required Parking and/or Loading Facilities by Another Use - Any part of parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as a part of a parking and/or loading facility similarly required for another use unless the type of use indicates that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Board of Adjustment.

1101.4 - Encroachment and Reduction - A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

ARTICLE XII

SUPPLEMENTARY REGULATIONS

Section 1200 - Supplementary Use Regulations. -

1200.1 - Other Uses Permitted by the Zoning Board of Adjustment. -

Where the terms "any other principal" or "any other accessory use" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Zoning Officer and the Zoning Board of Adjustment, as evidenced by a written decision from the Zoning Board of Adjustment, are similar to and not more objectionable to the general welfare than the uses listed in the same Section. "Any other use" so determined by the Zoning Board of Adjustment shall be regarded as a permitted use.

1200.2 - Essential Services. - Essential services, as defined in the Zoning Ordinance, shall be permitted in any Zoning District.

1200.3 - Soil Removal. - Any person, firm or corporation shall not strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction, alteration of a building on such premises, and excavation of grading incidental thereto.

Section 1201 - Supplementary Height Regulations. -

1201.1 - Height Regulations Not Apply. - The maximum height limitations for this Section shall not apply to:

(1) Principal Structures:

Church, college, farm structure (other than a farm dwelling), governmental, governmental authority, hospital, radio or television tower, sanatorium, sanitarium or public utility structure which is a permitted use and which is located in any Zoning District, provided:

- (a) If over 2-1/2 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.

(2) Appurtenant Structures:

Church spire, belfry, cupola, dome, monument, smokestack, derrick, conveyor, flag pole, radio tower, television tower, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:

- (a) Any such structure shall set back from the vertical plane of the permitted building line 1 foot horizontally for each 2 feet of height which exceeds the maximum height permitted in the Zoning District in which it is located.

(3) Special Industrial Structures:

Cooling tower, grain elevator, sugar refinery, gas holder, or other structure where the industrial process requires a greater height. Any such structure except a grain elevator, where above the maximum height permitted in the Zoning District in which any such structure is to be located, shall not occupy more than 25 percent of the lot area, it shall not be less than 25 feet from any lot line not a street lot line and it shall not be less than 1 foot from the opposite side of each abutting street for each 2 feet of vertical height.

(4) Existing Designed Structures:

The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:

- (a) The building was actually designed and constructed to carry the additional stories necessary for such height.

Section 1202 - Supplementary Area Regulations. -

1202.1 - Number of Principal Structures on a Lot. - Except in the case of permitted planned developments for an agricultural processing establishment, cemetery, church, college, cottage or tent camp, dwelling group, farm, governmental or governmental authority facility, hospital, industrial use, institutional home, nursery, public housing, public utility facility, sanatorium, sanitarium, school, shopping center or trailer camp, not more than one principal structure shall be located on a zoning lot, nor shall a principal dwelling building be located on the same zoning lot with any other principal building, provided the minimum distance between principal structures, where permitted to be located on the same zoning lot, shall be 6 feet plus 3 feet for each story over the first story of the higher building between principal structures upon which no windows open and 12 feet plus 6 feet for each story over the first story of the higher building between other principal structures.

1202.2 - Lot Width and Area Exceptions for Lot of Record. - A one-family detached dwelling may be constructed on any lot of record at the effective date of the Zoning Ordinance.

1202.3 - Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots. - When any main wall of a structure located on an irregularly shaped lot shall not parallel the lot line which the wall faces, the yard or minimum distance to lot line dimension at every point shall be at least equal to the minimum dimension required for the yard or distance to lot line, whichever is applicable.

1202.4 - Projections into and Occupancy of Yards, Courts or Other Open Spaces. - The following projections into and the occupancy of required yards, courts or other open space, except a porch and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions:

- (1) Steps, Stoop, Window Sill, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney. -  
Provided:

(a) It shall not project more than 4 feet beyond the face of the wall.

- (2) Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress. - Provided:

(a) It shall not project more than 4 feet beyond the face of the wall.

- (3) Tree, Shrub, Lawn, Flowers, All Other Vegetation. -  
Provided:

(a) Any vegetation shall not obstruct visual clearance at intersecting streets by being over 3 feet in height within the triangular area formed by the intersection of the curb lines and a straight line adjoining said curb lines at points which are 15 feet distant from the point of intersection, measured along said intersecting curb lines. If a corner is already obstructed, any vegetation shall not further obstruct it.

ARTICLE XIII

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1300 - Intent and Standards

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Board of Adjustment to be in conformity with existing law.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Section 1301 - Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 1302 - Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 1302.1 (a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1300 of this ordinance.
- (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- (c) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 1303 - Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1303.1 (a) A structure may be enlarged or altered in a reasonable amount as approved by the Board of Adjustment.
- (b) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Board of Adjustment.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

Section 1304 - Non-Conforming Uses of Structures

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1304.1 (a) An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Board of Adjustment.
- (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- (d) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- (e) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (f) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 1305 - Repairs and Maintenance

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.



Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 1306 - Uses Under Exception Provisions Not Non-Conforming Uses

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

Section 1400 - Office of Zoning Administrator. -

1400.1 - Creation of Office. - The Office<sup>of</sup> Zoning Administrator of East Lackawannock Township, Pennsylvania is hereby created and the official in charge thereof shall be known as the Zoning Officer.

1400.2 - Appointment. - The Zoning Officer shall be appointed by the Board of Supervisors.

1400.3 - Official Records. - An Official record shall be kept of all business and activities of the Office of Zoning Administrator specified by provisions of the Zoning Ordinance and all such records shall be open to public inspection at all appropriate times.

1400.4 - Compensation of the Zoning Officer. - The compensation of the Zoning Officer shall be as determined by the Board of Supervisors.

Section 1401 - Duties and Powers of the Zoning Officer. - The Zoning Officer shall interpret and enforce all the regulations and provisions of the Zoning Ordinance, and shall have such duties and powers as are conferred on him by the Zoning Ordinance and are reasonably implied for that purpose.

1401.1 - Applications, Permits and Certificates of Use and Occupancy. - He shall receive applications for and issue Permits and Certificates of Use and Occupancy in accordance with the provisions of the Zoning Ordinance.

1401.2 - Annual Report. - At least annually, he shall submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy, Notices issued and Orders promulgated.

Section 1402 - Inspection. -

1402.1 - Preliminary Inspection. - Before issuing a Permit, the Zoning Officer shall examine, or cause to be examined, all structures and/or land for which an application has been filed for a Permit and he shall conduct such inspections from time to time during and at completion of the work for which a Permit has been issued.

