

City of Pittston

Luzerne County, Pennsylvania



Zoning Ordinance

Enacted 8 July 1987

File of Council #5 {1987}

Containing All Amendments

Through October 2012

Pittston City Hall

Office of Zoning

35 Broad Street

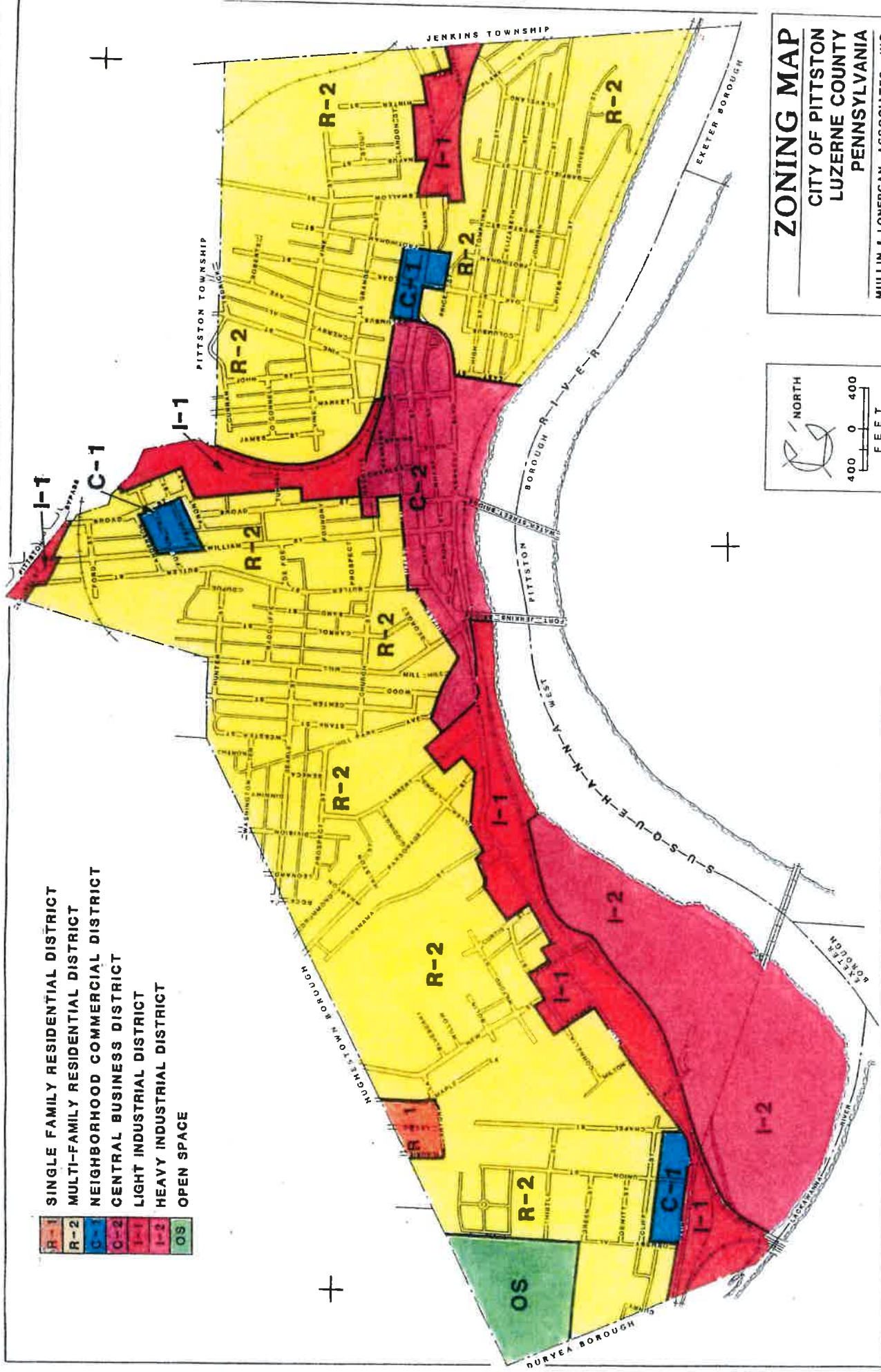
Pittston, PA 18640-1884

telephone: 570.654.0513

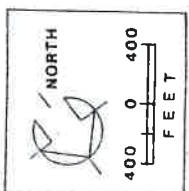
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- SINGLE FAMILY RESIDENTIAL DISTRICT
- MULTI-FAMILY RESIDENTIAL DISTRICT
- NEIGHBORHOOD COMMERCIAL DISTRICT
- CENTRAL BUSINESS DISTRICT
- LIGHT INDUSTRIAL DISTRICT
- HEAVY INDUSTRIAL DISTRICT
- OPEN SPACE

R-1	R-2	C-1	C-2	I-1	I-2	OS
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ZONING MAP
 CITY OF PITTSBURGH
 LUZERNE COUNTY
 PENNSYLVANIA
 MULLIN & LONERGAN ASSOCIATES, INC.



City of Pittston Zoning Ordinance

(File of Council #5 of 1987)

List of Amendments through October 2012

1992

#4 Amending Section 501.6 Parking & Storage of Commercial Vehicles and amending the Zoning Map

2000

#3 Revising the Schedule of Fees for Zoning

2002

#1 Amending the Zoning Map in the area of Broad & Foundry Streets to establish a C-2 zone

2003

#3 Amending the Zoning Map in the area of Cosgrove Park & the Railroad Station to establish a C-1 zone

2004

#4 Amending the Zoning Map in the area of the Blueberry Hill subdivision to establish an R-2 zone

2006

#11 Amending the Zoning Map to extend the I-1 zone on the east side of North Main Street

2010

#12 Amending Section 707.1 Citywide Prohibited Signs

2011

#12 Revising the Schedule of Fees for Zoning

2012

#12 Revising Section 505.1 Floodplain Management Zones

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ARTICLE I

TITLES, PURPOSES AND INTERPRETATION

101. Title

ORDINANCE NO. 5 (1987)

CITY OF PITSTON ZONING ORDINANCE

102. Short Title

This ordinance shall be known and may be cited as "The City of Pittston Zoning Ordinance." It is also hereinafter referred to as Zoning Ordinance.

