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ZONING ORDINANCE
OF THE
BOROUGH OF JERMYN
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 10-98

AN ORDINANCE AMENDING AND REPLACING THE ZONING ORDINANCE
OF THE BOROUGH OF JERMYN DATED 9-19-65.

An Ordinance to permit, prohibit, regulate, restrict, and determine: Uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; protection and preservation of natural resources; and providing for: Special exceptions and variances administered by the Zoning Hearing Board, and Conditional Uses administered by the Borough Council; the administration and enforcement of this Ordinance and penalties for the violation thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF JERMYN, AS FOLLOWS:

ARTICLE I

TITLE AND PURPOSES

100 TITLE

"An Ordinance to limit and restrict to specified districts or zones and to regulate therein, buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the uses of land in the Borough of Jermyn and providing for the administration and enforcement of the provisions herein contained and fixing penalties for the violation thereof".

200 SHORT TITLE

This Ordinance shall be known and may be cited as the "Borough of Jermyn Zoning Ordinance".

300 COMMUNITY DEVELOPMENT OBJECTIVES

The Borough of Jermyn has enacted a Zoning Ordinance, of which this statement is a part, in accordance with the Pennsylvania Municipalities Planning Code. The adoption and enforcement of these regulations is intended to provide the Municipality with procedures which will assist in directing its growth and development in accordance with local needs and goals.

Pertinent local goals which these regulations are intended to bring to fruition relate to such factors as land use, population density, streets and traffic and other community facilities and utilities, generally as defined in the Jermyn Borough Master Plan and the Lackawanna Valley Corridor Plan.

1.310 COMMUNITY GOALS

- a. To provide a balanced pattern of development which emphasizes an efficient and compatible arrangement of residential, commercial, industrial, and public uses.
- b. To preserve and protect natural resources.
- c. To coordinate land development with roadways and other public facilities and utilities.
- d. To preserve adequate open space and conserve and protect the aesthetic qualities of the land. Restrict development in areas, such as flood plains, which will lead to severe problems.

- e. To improve roadway conditions and eliminate as many existing deficiencies as possible.
- f. To provide adequate water and sewer facilities in areas where it is economically feasible to do so. Where municipal service is not practical, encourage developers to provide central water and sewer systems.
- g. To provide adequate fire protection.
- h. To develop and maintain adequate public open spaces, including recreational facilities for all age groups.
- i. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1.320 LAND USE PLANNING GOALS

- a. Residential Land Use Goals: A variety of residential densities and types should be encouraged in order to meet the physical, social, and economic demands of the Borough's existing and potential residents.
- b. Commercial Land Use Goals: Efforts should be made to encourage new businesses to locate in the Borough and to facilitate the expansion of existing businesses. Safeguards, through proper zoning, should be adopted to regulate commercial developments to ensure safe traffic movement and to improve appearance.
- c. Manufacturing Land Use Goals: The Borough is primarily a residential area with a small area of commercial development and potential for expanded commercial development. The Borough has not been targeted for extensive manufacturing development. Recognizing, however, the Borough's legal and moral obligation to provide the opportunity for the growth of employment opportunities through new manufacturing development as well as the expansion of existing manufacturing facilities, the Borough has formulated the following guidelines for the growth of manufacturing development.
 - 1. Sufficient lands, suitable for manufacturing uses should be reserved for manufacturing uses.
 - 2. Zoning regulations should be designed to protect suitable areas for manufacturing development.
 - 3. Zoning regulations should provide development standards for manufacturing uses in order to protect the environment of the Borough and to prevent incompatible development patterns.

d. Open Space Land Use Goals: Areas will be designated to be preserved for permanent open space purposes. The preservation of the Borough's natural assets will be accomplished to provide a healthy environment for all. The importance of these natural qualities should be stressed in recognition of their vital role in stabilizing and enhancing land values and in the preservation of a desirable environment. Although the Borough will experience future growth and development, its suburban character can be preserved if the following actions are taken:

1. Preservation of open space, especially the streams and valleys.
2. The incorporation of innovations in the design of subdivisions such as cluster development and planned unit development.

1.400 SCOPE OF REGULATIONS

1.410 Administration and Enforcement. This Ordinance includes provisions for the administration and the enforcement of the Ordinance and such other provisions as are deemed necessary to implement the purposes of this Ordinance and the purposes of Act 247 as amended.

1.420 Flexibility and Innovation. This Ordinance includes provisions to encourage innovation and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in Act 247 as amended. Such regulations provide authorization to increase the permissible density of population and intensity of uses based upon expressed standards and criteria set forth herein.