1402.2 - Final Inspection. - Upon completion of the structure and/or change or increase in intensity of use of a structure and/or land, and before issuance of the Certificate of Use and Occupancy as required herein, a final inspection shall be made and all violations of the approved plans and/or permit shall be noted and the holder of the permit shall be notified of the discrepancies in writing.

1402.3 - Right of Entry. - The Zoning Officer shall have the authority to enter at any reasonable hour any structure and/or land in the Township to enforce the provisions of the Zoning Ordinance. A letter of his authority shall be provided by the Supervisors.

1402.4 - Official Badge. - He may adopt a badge of office for himself which shall be displayed for the purpose of identification.

Section 1403 - Application for Permit and Certificate of Use and Occupancy. -

1403.1 - When Permit is Required. - It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure (except a sign as prescribed in Subsection 1000.47 or an accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area) or change the use, intensity of use, or extend or displace the use of any building, other structure and/or land in the Township without first filing an application with the office of the Zoning Officer in writing and obtaining the required Permit therefore.

1403.2 - When a Certificate of Use and Occupancy is Required. - It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required herein until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the office of the Zoning Officer as required therein.

1403.3 - Forms of Application. - The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in the fee schedule in Sections 1404.11 and 1404.12.

1403.4 - Plot Diagram. - All applications shall be accompanied by a plot plan diagram (in duplicate) drawn to suitable scale showing all dimensions of lands or buildings satisfactory to the Zoning Officer to provide accurate means of review of the material presented in the application. One copy shall be returned to the applicant indicating approval or disapproval, one copy to be retained by the Zoning Officer.

1403.5 - Amendments to Application. - Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.

1403.6 - Expiration of Permits. - If work described in any permit has not begun within 90 days from the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected.

If work described in any permit has not been substantially completed within one year of the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special permit has been obtained.

At the discretion of the Zoning Officer, such special permit may be based on the original application or he may require submission of a new application. The special permit may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to insure completion within the time limit set.

1403.7 - Action on Application. - The Zoning Officer shall examine all applications for permits and amendments thereto within 10 working days after filing. If the requirements of the zoning ordinance are satisfied, a permit shall be issued. Disapproval of a permit shall be in writing to the party involved.

1403.8 - Action on Completion. - The Zoning Officer shall inspect any building, other structure and/or land within 10 days upon notification that the proposed work that was listed under the permit has been completed. If he is satisfied that the completed work is in conformity with and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original or amended Application.

1403.9 - Revocation of a Permit. - The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

Section 1404 - Conditions of Permit and Certificate of Use and Occupancy.

1404.1 - Payment of Fees. - No Permit shall be issued until the fees prescribed in the following schedule have been paid:

1404.11 - Applicable Permit Fees. - The following Permit fees where applicable shall apply:

Permit -	Two (\$2.00) dollars.
Amendment to or Renewal of a Permit -	Two (\$2.00) dollars.

1404.12 - Applicable Certificate Fees. - The following Certificate of Use and Occupancy Fees where applicable shall apply: (one certificate per lot).

In conjunction with Permit -	One (\$1.00) dollar.
For existing building, other structure, sign and/or land -	Three (\$3.00) dollars.
For each copy -	One (\$1.00) dollar.
For each transfer of ownership copy or amendment or renewal -	Two (\$2.00) dollars.

Section 1405 - Notice of Violation. - If the Zoning Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Section 1406 - Prosecution of Violation. - If the Notice of Violation is not complied with promptly, the Zoning Officer shall request the Township Solicitor to institute in the name of the Township the appropriate proceeding at law or in equity to restrain, to correct or to abate such violation or to require the removal of, or termination of the unlawful use and/or occupancy of the building, other structures and/or land in violation of the regulations or provisions of the Zoning Ordinance or of any order or direction made pursuant thereto.

Section 1407 - Violation Penalties. - Any person, firm or corporation who shall violate the regulations and/or provisions of the Zoning Ordinance or shall fail to comply with any of the requirements thereof, or who shall excavate for, erect, enlarge, construct, reconstruct, alter, convert, restore, repair, replace, extend, maintain, use and/or occupy any building, other structure and/or land in violation of the approved plan or directive of the Zoning Officer, or of a Permit or Certificate issued under the provisions of the Zoning Ordinance, shall for each violation, on conviction thereof, before any Justice of the Peace of the Township pay a penalty of not less than ten (\$10) dollars nor more than three hundred (\$300) dollars and upon default of payment of the penalty and costs, the person or persons may be committed to the County Prison not exceeding thirty (30) days. Each day that a violation continues shall be deemed a separate offense.

Section 1408 - Abatement of Violation. - The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action or proceedings to prevent unlawful construction or to restrain, to correct or to abate a violation or to prevent illegal use of or occupancy of any building, other structure and/or land or to prevent any illegal act, conduct, trade, industry, residence use or occupancy of any building, other structure and/or land.

Section 1409 - Stop-Work Order. -

1409.1 - Notice to Owner. - Upon notice from the Zoning Officer that work on or use or occupancy of any building, other structure and/or land is being prosecuted contrary to the regulations or provisions of the Zoning Ordinance, such work shall be immediately stopped. The Stop-Work Order shall be by written notice to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work may be resumed.

1409.2 - Condition of Discontinued Work. - Any person, firm or corporation who having been served with a Stop-Work Order or discontinues or abandons work shall not leave any building, other structure and/or land in such condition as to be a hazard or menace to the public safety, health, moral or general welfare. The Zoning Officer shall have the power to require that such building, other structure and/or land shall be put in such condition as he directs, the work on it shall be at the full expense of the person, firm or corporation who has been served with a Stop-Work Order.

ARTICLE XV

ZONING BOARD OF ADJUSTMENT

Section 1500 - Creation - Membership. -

1500.1 - Creation of Board.

A Zoning Board of Adjustment is hereby created.

1500.2 - Membership of Board.

The Board shall consist of three (3) members and they shall be appointed by the Board of Supervisors. One (1) member shall be designated to serve until the first day of January of the year following the adoption of the Zoning Ordinance, one (1) member until the first day of the second January thereafter, and one (1) member until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three (3) years. Any member of the Board shall be removable for cause by the Board of Supervisors upon written charges and after public hearing. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant.

Section 1501 - Organization and Meetings.

1501.1 - Organization of Board.

The Board shall select one (1) of its regular members to serve as Chairman. No member of the Board shall pass on any question in which he has any personal interest.

1501.2 - Rules of Board.

The Board shall adopt, and make available to the public, rules in accordance with the Zoning Ordinance for the exercise of its functions.