103. Purpose

The purpose of this Ordinance is the promotion of the public health, safety, morals, and/or general welfare by:

- (1) Encouraging the most appropriate use of land.
- (2) Preventing the overcrowding of land.
- (3) Conserving the value of land and buildings.
- (4) Lessening the congestion of traffic on the roads.
- (5) Avoiding undue congestion of population.
- (6) Providing for adequate light and air.
- (7) Securing safety from fire, flood, and other dangers.
- (8) Facilitating the adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks, and other public facilities.
- (9) Giving reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses.
- (10) Giving effect to the policies and proposals of the Comprehensive Plan as approved by the Pittston City Planning Commission and adopted by the Council of the City of Pittston.

104. Conflict With Other Laws

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, or ordinances applicable to this City or with one another, the most restrictive, or that imposing the higher standards shall be controlling.

105. Separability

It is hereby declared with respect to the legislative intent that:

- (a) If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- (b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other personal, property, or situations shall not be affected.

106. Application to Public Utility Corporations

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

107. Repealer

This Ordinance specifically repeals Ordinance No. 2, the Zoning Ordinance, adopted October 27, 1959, and all amendments thereto.

108. Effective Date

This Ordinance shall take effect immediately.

ARTICLE II

DEFINITIONS

201. Word Meanings Generally

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Zoning Code, have the meanings herein indicated:

Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory, the word "may" is permissive.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

202. Specific Terms

1. Accessory Building, Structure or Use. A building, structure or use or portion of a building structure or use customarily incidental or subordinate to the principal building, structure or use and located on the same lot with such building, structure or use, providing such building or structure does not exceed sixteen (16) feet in height.
2. Alteration of Building. Any change in supporting members or in exit facilities of a building except such change as may be required for its safety; any enlargement to a building; any change in use from one zone classification to another; or removal of a building from one location to another.
3. Automotive Service Station. A structure, building, or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor vehicle fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any such business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

4. Basement. A portion of the building partly underground which has more than one-half ($\frac{1}{2}$) its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the grade.
5. Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.
6. Building Detached. A building surrounded by open space which has no supporting wall in common with any other structure adjoining that lot or building.
7. Building Line. The line established by this ordinance beyond which a building shall not extend, except as specifically provided by the ordinance.
8. Building Semi-Detached. A building which has one (1) wall in common with an adjacent building.
9. Carport. An attached or detached building with a roof supported by posts or columns but in any case not to be wholly enclosed and not intended to increase the habitable space of the building.
10. Cellar. A story partly below the finished grade having at least one-half of its height below grade. A cellar shall not be considered a story in determining the permissible number of stories.
11. Coverage. The percentage of the plot or lot area covered by structure under roof.
12. Customary Household Pets. Such pets which are normally found within the home such as dogs, cats, hamsters and birds.
13. Church. A building or group of buildings including customary accessory buildings designed or intended for public worship. For the purpose of this Ordinance, the word church shall include: chapels, cathedrals, temples and similar designations as well as parish houses, convents and such accessory uses.
14. Clubhouse. A building to house a club or social organization not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.
15. Commercial Vehicle. Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use. Also, any motor vehicle which by reason of a characteristic coloring, or marking exceeding one (1) square foot in area, is identified or commonly associated with any business, industry or public agency shall be

considered a commercial vehicle within the terms of this Ordinance. A passenger car used in business by a resident shall not be considered a commercial vehicle if it does not conflict with the above definition thereof.

16. Day Care. Means care given for part of the twenty-four (24) hour day to children or adults away from their normal place of residence, but does not include child day care furnished in places of worship during religious services.

Day Care Center. Means any premises operated for profit in which day care is provided simultaneously for seven (7) or more persons who are not relatives of the operator.

Relative. Means parent, guardian, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.

17. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

18. Dwellings.

Boarding House and/or Rooming House. A building containing a single dwelling unit where lodging is provided with or without meals for three (3) or more persons, who are not members of the operator's family, and by prearrangement for definite periods of time and for compensation, whether direct or indirect, but not to include rest homes or homes for the aged and not for compensation.

Efficiency Unit. A dwelling unit providing a sleeping area in combination with one (1) or more other living areas within the dwelling unit. Such units shall contain an area of at least four hundred (400) square feet of habitable floor area.

Hotel. An establishment where the public may for a consideration obtain sleeping accommodations with meals having at least six (6) permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management, and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

Multi-Family Apartment House. A building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

Single Family Attached Dwelling. A dwelling occupied by one family, having two walls in common with adjoining single-family dwellings (or one wall in common in the case of the last building at the end of a row).

Single Family Detached Dwelling. A detached dwelling unit for or occupied exclusively by one (1) or more persons living as a single, non-profit housekeeping unit.

Duplex Dwelling. Any building under one (1) roof (other than a duplex) designed or arranged for occupancy by two (2) households living as families and with individual and separate complete living facilities and not exceeding three (3) stories in height.

Twin Dwelling. A dwelling designed for occupancy by one (1) family and being one (1) of two (2) dwelling units under the same roof, separated by a party-wall and having separate exits and entrances and no interior access between them, and not exceeding three (3) stories in height.