1.430 Development Features Regulated. This Ordinance includes provisions regulating:

- (1) Uses of land, watercourses and other bodies of water
- (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures
- (3) Areas and dimensions of land and bodies of water to be occupied by uses and structures; as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures
- (4) Density of population and intensity of use
- (5) Protection and preservation of natural resources
- (6) Special Exceptions
- (7) Variances
- (8) Conditional Uses

1.500 PURPOSES

These regulations are deemed necessary to achieve the following purposes:

- 1.510 To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare: coordinated and practical community development and proper density of population: emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, vehicle parking and loading space, transportation, sewerage, schools, recreation facilities, public grounds, the provision of a safe reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements: as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- 1.520 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 1.530 To provide for the use of land within the Municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
- 1.540 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

ARTICLE 2

ZONE DISTRICTS AND ZONING MAP

2.100 DESIGNATION OF ZONE DISTRICTS

In accordance with the Municipality's Master Plan, and with consideration of the character of the Municipality and its various parts, and the suitability of the various parts for particular uses and structures, the Borough of Jermyrn is hereby divided into 6 Zoning Districts, differentiated according to permitted uses and building regulations, as follows:

S-1	Special Purpose Open Space
R-1	Low Density Residential
R-2	Medium Density Residential
C-1	General Commercial
IAC	Interchange Activity Center
I-1	Light Manufacturing

2.200 ZONING MAP

The location and boundaries of said zones are hereby established as shown on the Official Zoning Map of the Borough of Jermyrn dated _____, 199_ on file in the office of the Secretary of the Borough. Said official Zoning Map, together with any map inserts, is hereby made a part of this Ordinance as if the same were all fully described and set forth herein.

2.300 INTERPRETATION OF BOUNDARIES

2.310 Designation of Zone Boundaries

The zone boundary lines are intended to follow the right-of-way lines of streets and roads, existing lot and property lines, the mean and/or flood level of water bodies and Borough Boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its location is shown on the Zoning Map by a specific dimension expressing its distance from a street or road line, or other boundary line as indicated, or by a reference to a contour line delineated on the United States Geological Survey Maps.

2.320 Determination of Locations of Boundaries

In the event of uncertainty as to the true location of a zone boundary line in a particular instance, any decision of the Zoning Officer may be appealed before the Zoning Hearing Board by any affected property owner. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

2.330 Division of Lot or Parcel in Single Ownership

Where a Zone boundary line divides a lot or parcel in single ownership at the time of the passage of this Ordinance, any use authorized or permitted in either zone may be extended a distance not to exceed fifty (50) feet beyond the boundary of the zone in which such use is authorized or permitted.

2.400 DEGREE OF RESTRICTIVENESS

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

- a. Those uses permitted in an R-1 Zone are the most restrictive.
- b. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: R-2, S-1, C-1, IAC, and I-1.
- c. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.

2.500 LIMITATION OF LAND USE

Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

ARTICLE 3

DISTRICT REGULATIONS

SCHEDULE I

Schedule I sets forth the restrictions and controls intended to regulate development in each zone district.

SCHEDULE II

Schedule II establishes bulk and setback standards for each zone district, except the IAC zone.

SCHEDULE III

Schedule III establishes bulk and setback standards for the IAC zone.

SCHEDULE I

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED CU/CONDITIONAL USE SE/SPECIAL EXCEPTION

ZONING DISTRICT

USE	S-1	R-1	R-2	C-1	IAC	I-1	REFERENCE SECTION
RESIDENTIAL AND OTHER							
Accessory Uses (Residential)	X	X	X	X	X		4.600
Cemeteries and Mausoleums	SE						5.810
Conversions			X	X(2)			5.440, 5.451
Dwelling Groups, 1F, 2F, G. Apt., Townhouse			X				
Essential Services	SE	SE	SE	SE	SE	SE	5.210
Forestry	X						
Group Homes		X	X	X			
Home Occupations		SE	SE	SE			5.460
Large Scale Residential Development		SE	SE				5.620
Mobile Home Park	SE		SE				5.430, 5.480
Multi-family			X	X(3)			5.400
Nurseries and Greenhouses, Residential	X	X	X				
Recreation (1)	X	SE	SE	SE	SE		5.120
Rooming and Boarding			X	X			
Single-family, Cluster	SE	SE					
Single-family Detached	X	X	X	X			
Telecommunications Facilities, Residential	X	X	X	X	X	X	5.960, 5.964, 5.965
Two-family			X	X			5.400
2 Family, Duplex/Semi-attached			X				5.400

(1) Including open space uses, golf courses, golf driving ranges, public or private.

(2) In C-1 zones, vacant properties may be converted to dwelling structures which may contain not more than 4 dwelling units in accordance with Section 5.451 hereof.

(3) Not to exceed 4 dwelling units per structure.