1501.3 - Meetings of Board.

Meetings of the Board shall be held at least once in each quarter and at such other times as the Board may determine, or upon call of the Chairman. The Chairman, or in his absence, the Acting-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed by the Secretary of the Board with the Township Secretary and shall be a public record.

Section 1502 - Appeals to the Board.

1502.1 - Appeals to the Board.

Appeals to the Board may be taken by any person or Township official aggrieved or affected by any provision of the Zoning Ordinance or by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time period, as provided by the rules of the Board, after receipt of notice by the aggrieved of the Zoning Officer's decision by filing with the Secretary of the Board a notice of appeal specifying the grounds thereof; and depositing with the Secretary of said Board a fee of fifteen (\$15.00) dollars. An appeal shall not be taken directly to the Board without first filing an application for a Permit and Certificate of Use and Occupancy as required herein. An appeal or an application for an appeal from the terms of the Zoning Ordinance shall be on such forms as provided therefore and shall set forth the facts as required by the Rules of the Board. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 1503 - Compensation of Board Members.

The members of the Board shall receive such compensation not to exceed six dollars (\$6.00) or less, for each meeting, as shall be fixed by the Board of Supervisors.

Section 1504 - Effect of Appeal.

1504.1 - Stay of Proceedings.

An Appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board, after the Notice of Appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court of Common Pleas of Mercer County, Pennsylvania on application, on notice to the Zoning Officer and due cause shown.

Section 1505 - Hearing of Appeal.

1505.1 - Notice of Hearing.

Upon filing the Appeal with the Board, the Board shall fix a reasonable time for the hearing of the Appeal, give public notice thereof, as well as due notice to the parties in interest as shall be determined by the rules of the Board. A copy of the notice of the hearing shall be submitted by the Board to the Planning and Zoning Commission for recommendation.

1505.2 - Public Hearing.

All meetings shall be public. Any party may appear at the hearings in person, or by agent or attorney. The appellant, his representative and any official of the Township and any other person whose interests may be affected by the matter on Appeal, shall be given an opportunity to be heard.

Section 1506 - Board's Decision Upon Appeal: Disposition of Appeals and Action on Permits.

1506.1 - Action of Board.

The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made with a concurring vote of at least two members within a reasonable time, as determined by the rules of the Board.

1506.2 - Resolutions of Board.

Every action of the Board shall be by resolution and notice shall be furnished to the appellant, to all parties in interest, to the Zoning Officer and to the Township Secretary and the Planning and Zoning Commission. The Board's decision in writing shall be immediately filed in the office of the Township Secretary and shall be a public record.

1506.3 - Termination of Permits.

If after a Permit has been authorized by the Board, such Permit is not applied for and not lifted within a period of six (6) months from the date of the authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

1506.4 - Modification of Permit.

Any Permit so issued shall not be modified except by action of the Board.

Section 1507 - Powers and Duties of the Board.

1507.1 - Review and Interpretation.

Upon appeal in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration and enforcement of the Zoning Ordinance.



1507.2 - Variances.

- (1) Upon Appeal in specific cases in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall have the power to authorize such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship and so that the spirit of the Zoning Ordinance, as prescribed in Section 101, shall be observed and substantial justice done. Any variance in the strict application of any regulations or provisions of the Zoning Ordinance shall not be granted by the Board unless it finds:
- (a) There are special conditions fully described in the findings of the Board, applying to the building, other structure and/or land for which the variance is sought, which conditions are peculiar to such building, other structure and/or land and do not apply generally to buildings, other structures and/or land in the immediate area and have not resulted from any act of the appellant or his predecessors in title subsequent to the adoption of the Zoning Ordinance or any amendment thereto, whether in violation of the provisions hereof or not.
  - (b) It is not provided for as a "special exception."
  - (c) For reasons fully set forth in the findings of the Board, the aforesaid conditions are such that strict application of the provisions of the Zoning Ordinance would deprive the appellant of the reasonable use of such building, other structure and/or land for any of the uses permitted by the Zoning Ordinance in the Zoning District where the lot is located, and the granting of the variance is necessary for the reasonable use of the building, other structure and/or land for one (1) of the uses permitted in the Zoning District; one that will require the least modification of the prescribed provisions and the minimum variance that shall accomplish this purpose.

1507.3 - Special Exceptions.

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its findings and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

1507.31 - Special Exceptions in Uses.

RESIDENTIAL USES

- (1) For the Alteration, Change in Intensity of Use and Use of any Existing One-Family Detached Dwelling in any Residential Zoning District for One (1) Additional Dwelling Unit - provided:
- (a) the height regulations and yard requirements shall not be violated. 25,000
  - (b) the minimum lot area per dwelling unit shall not be less than ~~XXXXXX~~ square feet per dwelling unit.
  - (c) 1 parking space shall be provided for the additional dwelling unit to be provided.
  - (d) that any proposed alteration, change in intensity of use and use shall meet all the requirements of the Township, State Boards of Health, and the Fire and Panic Laws of the Commonwealth of Pennsylvania.

BUSINESS USES

- (2) For the Temporary Erection and Use of a Real Estate Office and/or Contractor's Storage Yard in any "R-2" Zoning District.

In cases where such use is incidental and reasonably necessary to the development of housing or construction purposes, and where the proposed use is clearly of a temporary nature, to be abandoned as the adjacent areas become occupied for residential use. Any Permit so authorized shall be only for such limited period of time, in no case more than 1 year, or as the Board, considering the character of the area in question, shall determine is reasonable, provided:

- (a) such Permit shall be conditional upon written agreement by the owner to remove any building or other structure erected thereunder upon the expiration of the Permit.

INDUSTRIAL USES

- (3) For the Extraction of Natural Resources in Any Zoning District.

Such as sand, gravel, clay, stone, slate or other produce of nature, together with the necessary accessory structures in a Zoning District restricted against such use by the Zoning Ordinance, for such period and under such conditions as are reasonable considering the character of the Zoning District in question, provided:

- (a) it shall be conditional upon written agreement by the owner and to the satisfaction of the Board that the site will be enclosed by a suitable fence or other safety measure.
- (b) adequate requirements and safeguards shall be made as to the prevention of fire, noise, vibration, odor, glare, heat, smoke, water carried waste or other objectionable influence.

- (c) adequate assurances satisfactory to the Board shall be provided to guarantee use of the site after extraction has ceased.

OTHER USES

- (4) For the Reasonable Extension of Use Regulations in Any Zoning District into Another Zoning District - Over a lot divided by a Zoning District boundary line, provided:
  - (a) such extension shall not be more than 50 feet beyond the boundary line of the Zoning District, when all parts of such lot are held under the same ownership at the effective date of the Zoning Ordinance.
  