19. Family. A collective body of two (2) or more persons doing their own cooking and living together as a separate housekeeping unit in relationship based upon birth, marriage, adoption, or other domestic bond.
20. Fences, Walls and Hedges. A barrier made in whole or in part of posts, wire, wood, metal, masonry, or plant material which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between public right of way and a property.
21. Floor Area. Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.
22. Flood Fringe. The portion of the 100 year flood plain located outside the floodway and for which flood elevations have been determined.
23. Flood Plain. (1) a relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation of water; (2) an area subject to the unusual and rapid accumulation of runoff or surface water from any source.
24. Flood Plain Zones. The zoning districts that establish the bounds of the 100 year flood plain as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain areas. These zones include the Approximated Flood Plain (F-1), Floodway (F-2), and Flood Fringe (F-3) Zone.
25. Floodway. That portion of the 100 year flood plain including the channel of a river or other watercourse and the adjacent land areas which are required to carry and discharge the 100 year flood where the activities permitted elsewhere in the flood plain zone will not cumulatively increase the water surface elevation more than one (1) foot at any given point. The detailed study of the regulatory Flood provides specific flood profiles and

allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain.

26. Approximated Flood Plain Zone. The Approximated Flood Plain Zone shall be that flood plain area for which no specific flood profiles have been provided. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17. This elevation information shall be subject to review by the municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a River Basin Commission, etc.
27. One Hundred Year Flood (Regulatory Flood). A flood that, on the average, is likely to occur once every one hundred years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).
28. One Hundred Year Flood Plain. (1) the relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation on the average of once every one hundred years; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source on the average of once every one hundred years.
29. Garages, Private. An enclosure or covered space for the storage of not more than 4 vehicles provided that no business, occupation or service is conducted for profit therein.
30. Garage, Commercial. An enclosed or covered space leased for the storage of vehicles, personal and household items and provided that no business, occupation or service is conducted for profit therein.
31. Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
32. Height of Building. The vertical distance measured from the main level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.
33. Home Occupation. Any gainful occupation or profession operated by a member of the immediate family residing on the premises, and where the business or profession is conducted wholly within the dwelling.

34. Hospital. A place for the diagnosis, treatment of disease, or other care of humans and having facilities for inpatient and outpatient care.
35. Junk Yard and/or Recyclers. Any area and/or structure used or intended to be used for the conducting and operating of the business of selling, buying, recycling, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles or equipment of any kind.
36. Linear Block. The distance between streets, as defined herein, not to include marginal access streets as also defined herein. If there is no street as defined in 1303.62 then the linear block would be between the street and the terminus. Where the linear block as defined cannot be applied and the building is to be demolished or reconstructed within 1 year, and where the present setbacks are non-conforming, the setbacks for the new structure will be determined by using the established building line prior to demolition.
37. Lot. A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily as a lot or lots shown, on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required.
38. Lot Area. An area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or access. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.
39. Lot, Corner. A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines.
40. Lot Frontage. A property line or portion thereof which is co-existent with a street line.
41. Lot Interior. A lot other than a corner lot, the sides of which do not abut a street.
42. Lot Line. Any line dividing a lot from another lot, street, or parcel.
43. Lot Through. An interior lot having frontage on two parallel or approximately parallel streets.
44. Lot Width. The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
45. Mobile Home. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing,

which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

46. Mobile Home Park. Any space, however designated, that is occupied or designated for occupancy by one or more mobile homes where spaces are rented but not sold.
47. Mobile Home Subdivision. An area designed exclusively for mobile homes where lots are not rented but sold.
48. Motel. A series of attached rental units, normally one or two story structures, with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests. An office and single dwelling unit may be included as secondary uses in conjunction with the operation of a motel. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.
49. Non-Conforming Lot. A lot of record, existing at the time of the passage of this ordinance, or any amendments thereto, which does not have the minimum width or contain the minimum area for the zone in which it is located and is not abutted or adjoined by any other land owned by the same owner.
50. Non-Conforming Sign. A sign which does not conform to the regulations of the district in which it is located.
51. Non-Conforming Structure or Building. A structure or building, or part thereof, which at the time of the enactment of this ordinance or any subsequent amendments thereto, does not comply with the provisions of this ordinance or such amendments, with respect to restrictions on area, lot coverage, height, yards, location on the lot, or other similar requirements.
52. Non-Conforming Use. A use, whether of land, building, or structure, which does not comply with the applicable use provisions of this ordinance, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this ordinance or such amendments.
53. Open Space. The unoccupied space open to the sky on the same lot with a building or buildings.
54. Parking Space. The space within a building or on a lot or parking lot, for the free and unrestricted parking or storage of one (1) automobile.
55. Premises. Any lot, parcel, or tract of land and any building constructed thereon.

56. Private Road. A legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.
57. Restaurant. A public eating place where food is prepared on the premises and customarily consumed either in the building or taken off the premises. At least 25% of the structure's first floor area shall be devoted to dining facilities. Restaurant does not include a "Drive In Restaurant".
58. Satellite Receiving Station. Device used primarily for receiving audio visual signals transmitted from earth orbiting satellites.
59. Sign. The word "sign" includes any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device of similar character which (1) is a structure or manner represented on a building or other structure; (2) is used to announce, direct attention to, or to advertise; and (3) is visible from outside of a building.
- Business or Advertising Signs. A sign bearing the name of an occupant of a commercially related premises and/or the name of services or products manufactured, processed, sold or displayed thereon.
60. Special Exception. A use which by virtue of its own peculiar characteristics may be permitted in particular areas only after review, public hearing and approval by the Zoning Hearing Board.
61. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A story does not include a cellar.
62. Street. A public thoroughfare or private road which affords primary vehicular access to abutting properties.
63. Street Line. The dividing line between the street right-of-way line and the lot. Also known as the street lot line.
64. Subdivision. A division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts or parcels, or other division of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or residential dwellings, shall be exempted.