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED CU/CONDITIONAL USE SE/SPECIAL EXCEPTION

ZONING DISTRICT

USE	S-1	R-1	R-2	C-1	IAC	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER							
Accessory Uses (Commercial)				X	X		
Adult Day Care			X				
Adult Entertainment							
Amusement Arcade						CU	5.510
Animal Hospitals and Kennels	X			X	X		
Appliance Stores/Repair				X	X		5.520
Athletic Club				X	X		
Automobile Sales and Service				X	X		
-Gas Station							
-Laundry				X	X	X	5.750
-Sales, New				X			
-Sales, Used					X		
-Service Station - Minor Repair					X		
-Service Station - Major Repair				X	X	X	
-Supplies						X	
Bakery, Retail				X	X		
Bakery, Wholesale				X	X		5.530
Banks & Other Financial Services						X	
Billiard/Pool Rooms				X	X		
Bowling Alley				X	X		
Bulk Fuel Storage					X		
Catering Establishments						X	
Child Day Care Facilities				X	X		
Civic, Social & Religious Organizations			X	X	X		5.240
				X	X		5.230

SCHEDULE I (Continued)

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED CU/CONDITIONAL USE SE/SPECIAL EXCEPTION

ZONING DISTRICT

USE	S-1	R-1	R-2	C-1	IAC	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER (Continued)							
Contractors' Yards				X		X	
Convenience Stores					X		
Country Club, including Golf, Tennis and Other	X						
Crafts Shops							
Culm Bank Removal				X	X		
Department Stores	SE	SE	SE	SE	SE	SE	
Drive-in Commercial Uses				X	X		
Drive-through Commercial Uses				SE	SE		5.770
Dry Cleaning and Laundry				SE	SE		5.780
Extraction and Mining				X	X		
Farm Equipment Sales	CU					CU	
Flea Markets							
Florists, Retail							
Furniture, Retail				X	X		
Golf Course				X	X		
Golf Driving Range	X						
Greenhouses and Nurseries, Commercial	X						
Grocery				X	X	X	
Heavy Equipment Sales and Storage				X	X		
Laundromat						X	
Hospital				X			
Hotel/Motel	SE				SE		5.230
					X	X	5.420

SCHEDULE I (Continued)

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED CU/CONDITIONAL USE SE/SPECIAL EXCEPTION

ZONING DISTRICT

USE	S-1	R-1	R-2	C-1	IAC	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER (Continued)							
Laboratory, Testing						X	
Large Scale Commercial Development					X		5.630
Liquor Store				X	X		
Lumber Yard						X	
Machine Shop						X	
Manufacturing, Garment & Other Needle-Type						X	
Mausoleums	X						
Medical/Dental Clinics/Offices				X	X		
Miniature golf					X		
Mixed Use Structures				X	X		
Mobile Home Sales						X	
Mortuaries, Undertakers, & Funeral Parlors				SE			5.820
Night Clubs				X	X		
Nursery Schools	X			X	X		5.240
Nursing Homes	X						
Open Space Conservation	X	X			X		
Outdoor Storage						X	5.930
Parking Areas	X			X	X	X	5.710
Personal Services							
-Barber				X	X		
-Beauty Parlor				X	X		
-Massage				X	X		
-Tailor				X	X		
-Other				X	X		
Professional Services/Offices							

SCHEDULE I (Continued)

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED CU/CONDITIONAL USE SE/SPECIAL EXCEPTION

ZONING DISTRICT

USE	S-1	R-1	R-2	C-1	IAC	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER (Continued)							
Radio/TV Studios					X		
Railroad Yards						X	
Restaurants				X	X		
Retail Stores				X	X		
Schools							
-Private	SE			SE	X		5.250
-Public	SE	SE	SE		X		5.250
-Trade/Business Schools					X		5.250
-Colleges	X				X		5.250
Shooting Range, Indoor					X		
Shopping Centers				SE	SE		
Skating Rinks					X		
Social Halls				X	X		
Supermarket				X	X		
Tavern, Bar, etc.				X	X		
Telecommunications Facilities, Commercial	SE				SE	SE	5.960
Theatre				X	X		
Transient Businesses				X	X		
Temporary Uses	SE	SE	SE	SE	SE	SE	5.990
Variety and Speciality Shop				X	X		
Warehousing						X	
Wholesale Offices and Showrooms					X	X	

SCHEDULE II

REGULATIONS GOVERNING THE SIZE OF LOTS, YARD AND BUILDINGS FOR PERMITTED USES (a) (b)