- (5) For the Use of Land For, and For the Erection, Alteration or Enlargement and Use of Any Building and/or Other Structure in Any "I" Zoning District which shall conform to the Height Regulations and Area Regulations of the "I" Zoning District. For any Use Prohibited in the "I" Zoning District by the Use Regulations and Use Provisions of the Zoning Ordinance - provided:
  - (a) the Board determines in each instance, such use shall be essential to the general welfare of the community.
  - (b) the proposed location shall be such as to offer a reasonable protection to the immediate area against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby residential streets that must not be traversed in bringing the material to the site.
  - (c) it shall not be in conflict with any other law or ordinance of any governmental agency having pertinent jurisdiction.
  - (d) that such building, other structure or use shall not occupy more than 50 percent of the buildable area of the lot.
  - (e) it shall be convincingly demonstrated to the Board by competent technical experts that such prohibited use can and shall make such use of advanced technical equipment and processes as it shall no longer justify prohibition of such use.

1507.32 - Special Exceptions in Off-Street Parking Facilities.

- (1) For the Modification of Off-Street Parking Facility Requirements in any Zoning District - provided:
  - (a) such modification shall be consistent with the purpose and intent of such requirements.
  - (b) it shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.

- (c) if after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has such peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified.

Section 1508 - Appeal from Board's Decision. -

Any person aggrieved by any decision of the Board or any taxpayer or the Board of Supervisors, may within 30 days after such decision of the Board appeal to the Court of Common Pleas of Mercer County, Pennsylvania, by petition, duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law and specifying the grounds upon which he relies.

Section 1509 - Writ of Certiorari. -

Upon presentation of the petition in proper form, the Court shall forthwith issue a writ of certiorari directed to the Board commanding it within 20 days after the service thereof, to certify to the Court under the certificate of its Chairman, its entire record in the matter in which the Appeal has been taken. The Prothonotary shall serve the Board by registered mail with a copy of the writ and a copy of the Appeal petition. On or before the return day of the writ, the Board shall file the entire record with the writ in the Office of the Prothonotary of Mercer County, Pennsylvania.

Section 1510 - Order of Supersedeas. -

Any time during the pendency of an Appeal, upon application of the appellant and upon due notice to the Board, the Court, or a judge thereof, may after hearing grant an order of supersedeas upon such terms and conditions, including the filing of security, as the Court or the judge thereof may prescribe.

Section 1511 - Testimony. -

If upon the hearing of the Appeal it shall appear to the Court that testimony is necessary for the proper disposition of the Appeal, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court, with his findings of facts and conclusions of law.

Section 1512 - Disposition of Appeals: Costs. -

The Court may reverse, or affirm, in whole or in part, or may modify the decision appealed from as it may appear just and proper. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

ARTICLE XVI

AMENDMENT, SUPPLEMENT OR CHANGE

Section 1600 - Procedure for Amendments

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed, by the Board of Supervisors in accordance with the Second Class Township Code and with the following general procedures:

- (1) Any amendment, supplement, change, modification or repeal may be initiated by:
  - (a) The Commission
  - (b) The Board of Supervisors
  - (c) A notarized petition to the Board of Supervisors.
- (2) Such amendments shall be submitted to the Board of Supervisors at a regular meeting of the Board, who shall within five days after receipt or initiation of any amendments transmit the petition to the Commission for study and recommendation.
- (3) The Supervisors shall upon receipt of such amendments set a date for public hearing, which shall not be less than 30 days nor more than 40 days from the receipt of the petition or initiation of amendments. At least fifteen (15) days notice of the time and place of such hearing and a general summary of the proposed amendments shall be published in a newspaper of general circulation in the Township.
- (4) The Board of Supervisors shall in addition to the above transmit a copy of the proposed amendments, changes or supplements, within 5 days, to the Mercer County Planning & Zoning Commission for recommendation.

The Mercer County Planning & Zoning Commission shall recommend the approval, disapproval or modification of the proposed amendments to the Commission and Supervisors. Such recommendations shall not be binding upon the Supervisors, but shall be considered at their public hearing.

- (5) The Commission shall within 30 days of receipt of the proposed amendments, supplements, or changes, recommend approval, disapproval or modification of the proposals to the Board of Supervisors in sufficient time for consideration at the public hearing.
- (6) In case, however, of a protest against such change, signed by owners of 20 percent or more, either of the areas of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of a majority of the members of the Board of Supervisors.

ARTICLE XVII

VALIDITY

Section 1700 - Severance. - If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or work in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulations, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

ARTICLE XVIII

REPEAL

Section 1800 - Ordinance Repealed. - Any resolution, or ordinance or any part of any resolution or ordinance, conflicting with the provisions, regulations, limitations and/or restrictions of the Zoning Ordinance shall be and the same is hereby repealed to the extent of such conflict.

ARTICLE XIX

DEFINITIONS

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural and the plural, the singular; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

Airport: Any landing area, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces within the airport boundaries.

Alley: The space or area between the rear or side lot lines of lots which has a minor right-of-way less than twenty (20) feet in width which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

Alteration: As applied to a building or structure, is a change or rearrangement in the structural parts of or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alteration, Structural: A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams or girders.

Apartment House: A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

Apartment Unit: One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

Automotive Garage: A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer).

Automotive Gasoline Service Station: Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan, repairs of radiator requiring removal thereof, or complete recapping or retreading of tires.

Automotive and/or Trailer Sales Area: An open space, other than a public or private street, used for the display or sale of new or used automobiles, trailers, trucks, or farm equipment and where no repair work is done except that which is minor and incidental (not including body and fender work).

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A portion of the building partly underground, having one-half (1/2) or more than one-half (1/2) of its clear story below the average grade of adjoining ground. A basement is not included in computing the number of stories for the purpose of maximum height regulations.

Block: The length of a street between two (2) street intersections. A block shall be considered to have a maximum length of 1600 feet.

Block Frontage: The sum of the lot frontage of the lots in a block upon which principal buildings are situated.

Board of Supervisors: The Board of Township Supervisors of East Lackawannock Township, Mercer County, Pennsylvania.

Boarding House: A building or portion thereof, arranged or used for sheltering and feeding for compensation more than five (5) and not more than twentieth (20) individuals who are not members of the proprietor's family.

Board: The Zoning Board of Adjustment of East Lackawannock Township, Mercer County, Pennsylvania.

Breezeway: Any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

Building: An enclosed structure or edifice, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and structural support of persons, animals or property of any kind.