65. Take Out Restaurant. Any use which provides take out food and/or drink and does not have proportions for serving customers on premises.
66. Use. The specific purpose for which land or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.
67. Utility Building. A small building used for the storage of accessory items such as bicycles, lawn mowers & equipment, gardening tools; providing such building shall not exceed 160 square feet and 10 feet in height.
68. Variance. The Zoning Hearing Board's authorized departure to a minor degree from the text of this ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this ordinance.
69. Yard. A required open space, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
70. Yard, Front. A yard extending the full width of the lot along the front lot line and extending in depth to the allowable set back line for that district or to any structure on that lot (whichever is closer to the front lot line).
71. Yard, Rear. A yard extending the full width of the lot along the rear lot line and extending forward to the nearest point of any structure on the lot.
72. Yard, Side. A yard extending from the rear yard setback line to the rear boundary of the front yard as defined in 70 above and extending in width from the side lot line(s) to the nearest point of any structure on the lot.
73. Zoning Officer. The agent or official designated by the Mayor and Council to enforce the Zoning Ordinance of the City.
74. Zoning Hearing Board. Shall consist of three residents of the City appointed by the Mayor and approved by City Council.
75. Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this ordinance for the zone in which it is located or to be located.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

301. Zoning Officer

301.1 Appointment of Enforcement Officer

This Ordinance shall be enforced by the Zoning Officer, who shall be appointed by the Mayor and approved by Council.

301.2 Duties and Powers

The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within thirty days of the receipt of the application or shall refer said application to the appropriate body. He shall keep records of applications, or permits, or certifications issued, or variances granted, of inspections made, of reports rendered and of notice or orders issued, and perform all other duties as called for in the Ordinance. The Zoning Officer may require such drawings, plans, surveys or other documentation as necessary for the enforcement of this Ordinance.

301.3 Enforcement

If the Zoning Officer finds that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for such violations, 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 of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or may take any other action authorized by this Code to insure compliance with or prevent violation of its provisions.

302. Zoning Hearing Board

302.2 Duties and Powers

The Board shall be responsible for the interpretation of this Ordinance, and shall adopt and make available to the public, rules for the exercise of its functions. The duties and powers of the Board shall be to:

- a. Decide appeals where it is alleged that an error has been made in the enforcement of this Ordinance;

- b. Decide requests for Special Exception Uses and Variances;
- c. Such other duties as may be provided or made necessary by the Ordinance, including the interpretation of boundaries, the holding of public hearings, and the maintenance of records on all decisions and findings.

302.3 Appointment of Members

The Zoning Hearing Board shall consist of three members appointed by the Mayor and approved by City Council. Two conditions restricting membership to the Board are: members of the board shall hold no other elected office in the municipality; and no more than one member of the board may also be a member of the planning commission. Each member serves on the board for a period of three years, with terms fixed so that the term of office of one member shall expire each year. Any vacancy occurring within a term shall be filled only for the unexpired portion of the term.

303. Zoning Permits

303.1 Purpose

The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance. No person shall erect, alter, or convert any structure or building, nor alter the use of any land, without a Zoning Permit after adoption of this Ordinance.

303.2 Application

Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot within the City of Pittston shall make an application to the Zoning Officer for a Zoning Permit. All applications shall be in writing on forms to be furnished by the Zoning Officer and shall be accompanied by plans, in duplicate, drawn to scale, showing the following information: the actual shape and dimensions of the lot to be built upon, the exact size and location of any building, sign, parking or loading area or other physical feature existing on each building or part of a building; the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate; and other necessary information.

One copy of the plans shall be returned when approved; the other copy, together with the application and other documents, shall become a public record. A Zoning Permit shall be issued and shall be kept conspicuously on the premises

whenever construction work is being performed. No building operations are permitted without a valid Zoning Permit.

303.3 Time Limitation

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety days each may be granted at the discretion of the Zoning Officer.

303.4 Procedure

Upon receipt of an application for a Zoning Permit, the Zoning Officer must within 30 days:

- a. Issue a Permit if after reviewing the application, he is satisfied that it pertains to a Permitted Use and is in conformance with this Ordinance;
- b. Reject the application if in his opinion, the application does not meet the requirements of this Ordinance. In this case, the applicant may appeal to Zoning Hearing Board;
- c. Refer the application to the Zoning Hearing Board in the case of an application for a use regarded in this Ordinance as a Special Exception;
- d. Refer the application to the Planning Commission in the case of an application for a use regarded in this Ordinance as a Conditional Use.

303.5 Zoning Permit Types

Under the terms of this Ordinance, the following types of Zoning Permits may be issued by the Zoning Officer:

a. Permitted Uses:

A Zoning Permit for a Permitted Use may be issued by the Zoning Officer on his own authority.

b. Special Exception Uses:

A Zoning Permit for a Special Exception may be issued by the Zoning Officer after a review and upon the order of the Zoning Hearing Board.

c. Zoning Permit After an Appeal or a Request for a Variance:

A Zoning Permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a public hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

303.6 Revocation of Permits

The Zoning Officer shall revoke a Zoning Permit if it appears that the application or building plan is misleading, or that the work performed differs materially from the specifications. All copies of the Zoning Permit shall then be surrendered. Before issuing a new Permit the Officer may require that an indemnity bond be filed in favor of the City of Pittston, sufficient to cover costs of compliance with the Ordinance and costs of removal of the building if it does not comply.