TYPE OF REGULATION	ZONING DISTRICT (d)									
	R-1	R-2		C-1	I-1	S-1				
		S.F. (c)	T.F. (c)	T.H. (c)	OTHER					
Minimum Lot Size (e)										
Area (sq.ft.)	10,000	7,000	7,000	1,500 (g)	40,000	5,000	12,000			80,000
Width (ft.)	80	50	50	15 (g)	150	50	100			200
Depth (ft.)	125	110	110	100	100	100	120			400
Minimum Yards										
Front (ft.)	25	25	25	25	25	10	25			50
Rear (ft.)	40	30	30	30	30	20	20			50
Each Side Yard (ft.)	10	8	8	(f)	15	4	15			25
Maximum Building Height										
Principal Structures										
Number of Stories	2.5	2.5	2.5	2.5	4	2	2			2.5
Feet	35	35	35	35	50	25	40			35
Accessory Structures										
Number of Stories	1.5	1.5	1.5	1.5	1.5	1.5	1.5			1.5
Feet	17	17	17	17	17	17	17			17
Maximum Impervious Coverage (%)	50	60	60	70	70	80	80			20

Notes:

- (a) This Schedule does not apply to Special Exceptions. See Article 5 and Section 8.220 for regulations governing Special Exceptions.
- (b) See Articles 4 and 5 for other Supplementary Regulations governing various uses including variations to lot and yard sizes, and regulations governing accessory structures, and other uses.
- (c) S.F. - Single Family Dwellings
T.F. - Two Family Dwellings
T.H. - Town Houses
- (d) See Schedule III for the IAC District.
- (e) These standards apply only when collective water and sewer facilities are available. When other conditions prevail, the following standards shall apply:
 - (1) Where both water supply and sanitary sewage disposal are provided by individual on-lot facilities, residential lots shall have a minimum area of twenty thousand (20,000) square feet per dwelling unit and a minimum width, measured in the shortest distance at the building line, of one hundred (100) feet.
 - (2) Where either water supply or sanitary sewage disposal, but not both, are provided by individual on-lot facilities, residential lots shall have a minimum area of ten thousand square feet per dwelling unit and a minimum width, measured in the shortest distance at the building line, of eighty (80) feet.
 - (3) Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities, and evidence indicates that the requirements of Section (1) and (2) above are not adequate, the commission may, after consultation with the Division of Environmental Hygiene of the State Department of Health, require tests, undertaken at the expense of the developer, as may be prescribed by said Department of Health to determine the adequacy of the proposed water and sewage facilities in relation to the proposed lot site and existing grade and soil conditions. In all such cases where the tests indicate a larger lot size than allowed in Section (1) and (2) above to be necessary, the Commission may employ the services of a registered and qualified independent sanitary engineer for advice as to the minimum lot size and/or facilities necessary to prevent unsanitary conditions and hazards to the public health. In such cases, the cost of retaining the services of a qualified engineer shall be borne by the developer.

- (4) Where commercial or industrial subdivisions/land developments are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities, the lot area and dimensions required to prevent health hazards shall be subject to individual review and determination by the Commission. As provided in Section (3) above, the Commission may consult with the Division of Environmental Hygiene of the State Department of Health, and as a result, may require tests or employ the services of a registered and qualified independent sanitary engineer, at the expense of the developer.
- (f) None required, except at the end of each row, then each side yard shall be not less than 10 ft., except when abutting a public right-of-way, then it shall be the same as the front yard.
- (g) Town house development shall not be constructed on parcels of less than 40,000 sq. ft. with a minimum lot width of 120 feet.

SCHEDULE III

INTERCHANGE ACTIVITY CENTER (IAC) DISTRICT

STANDARDS	DISTRICT
	IAC
Minimum Tract Area (sq.ft.)	175,000
Maximum Density - Dwelling Units per Developable Acre (3)	20
Maximum Building Coverage (% of tract)	30
Maximum Impervious Coverage (% of tract)	60
Maximum Height - Principal Structures (feet)	65
Maximum Height - Principal Structures (stories)	6
Maximum Height - Accessory Structures (feet)	17
Maximum Height - Accessory Structures (stories)	1.5
Minimum Lot Width (feet)	100
Minimum and maximum setbacks from streets (feet):	
Any building face to arterial street right-of-way	30
Any building face to collector or local street right-of-way	25
Any building face to common parking area	5
Surface parking areas - same as building face to which they are accessory	(4)
Minimum side and rear building setbacks from tract perimeter (feet):	
From other IAC zones	25 (1)
From a Residential or Conservation district boundary line (2)	100 (1)
From other district boundary lines	50 (1)
Minimum surface parking areas, driveways, interior roadway setbacks from tract perimeter (feet)	
From other IAC zoned tracts	10
From any Residential or Conservation district boundary line	25
From other district boundary lines	10

(1) Where a building in question is greater than 25 feet in height, for every additional foot of height above 25 feet, add a corresponding foot to required setbacks.

(2) Except that the setback for residential uses in IAC zones shall be not less than 50 ft.

(3) Provided, however, that garden apartments shall not be developed at a density of more than 12 dwelling units per net developable acre.

(4) Refer to Section 4.722.