Building, Accessory: A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached: (A building which has one (1) party wall in common with an adjacent building) Both side walls of all except end structures are party walls.

Building, Detached: A building which has no party wall.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

*definition not part of def.*

*Add def. of semi-detached*



Certificate of Use and Occupancy: A statement, based on an inspection signed by the Zoning Officer, setting forth either that a building, other structure and/or land conforms with the provisions prescribed in the Zoning Ordinance, or that a building, other structure and/or land may lawfully be occupied or used for a specified use or uses.

Club, Membership: A building to house the activities of a club or social organization, not including one conducted for profit and which is not an adjunct to or operated for or in connection with a public tavern, cafe or other place of business.

East

Commission: The Lackawannock Township Planning and Zoning Commission.

Convalescent Home: A dwelling converted into quarters or constructed with quarters for the care of sick, aged or infirmed person.

Court: A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure or by such walls and a lot line.

Court, Outer: A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

Curb Level: The elevation of the street grade as established in accordance with law or when a curb level has not been established, the grade of the center of the street.

Curb Line: The line establishing the width of a cartway in a right-of-way.

Day Nursery School: A school for the education of children under six (6) years of age, not including therewith rooming, boarding or lodging accommodations.

Drive-In Business: A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

Drive-In Theatre: A place of business where persons normally remain in motor vehicles to watch some type of theatre entertainment.

Driveway, Service: An open space located on a private lot built for access to a private garage or to any structure located on the lot.

Dwelling (Dwelling Building): A building arranged for, containing dwelling unit or units, and used exclusively for residential occupancy, including a one-family, two-family, row and a multiple-family dwelling, but not including a boarding house, convalescent home, hospital, institutional home, lodging house, motel, rooming house, tourist court or a tourist home.

Dwelling Unit: One (1) or more living or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Dwelling, Multiple-Family: A building having three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door.

Dwelling, Two-Family: A building having two (2) dwelling units and containing but two (2) families and may be either semi-detached with one (1) family living on either side of a common party wall, or with one (1) family living over the other each with its own exterior entrance door (Single-Duplex).

Enlargement: A construction activity which increases the size of a building or other structure.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or municipal authorities for the public health, safety or general welfare.

Family: A single individual, doing his/ or her own cooking, and living upon the lot as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit.

Farm: A lot ten (10) acres or more devoted to or available for the cultivation of land, and agricultural uses.

Floor Area (Gross Floor Area): The sum of the gross horizontal areas of the several floors or a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Fraternity House: A dwelling maintained exclusively for members enrolled in an academic college or university.

Garage, Private: A structure or any portion thereof accessory to a dwelling used for the housing of not more than three (3) private motor vehicles. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

Grade: The mean curb level; or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the principal structure on all sides.

Golf Course: An open area and its necessary buildings, used for the playing of golf, not including a driving range, miniature course, or eating facilities in a separate building operated for additional profit.

Height of Building: The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Height of Story: The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

Height of Wall: The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Highway: A road or highway of the State highway system.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

Hospital: A private or public institution for the reception and care of sick or wounded, infirmed or aged persons.

Hospital, Veterinary: A structure designed or converted for the care of and/or treatment of sick or wounded domestic animals.

Hotel: A building containing rooms for more than twenty (20) persons, intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Housekeeping Unit: A building or a portion of a building arranged for the use of one (1) or more individuals each with its own cooking, living, sanitary and sleeping facilities.

Institutional Home: A building used for health or welfare purposes by a non-profit organization.

Junk: Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be dissembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard.

Land: A portion of the earth's surface which is capable of being used or occupied.

Line, Front Lot: A street lot line upon which the principal structure on the lot front, or in the case of a vacant lot or a lot occupied only by an accessory structure, the narrowest street lot line.

Line, Lot: A line forming the front, rear, or side of a lot as described in the recorded title. Any lot line which abuts a street or other public way shall be measured from the right-of-way.

Line, Rear Lot: A lot line which is opposite and most distant from the front lot line. But in the case of corner lots, the owner shall have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear lot line, provided: (a) such choice, in the opinion of the Zoning Officer shall not be injurious to the existing or to the desirable future development of adjacent lots. The rear lot line of any irregular or triangular lot shall be a line entirely within the lot and at least ten (10) feet in length.

Line, Set-Back Building: A building line which determines the location of a building or structure with respect to any street lot line.

Line, Street Lot: The lot line dividing a lot from a street right-of-way.

Loading Area: An off-street open space located on the same lot as the principal use and used exclusively for the loading or unloading of motor vehicles.

Loading Space: An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access and which is not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height.

Lot: An area of land in one (1) ownership, used or occupied or capable of being used or occupied by a building(s), other structures(s) and/or use(s) including such open spaces as are required and which is described by reference to a recorded plat or by metes and bounds. The lot shall not include any portion of the street right-of-way.

Lot Area: The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

Lot Area, Percentage of: The maximum exterior horizontally projected areas of any principal building(s) or principal structure(s) on a lot measured at grade and including permissible yard and court encroachments and street projections as herein provided.

Lot, Corner: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection of which is not more than one hundred thirty-five (135) degrees.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage: The horizontal distance measured along the front lot line between the side lot lines.

Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.

Lot, Non-Conforming: A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

Lot of Record: An area of land which constitutes a separate lot as duly recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

Lot, Through: An interior lot the front and rear lot lines of which abut streets, or a corner lot two (2) opposite lines of which abut streets.

Lot Width: The mean horizontal distance between the side lot lines.

Mortuary: A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as an incidental use.

Motel: (See Tourist Court)

Motor Freight Terminal: A lot maintained by a motor freight company which is the origin and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

Open Space: An area of land unoccupied by a building and/or other structure.

Owner: The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot in question.

Parking Area: An open space on a lot used as an accessory use for the parking of automotive vehicles.

Parking Space: An off-street space having an area of not less than two hundred (200) square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit: A license issued by the Zoning Officer which permits the applicant to proceed with the work certified by the Zoning Officer in the permit application.

Person: An individual, association, co-partner or corporation.

Planned Development: A zoning lot which is developed under single ownership on which two (2) or more principal structures are permitted and which shall include an agricultural processing establishment, cemetery, church, college, cottage or tent camp, dwelling group, farm, governmental or governmental authority facility, hospital, industrial use, institutional home, public housing, public utility facility, sanatorium, sanitarium, school, a shopping center and a trailer camp.

Plat: A map, plan or chart of a section or subdivision of the Township indicating the location and boundaries of individual lots.

Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Porch: A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Sign: A principal or accessory structure which is arranged, intended, designed or used as an advertisement, announcement or direction; and which includes a sign screen, billboard, poster panel and advertising, business and identification devices of any kind.

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment, conducted or sold or offered only elsewhere than upon the premises where the sign is displayed.

Sign, Business: A sign which directs attention to a business, profession or industry conducted, or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Sign, Identification: A sign used to display and identify only the name of the individual, business, profession, organization or institution occupying the premises upon which it is displayed.

Sign, Surface Area: The entire show area of a sign within a single continuous perimeter.

Sign, Wall: A sign which is painted on or attached directly to the building wall and which extends not more than twelve (12) inches from the face of the wall.

Sorority House: A dwelling maintained exclusively for members enrolled in an academic college or university.

Story: A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

Story, Half: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Street: A roadway or public way which is dedicated or deeded to public use by legal mapping by the user or by another lawful procedure.

Structure: A combination of materials forming a construction for occupancy and/or use including among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharve, open shed, coal bin, shelter, fence, wall and a sign.

Structure, Accessory: An attached, semi-detached or detached subordinate structure, the use of which is customarily incidental and subordinate to that of the principal structure and which is located on the same lot as that occupied by the principal structure.

Structure, Non-Conforming: A structure lawfully existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto which does not completely conform with the height regulations, area regulations and other provisions prescribed for the Zoning District in which it is located.

Structure, Principal: A structure in which is conducted the principal use of the lot on which it is located.

Terrace: A natural or artificial embankment which is higher than the curb level.

Terrace, Height of: The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

Tourist Court: Any group of attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients, including an auto court, motel, cabin and/or motor lodge.

Tourist Home: A dwelling originally designed for single family occupancy which is now identified as supplying overnight accommodations for not more than twenty (20) transient guests, not including a lodging, rooming or boarding house or a tourist court.

Trade School (Industrial School): A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

Trailer: A structure used for temporary housing which is designed for vehicular mobility and not as a permanently located dwelling building.

Trailer Camp: A lot occupied or designed for occupancy by two (2) or more trailers used for living or sleeping purposes.

Transient: Any individual residing or stopping in the municipality for less than thirty (30) days at any one time.

Use, Accessory: A use customarily incidental and subordinate to the principal use of a building, other structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

Use, Non-Conforming: A use of a building, other structure and/or land lawfully existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zoning District in which it is located.

Use, Principal: The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance. All other structures or uses on the same lot and incidental or supplemental thereto and permitted under the Zoning Ordinance shall be considered accessory uses.

Written Notice: Written notice shall be considered to have been served if delivered in person to the individual, person or to the parties intended, or if delivered or sent by certified mail to the last address known to the party giving the notice.

Yard: An open unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: A yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

Yard, Minimum Dimension: The least horizontal distance at any point, measured at grade from and parallel to a lot line to a main wall of a principal building exclusive of permissible yard encroachments and occupancy and street projections as herein provided.

Yard, Rear: A yard across the full width of the lot, extending from the main wall of a principal building to the rear lot line of the lot.

Yard, Side: A yard between the main wall of a principal building and the adjacent side lot lines of the lot, extending from the front yard to the rear yard.

Zoning Officer: The agent or official designated by the East Lackawannock Township Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Map: East Lackawannock Township Zoning Plan Map.

Zoning Ordinance: East Lackawannock Township Zoning Ordinance.



ARTICLE XX

EFFECTIVE DATE

Section 2000 - Effective Date. - The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Board of Township Supervisors of East Lackawannock Township, Mercer County, Pennsylvania.

We hereby certify that the East Lackawannock Township Zoning Ordinance was adopted by the Board of Township Supervisors of East Lackawannock Township Mercer County, Pennsylvania this Thirteenth day of December, A.D., 1965.

TOWNSHIP OF  
MERCER COUNTY, PENNSYLVANIA

(SEAL)

(Robert S. Moose)  
CHAIRMAN OF BOARD  
OF SUPERVISORS

ATTEST:

(John L. Woods)  
SUPERVISOR

(Earl W. Shaffer)  
SUPERVISOR

(John L. Woods)  
TOWNSHIP SECRETARY

ARTICLE XXI  
CERTIFICATION

Section 2100 - Certification. -

I do hereby certify that the foregoing is a true copy of Ordinance  
Number One, adopted by the Board of Township Supervisors  
of East Lackawannock Township, Mercer County, Pennsylvania on December 13,  
A.D., 1965.

(SEAL)

(John L. Woods)  
TOWNSHIP SECRETARY

ZONING HEARING BOARD  
FUNCTIONS AND DUTIES

The Zoning Hearing Board has probably the most important function in the whole zoning process, after zoning is once adopted in the community. It is probably the single group which, by nature of its duties, will be required to know as much or more, about the zoning ordinance than any other group involved in zoning, with the one exception of possibly the zoning inspector. It is to this Board that people will bring their complaints, ask for "adjustments" and in general, attempt to see that the ordinance is not presenting undue problems to their way of living or working in the community.

This Board must know the entire zoning ordinance, understand the meaning and intent of the ordinance, and be in a position to fairly interpret any provisions that might be questioned. They will not be able to slide by this understanding, because the people often represented by an attorney (presenting their questions and appeals to you will often note the particular provisions that apply to their problem better than you.) You must not let this happen.

The Zoning Hearing Board is literally in a position to ruin the best-written zoning ordinance by the lack of attention to the zoning process and lack of understanding of their function. A lot of time and effort by many people have gone into the preparation of the zoning ordinance. It is therefore imperative that the Board understand and administer their duties in the best possible fashion, otherwise the whole process may become weakened to the point where it is almost useless.

There are two basic and distinct functions which the Board of Adjustment has powers to do. They are:

- (1) Grant special exceptions when they are provided for in the ordinance and under such conditions as specified in the ordinance. No other.
- (2) Grant variances - There are no other functions which the Board has to concern itself with in the zoning process.

There are a few guiding points which I think are worth mentioning in respect to your operation as an official-appointed body of a community. Most of the duties are spelled out in the particular section of the zoning ordinance pertaining to the Zoning Hearing Board. Some things should be elaborated upon, however, a bit more.

- (1) The Zoning Hearing Board cannot be dictated to by any other community official. You are independent and your thinking and work must remain as must so as possible.
- (2) While the ordinance provides that you may be compensated if the elected officials so desire, it is better in most instances, that you do not receive any pay for your meetings as a matter of policy.
- (3) Adopt rules and regulations for your Board after you have had one or two hearings to see exactly what is needed. Such things as meeting dates, time of the meeting, the place, policies pertaining to official actions, etc., should be among many of the things included in your official rules and regulations.