304. Occupancy Permits

304.1 Purpose

This purpose of the Occupancy Permit is to assure the use of a premises is consistent with this Ordinance and the description provided to the Zoning Officer at the time of the application for a Zoning Permit.

304.2 Application

No new building shall be occupied or used and no change of use shall be made in any existing building by any person before an Occupancy Permit has been obtained from the Zoning Officer. Such a Permit shall be issued in duplicate by the Building Inspector after receiving sworn application, on a form prescribed by the Board, from the owner or his authorized agent, and after assuring himself through adequate inspection that the use of the premises will comply with this ordinance. An Occupancy Permit, once granted, shall continue in effect so long as there is no change of use, regardless of change in the personnel of tenants or occupants.

305. Violations

305.1 Zoning Officer May Initiate Action

If the Zoning Officer finds that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for such violations, 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 use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or may take any other action authorized by this code to insure compliance with or prevent violation of its provisions.

305.2 Complaints Regarding Violations

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

305.3 Violations Punishable

Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed one thousand dollars (\$1,000) for any offense, recoverable with costs, together with judgment or imprisonment not exceeding thirty days if the amount of said judgment is not paid. Each day that a violation is permitted shall constitute a separate offense.

306. Appeals From the Decisions of the Zoning Officer

306.1 Application

Any person or official of the municipality aggrieved or affected by any decision of the Zoning Officer, including any order to stop, cease, and desist may appeal to the Zoning Hearing Board within 20 days of the decision.

306.2 Public Hearings

Upon filing with the Board a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall hold a public hearing in accordance with section 310 of this Ordinance. If the Zoning Hearing Board does not make a decision within forty-five days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person.

306.3 Expiration of Appeal Decision

The approval of any appeal or variance shall expire within six months if the applicant fails to obtain a necessary Zoning Permit or to comply with its conditions unless otherwise specified by the Board.

306.4 Appeal from Decision of Board

In case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law. It shall notify the City Solicitor of the appeal and furnish him with a copy of the return and a transcript of testimony. Any order of the Board not appealed within 31 days shall be final.

306.5 Stay of Proceedings

An appeal shall stay all proceedings unless the Zoning Officer certifies to the Board that imminent peril to life or property exists. In this case, proceedings shall be stayed only by a restraining order granted by the Board or by the Court of Common Pleas, and after giving notice to the Zoning Officer.

306.6 Information Required on Appeals to the Board

All appeals and applications to the Board shall be in writing on forms prescribed by the Board, and shall include the following:

- a. The name and address of the applicant or appellant.
- b. The name and address of the owner of the property to be affected.
- c. A brief description and location of the property to be affected.
- d. A statement of the present zoning classification of the zone lot, the buildings upon it, and the present use.
- e. A statement of the section of this Ordinance under which the appeal is made, and the reasons why the appeal should be granted.
- f. A reasonably accurate description of the present buildings and the proposed additions or changes indicating their size, improvements, material, and general construction. A plot plan of the real property to be affected shall indicate the location and size of the lot and all existing and proposed buildings.

307. Variances

307.1 Purpose

The purpose of the Variance procedure is to provide specific means to evaluate hardships created by the Ordinance as it applies to particular property.

307.2 Application

The Zoning Hearing Board shall authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. A variance from the terms of this Code shall not be granted by the Board unless:

- a. A written application for a variance is submitted by a landowner or a tenant with the landowner's permission demonstrating that:
 1. There are unique physical circumstances or conditions including irregularity narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Code in the neighborhood or district in which the property is located;
 2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Code and that the provisions of the Zoning Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. Such unnecessary hardship has not been created by the appellant;
 4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor detrimental to the public welfare; and
 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- b. A public hearing is held by the Zoning Hearing Board in accordance with Section 310 of this Ordinance. If the Zoning Hearing Board does not make a decision within forty-five (45) days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person seeking relief.
- c. The Board makes a finding that the requirements of subsection (a.) hereof have been met by the applicant for a variance.
- d. The Board makes a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building, or structure.
- e. The Board makes a finding that the granting of a variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguard in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under Section 305.3 of this Ordinance.

308. Special Exceptions

308.1 Purpose

The Special Exception procedure gives the Zoning Hearing Board an opportunity to grant permission to an applicant for a use not permitted by right in a particular district. Permission can only be granted, however, for those uses specifically listed as permitted by Special Exception in the provisions pertaining to each zoning district. The Special Exception procedure simply provides the opportunity for prior review before granting a Zoning Permit.

308.2 Application

The Zoning Hearing Board within sixty (60) days shall decide upon only such Special Exception requests which the Board is specifically authorized to pass upon by the terms of this Ordinance. The granting of a Special Exception as specifically authorized by the terms of the Ordinance shall be subject to the following conditions and guiding principles:

- a. Such use shall be one which is specifically authorized as a Special Exception Use in said district.
- b. Such permits shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- c. Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- d. Such use shall be found by the Board to be in harmony with the general purpose and intent of this Ordinance.
- e. Such use shall not adversely affect the character of the District or the health and safety of nearby residents or workers.

In granting a Special Exception, the Zoning Hearing Board may attach reasonable conditions and safeguards in addition to those expressed in the Ordinance as it may deem necessary to ensure compliance with the intent of this Ordinance.

309. Zoning Amendments

309.1 Application

The City Council may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the City Planning Commission, the Council or by a petition to Council. Such amendment, supplement, change or repeal shall be submitted to the City Planning Commission and shall be specifically found by the Council to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken.

309.2 Procedures

a. Amendments Initiated by the City Planning Commission

When an amendment, supplement, change or repeal is initiated by the City Planning Commission, City Council shall hold a public hearing on the proposed amendment within thirty (30) days after receiving it from the Planning Commission.

b. Amendments Initiated by City Council

When an amendment, supplement, change or repeal is initiated by Council, it shall submit the proposal to the City Planning Commission for review and recommendations at least thirty (30) days prior to the date fixed for the public hearing to consider the amendment.

c. Curative Amendments Initiated by Landowner

When a landowner desires to challenge on substantive grounds, the validity of the Ordinance or map or any provisions thereof, said landowner may submit a curative amendment to the Council with a written request that his challenge and proposed amendments be heard and decided as provided in the Pennsylvania Municipalities Planning Code, as amended.

d. Amendments Initiated by Other Residents

Residents other than Council, the Planning Commission or the subject land owner may also propose an amendment. This shall be in the form of a petition describing the desired change and all relevant information as to why it is being sought.

e. Public Hearing

City Council and the Planning Commission shall each hold one public hearing in accordance with Section 310 of this Ordinance to discuss any proposed amendment under consideration.

310. Public Hearings

Public Hearings shall be held by the Planning Commission and City Council in the case of a proposed Zoning Ordinance Amendment. Public Hearings shall be held by the Zoning Hearing Board in the case of an Appeal from a decision of the Building Inspector or in the case of a proposed Variance. These hearings shall be conducted as follows:

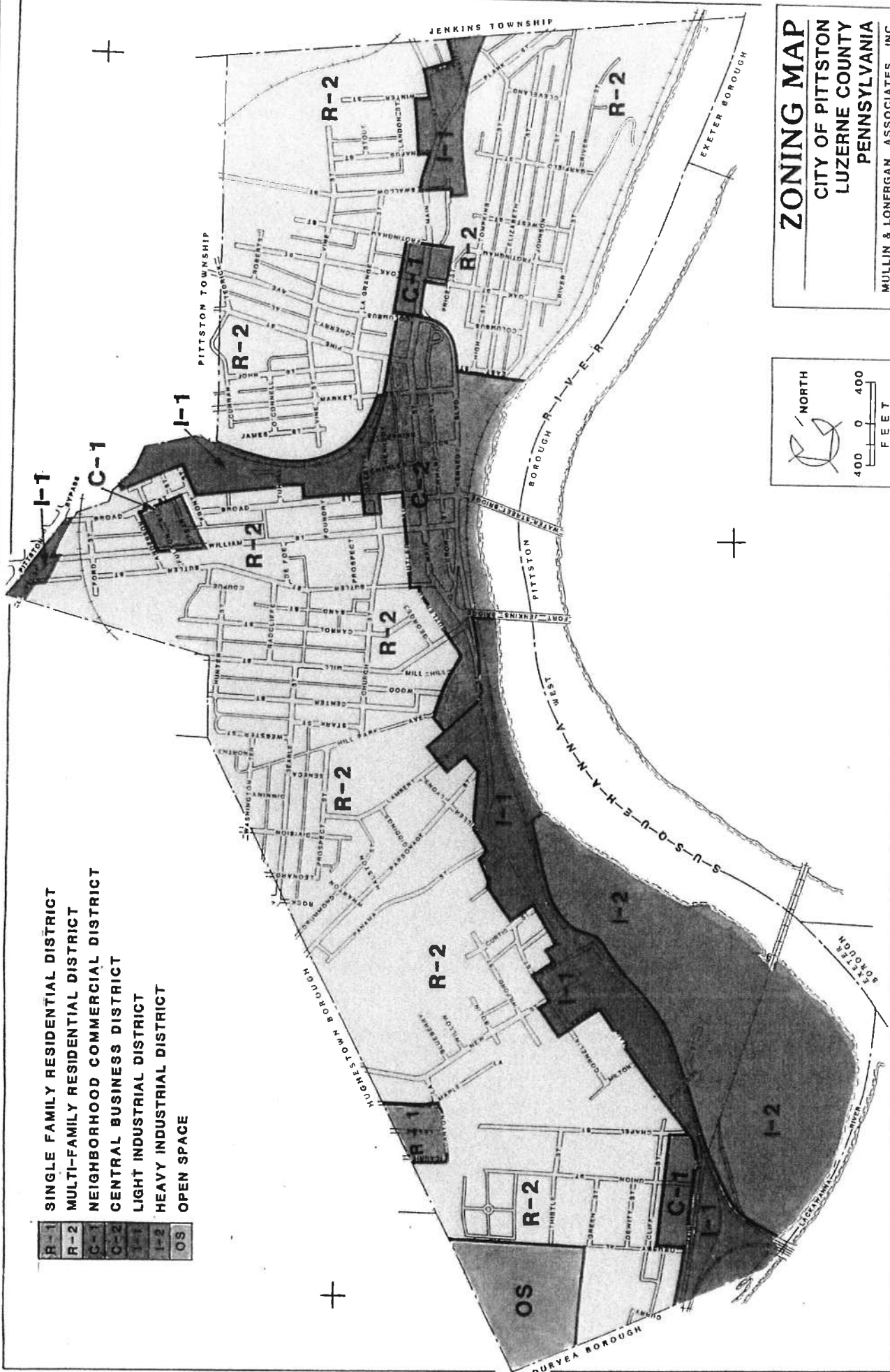
- a. Public notice shall be published in a newspaper of general circulation at least fourteen (14) days and no more than thirty (30) days in advance of the public hearing. This notice shall be published once a week for at least two consecutive weeks.
- b. At the public hearing, any party may appear in person or by agent or by attorney.