- (4) The hearing itself is most important. A few pertinent points should be brought out in conducting the official hearing. These are most important in seeing that your hearing runs properly and that the community and the individual is fairly represented.
- a. It takes a quorum of two of three members to have an official meeting. Any actions must be by majority of the Board present.
  - b. A record of attendance at the meetings as far as the Board members or any persons present at the hearing should be kept as part of your minutes.
  - c. Minutes of your meetings in themselves are most important. They should be as thorough and complete as possible. These minutes of the Board may be reviewed by court if the person appeals the Board's decision. Therefore, the minutes must be accurate and business-like. They should be preferably typed and accessible to the general public. At least one copy should be carefully kept where they will not be lost.
  - d. The meeting itself must be conducted with maximum control. The Chairman must run the meeting, not the meeting run the Board's hearing. No one should be allowed to speak unless officially recognized by the Chairman. The Secretary of the Board should take notes of what is said, names and addresses of persons speaking, and if necessary, in critical cases that might have possibilities of appeal to the courts, it would even be worthwhile to hire a public stenographer to have a complete record of the hearing. People speaking or testifying should direct their remarks to the topic at hand and not something that has nothing to do with the hearing.
  - e. Some of the legal qualifications of the hearing itself:
    1. The Board should consider the nature and quality of objections that are raised by individuals at the hearing, not the number of objections. It is not a public debating session. There are no moves by people present and the number of people there objecting to a particular problem should not be considered. Keep in mind that most of the people there will have a strong position or they would have no reason for being there. Once again, the quality of the objections and their content of their discussion is what you are concerned with as a Board.
    2. You must grant the person a full and complete hearing. Don't go into the hearing with any preconceived notions as to what you are going to decide and give the appellant a chance to explain his views to you.

3. Again, the majority of the Board must be present at the hearing.
4. Do not agree or disagree with the appellant, or persons making particular points at the hearing. You are there to listen to them, not engage in a debate. Any opinions you may express at the hearing may put the appellant in a difficult position or the Board in either case.
5. Do not base your findings on the opinions of legal counsel representing the appellant. They are paid to look at one side only, that of their client. You are there to evaluate not only their opinion, but the ordinance provisions in themselves as it applies to the entire community.
6. You must summarize in your minutes the testimony taken at the hearing as accurately as possible.
7. Reasons for actions of the Board must be in the records, i.e., your minutes, not that you just approved or disapproved the appeal, but why you took the actions that you did.
8. Do not take a vote at the time of the hearing itself, even though you are fairly well decided as to what your decision will be after listening to the discussion. It is better to have your official vote at a succeeding meeting after you have had chance to evaluate all of the points brought out at the hearing. That is exactly the purpose of the hearing. Give yourself a chance to evaluate all of the material presented to you.
9. If any Board member has a conflict of interest on a matter being considered, so state and remove yourself from any discussion, decision or vote.

One final thing that bears some more emphasis and discussion is the matter of the VARIANCE and the SPECIAL EXCEPTION.

- (1) The variance as it might imply, simply means that the Board can vary the ordinance if there are good and substantial reasons. A few points in emphasizing the use of a variance:
  - a. It must be sparingly used. As a general rule, if a lot of variances to the ordinance are being given, then something may be wrong with the ordinance itself or the Board may not truly understand their function.

- b. There must be peculiar circumstances present in order to vary a particular part of the ordinance.
  - c. Hardships ----there must be a very substantial and compelling force. This means "hardship" in the use of the land or buildings for purposes permitted in a particular district in which the person is located. Financial hardship is not a just consideration to vary the ordinance. The fact that the person can make more money by having a variance is not a justification for granting it.
  - d. The appellant must prove to you:
    - (1) That the variance being requested will not be contrary to the public interest. You as a Board, representing the public, must at all times keep the public interest in mind. This is the basic purpose for which zoning was adopted, to provide the public at large, protection. Anything contrary to that in respect to a variance that is applied, should be denied.
    - (2) Unnecessary hardship will result if the variance is not granted. Again, financial gain is not a type of hardship to consider.
  - e. Rezoning from residential to commercial or commercial to industrial, etc. is a power of the elected officials only. This is not a power of the Zoning Hearing Board. At times some of the appeals brought before you will be of this very nature and they should be denied. The person in such cases has ample methods to amend the zoning map in the proper fashion.
- (2) The special exception involves an unusual type of use that may, upon certain conditions, be permitted in a given district subject to two very basic and important considerations:
- a. That the use is listed as a special exception in the zoning ordinance.
  - b. That conditions for such use are specified in the zoning ordinance. If adequate conditions are not listed in the zoning ordinance for granting of a special exception, then the Board should use extreme caution in specifying additional conditions unless in some instances the Board has developed formal written policies for certain peculiar situations pertaining to uses listed as special exceptions to the ordinance.

The special exception cannot be used to permit the uses in a zone otherwise specified in the ordinance. At times the Board will be asked to do this very thing. If the Board grants such requests, you are exercising a legislative power and in a technical sense, amending the zoning map. This is not within the realm of the Zoning Hearing Board. The Board cannot rezone land to another classification.

**EAST LACKAWANNOCK TOWNSHIP  
MERCER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2-2002**

AN ORDINANCE AMENDING THE EAST LACKAWANNOCK TOWNSHIP ZONING ORDINANCE.

WHEREAS, it has come to the attention of the Supervisors of East Lackawannock Township, Mercer County, Pennsylvania that residential dwellings that have been destroyed by disasters beyond the control of their owner/residents may not be rebuilt in certain zoning districts in the Township; and

WHEREAS, the Township Supervisors have also noted that certain natural expansions common in today's society of these non-conforming residential uses are also prohibited; and

WHEREAS, the Township Supervisors wish to permit residential use owner/residents more freedom to invest in their residences at their own risk as they see fit;

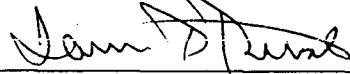
NOW THEREFORE BE IT RESOLVED, that to fulfill these purposes Section 1302.2 is hereby added to the East Lackawannock Township Zoning Ordinance, which section reads as follows:

Section 1302.2

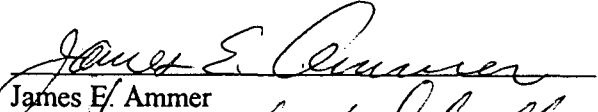
- (a) Notwithstanding any other section in this Ordinance, a residence that is destroyed by a disaster beyond the control of the landowner may be rebuilt in compliance with this Ordinance's yard line requirements at up to 25% coverage of the lot area.
- (b) Notwithstanding any section of this Ordinance that prohibits expansion of a residential structure or additional usual accessory structures, like garages or pools, an expansion up to 25% of the total lot area for these purposes is permitted.