311. Filing Fees

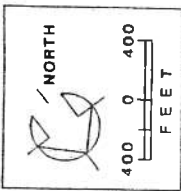
The Mayor and Council shall establish a schedule of fees and charges for all filings and applications required by this Ordinance. This fee schedule shall be posted in the office of the Zoning Officer and may be amended only by Mayor and Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SINGLE FAMILY RESIDENTIAL DISTRICT
 MULTI-FAMILY RESIDENTIAL DISTRICT
 NEIGHBORHOOD COMMERCIAL DISTRICT
 CENTRAL BUSINESS DISTRICT
 LIGHT INDUSTRIAL DISTRICT
 HEAVY INDUSTRIAL DISTRICT
 OPEN SPACE

R-1
R-2
C-1
C-2
I-1
I-2
OS



ZONING MAP
 CITY OF PITTSBURGH
 LUZERNE COUNTY
 PENNSYLVANIA
 MULLIN & LONERGAN ASSOCIATES, INC.



ARTICLE IV

ZONING DISTRICT REGULATIONS

400. Designation of Zoning Districts

For the purpose of this Ordinance, the City is divided into the following zoning districts:

- R - 1 Single Family Residential
- R - 2 Multi-Family Residential
- C - 1 Neighborhood Commercial
- C - 2 Central Business
- I - 1 Light Industrial
- I - 2 Heavy Industrial
- OS Open Space

401. Zoning Map

The location and boundaries of these districts are established as shown on the attached Zoning Map of the City of Pittston dated, 1987. The Zoning Map as contained in the Appendix is made a part of this Ordinance, together with all future notations, references, and amendments. No changes shall be made to the Zoning Map except in conformance with the procedures set forth in Section 309 of this Ordinance.

402. Intent of Zoning Districts

R-1 Single Family Residential. The regulations of this district are designed to promote, provide for and protect single family residences in harmony with the existing uses and physical attributes of the City.

R-2 Multi-Family Residential. The regulations of this district are designed to preserve the integrity of existing neighborhoods while offering a variety of housing alternatives consistent with area lot sizes and uses.

C-1 Neighborhood Commercial. Within any large scale neighborhood, there exists a need for certain commercial facilities to fulfill the immediate needs of the persons living therein. These needs are thus provided for by the establishment of various C-1 Districts throughout the City, primarily for the residents of the surrounding residential districts.

C-2 Central Business. This district is designed to enhance the quality of central Pittston as a coherent, centralized, retail shopping entity. Only those kinds of uses which offer the consumer goods and services appropriate in a central business district atmosphere shall be permitted.

I-1 Light Industrial. It is the purpose of this zone to establish industrial areas which are or may become compatible with established residential neighborhoods. Performance standards and other regulations are designed to protect residential valuations, to effect a desirable transition between industrial and other uses, and to promote a high order of industrial development.

I-2 Heavy Industrial. It is the purpose of this zone to provide areas suitable for the use of industry and related uses with controls necessary for insuring sound industrial development. Industrial types in these areas would include manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations.

OS Open Space. It is the purpose of this district to provide for the preservation and conservation of natural resources. In addition, the intention is to restrict development of areas not physically suited to accommodate buildings or to sustain soil disturbance.

403. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways or marginal access streets shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as parallel to, or extensions of features indicated in subsections (a) through (c) hereof shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map; and
- f. Where a district boundary line divides a lot which was in single ownership prior to the adoption of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations, for either portion of the lot, but not to extend fifty feet beyond the district line into the remaining portion of the lot.

404. Permitted Uses

The status of uses per each zoning district are contained in Schedule I which follows. Those uses permitted by Right are designated by the letter "P". Those uses permitted by Special Exception are designated by the letter "E".

Except as provided herein no structure or land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, or altered except in conformity with the regulations specified for the district in which it is located.

SCHEDULE I:

ZONING DISTRICTS

Permitted (P), Special Exception (E)

A. RESIDENTIAL AND RELATED USES

	R-1	R-2	C-1	C-2	I-1	I-2	OS
#1 Single Family Detached Dwelling	P	P	P	E	E	E	
#2 Twin Dwelling		P	P	E	E	E	
#3 Duplex Dwelling		P	P	E	E	E	
#4 Single Family Attached Dwelling		P	P	E	E	E	
#5 Multi-Family Apartment House		P	P	P	E	E	
#6 Conversion Apartment Dwellings		E	P	P	P	E	
#7 Boarding House and/or Rooming House		E	E	E	E	E	
#8 Mobile Home Park or Subdivision		E					
#9 Hotel			P	P	P		
#10 Motel			P	P	P		
#11 Churches and Similar Places of Worship	P	P	P	P	P	P	
#12 Kindergarten, Day Care Center, Elementary and High Schools, Municipal Buildings	E	E	E	E	E	E	
#13 Public Parks and Playgrounds	P	P	P	P	P	P	E
#14 Operations involving the use of buildings and land for farming, plant or tree nurseries, dog kennels, and animal hospitals					P	P	
#15 Home Occupations	E	E	E	E	E	E	
#16 Customary accessory uses and buildings incidental to any of the above-permitted uses	P	P	P	P	P	P	
#17 Recreation areas and structures operated by membership clubs for the benefit of their members	E	E	E	E	E	E	
#18 Hospitals, Clinics, and Nursing or Convalescent Homes		E	P	P	E	E	
#19 Golf Courses and Country Clubs	E	E	E	E	E	E	

ZONING DISTRICTS

A. RESIDENTIAL AND RELATED USES (continued)

#20 Commercial Swimming Pools

#21 Cemeteries

#22 Offices and Other Facilities Used in the
Distribution of Television, Radio Telegraphic and
Telephonic Signals to Residential Structures