ORDAINED AND ENACTED, this 9<sup>th</sup> day of April, 2002, at a Regular Meeting of the East Lackawannock Township Board of Supervisors.

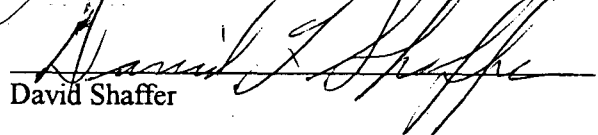
TOWNSHIP OF EAST LACKAWANNOCK  
BOARD OF SUPERVISORS



James P. Rust

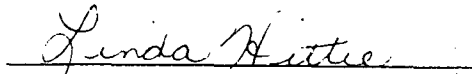


James E. Ammer



David Shaffer

ATTEST:

  
Linda Hittie, Secretary  
Township of East Lackawannock

AMENDMENT TO ZONING

ORDINANCE NO. 14

EAST LACKAWANNOCK TOWNSHIP

WHEREAS Section 800 of Ordinance No. 1965-1 of East Lackawannock Township which became effective on December 23, 1965, created an Interchange Development Zoning District;

WHEREAS said Interchange Development Zoning District was depicted on The East Lackawannock Township Zoning Map attached to and made a part of said Ordinance No. 1965-1; AND

WHEREAS due to a change of circumstances the Board of Supervisors of East Lackawannock Township thinks it advisable to change this Industrial Zoning District to Interchange Development Zoning District as described in Section 900 of said Ordinance No. 1965-1 as permitted under Section 1600 of said ordinance;

BE IT NOW ORDAINED by the Township of East Lackawannock Mercer County, Pennsylvania, that in the interest of promoting the health, safety, morals or the general welfare of the Township, that the following be enacted into law to read as follows, viz.

Section 101 The East Lackawannock Township Zoning Map is revised to show that the area formerly zoned Industrial District shall henceforth be zoned Interchange Development District.

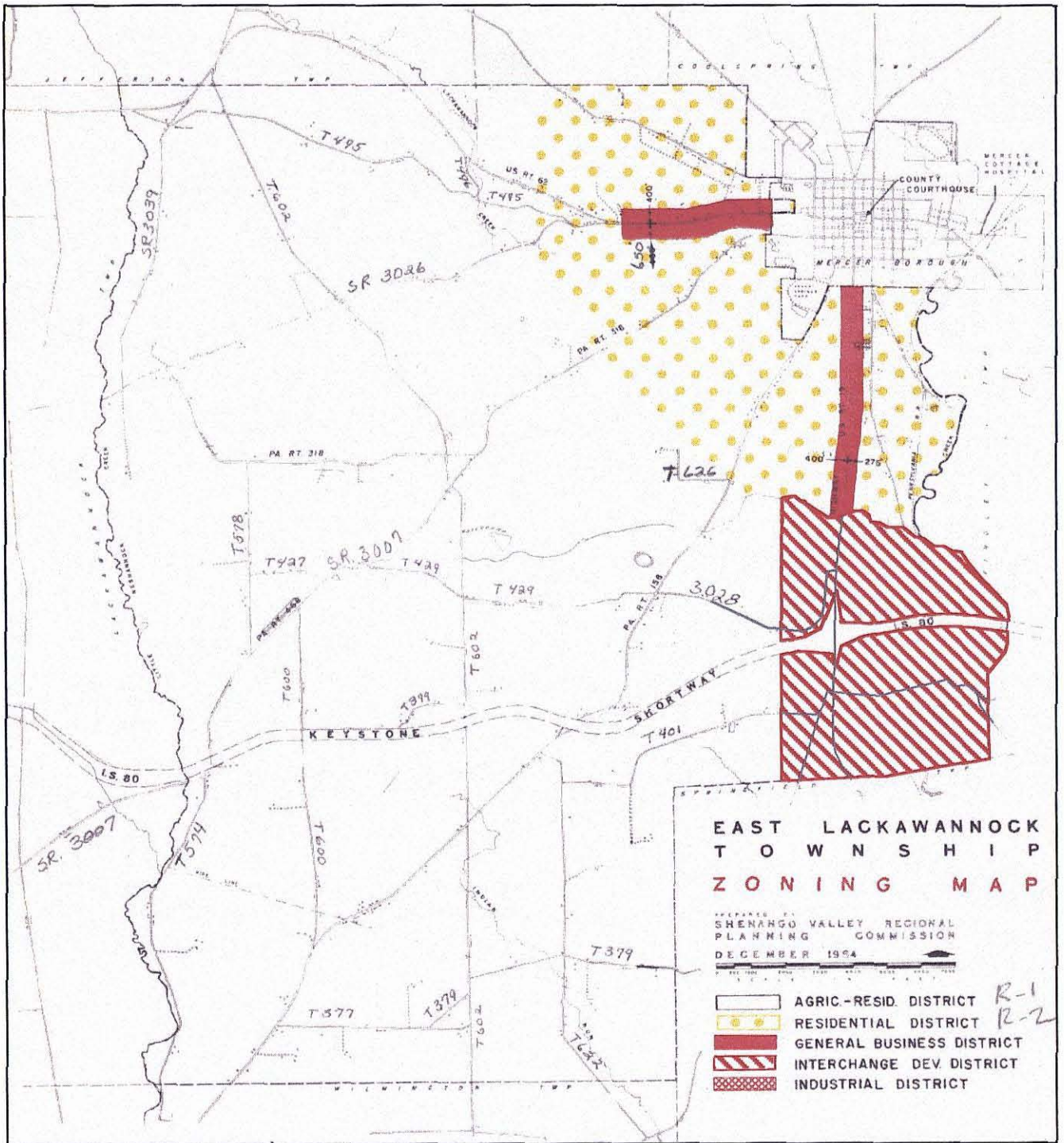
Section 102 This amendment to the Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Board of Supervisors of East Lackawannock Township, Mercer County, Pennsylvania.

ORDAINED AND ENACTED finally into law by the Board of Supervisors of the Township of East Lackawannock, this 22 day of November, 1976.

*Wayne Woods*  
Wayne Woods  
Chairman Board of Supervisors  
Township of East Lackawannock

*Julia G. Ligo*  
Julia G. Ligo  
Secretary-Treasurer





## East Lackawannock Township Zoning Map

Prepared by Mercer County Regional Planning Commission  
March 21, 2000