#23 Personal Care Boarding Home

B. COMMERCIAL USES (RETAIL)

#1 Appliances

#2 Artist and Hobby Supplies

#3 Beer and Liquor Stores

#4 Candy

#5 Clothing

#6 Computer Sales

#7 Department Store

#8 Drug Store

#9 Flowers and Plants

#10 Garden Supplies

#11 Gift Shops

#12 Grocery

#13 Household Appliances

#14 Household Furnishings

#15 Jewelry Shops

#16 Newspaper, Books and Stationery

#17 Pottery and Ceramics

R-1	R-2	C-1	C-2	I-1	I-2	OS
E	E	E	E	E	E	
E	E	E	E	E	E	
	E	P	P	P	P	
	E	E	E			
		E	P	P	P	
		E	P	P	P	
		E	P	P	P	
		E	P	P	P	
		E	P	P	P	
		E	P	P	P	
		P	P	P	P	
		P	P	P	P	
		E	P	P	P	
		E	P	P	P	
		E	P	P	E	
		P	P	P	P	
		E	P	P	P	

ZONING DISTRICTS

B. COMMERCIAL USES (RETAIL) (continued)

#18 Restaurant

#19 Sporting Goods

#20 Take-Out Restaurant

#21 Tobacco

#22 Video

C. COMMERCIAL USES (SERVICES)

#1 Amusement Enterprises - Movie theaters, playhouses, arenas, bowling alleys, dance halls, and similar recreation establishments

#2 Automobile Dealerships

#3 Automobile Service and Filling Stations

#4 Banks and Other Financial Institutions

#5 Barber and Beauty Shops

#6 Car Washes

#7 Commercial Parking Facilities

#8 Drive-In Movie

#9 Dry Cleaning

#10 Laundries and Dry Cleaners and Pick-Up

#11 Laundromat

#12 Lumber and Fuel Distribution Yards

#13 Medical and Dental Clinics and Laboratories

#14 Mortuary and Undertaking Establishments

#15 Offices - Professional and Business

#16 Photographic Studio

R-1	R-2	C-1	C-2	I-1	I-2	OS
		E	P	P	P	
		E	P	P	P	
		E	P	P	P	
		P	P	P	P	
		E	P	P	P	
		E	P	P	E	
			P	P	P	
		E	E	P	P	
			P	P	P	
			P	P	P	
			E	P	P	
			P	P	P	
				P	P	
		P	P	P	P	
		P	P	P	P	
		P	P	P	P	
				P	P	
			P	P	E	
	E	P	P	E	E	
		E	P	P	E	
		E	P	P	P	

ZONING DISTRICTS

C. COMMERCIAL USES (SERVICES) (continued)

- #17 Printing and Publishing
- #18 Repairs Shops, Body Shops, Parts Centers and Supply Centers
- #19 Shoe Repair
- #20 Shops for contractors, plumbing, heating, printing, upholstering, etc.
- #21 Tailors
- #22 Transportation Terminals
- #23 Commercial Vocational and Trade Schools including Barber and Beauty Schools

D. INDUSTRIAL USES

- #1 Warehousing and wholesaling establishments and storage yards not including junk yards
- #2 Railroad, trucking, busing and other transit facilities including storage, repair and transfer operations
- #3 Moving and storage facilities
- #4 Public utility installations
- #5 Junk yards and similar storage areas including automobile wrecking
- #6 Research, finish assembly, processing and light manufacturing from other than raw materials

R-1	R-2	C-1	C-2	I-1	I-2	OS
		E	P	P	P	
				P	P	
		P	P	P	P	
		E	P	P	P	
		P	P	P	P	
			P	P	E	
				P	P	
			P	P	P	
			P	P	P	
		E	E	P	P	
					P	
				P	P	

ZONING DISTRICTS

D. INDUSTRIAL USES (continued)

- #7 Heavy industry, involving the manufacture or assembly of products from raw materials. Includes: Large-scale bleaching, cleaning and dyeing establishments; bulk storage for petroleum, grain, and similar products; metal fabrication, including structural steel shops, machine shops, forges and foundries; brewing and distilling of liquor; gas manufacture and storage; meat packing (excluding stockyards or slaughterhouse); quarrying, rock crushing and grinding; brick, pottery, stone and monument works. Also includes railroad yards, repair shops and roundhouses; and the manufacture of products such as coal, coke, wood and tar products; chemicals such as ammonia, caustic soda, carbides, hydrogen, oxygen, alcohol, nitrates and potash; rubber; soap; flour mills; lime kilns and cement; and all operations where hazardous materials or hazardous wastes are involved.

R-1	R-2	C-1	C-2	I-1	I-2	OS
					P	

405. District Regulations

The regulations governing the lot area and bulk requirements of permitted uses for each zoning district are contained in Schedule II which follows. The regulations listed for each zone shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.

SCHEDULE II

SCHEDULE GOVERNING THE LOT, AREA & BULK REQUIREMENTS OF PERMITTED USES

ZONE	USE	MINIMUM LOT REQUIREMENTS		MINIMUM YARD REQUIREMENT (FEET)				MAXIMUM HEIGHT		MAXIMUM LOT COVERAGE %	DETACHED ACCESSORY STRUCTURE YARDS ^{6/}	
		LOT AREA	LOT WIDTH	FRONT	REAR	ONE SIDE	BOTH SIDES	STORY	FEET		REAR	SIDE
R-1 Single Family	Single Family Detached	8,500	50	30	30	10	30	2 ½	35	40	3	3
	Non-Residential	12,500	50	25	25	6	15	2 ½	35	50	3	3
R-2 Multi-Family	Single Family Detached	5,000	50	25	25	6	15	2 ½	35	50	3	3
	Twin	3,500	50	25	25	6	15	2 ½	35	50	3	3
	Duplex	2,500	40	25	25	6	15	2 ½	35	50	3	3
	Single Family Attached	2,000	20	25	25	6	15	2 ½	35	50	3	3
	Multi-Family	3,000 ^{1/}	100	25	25	6	15	5	65	50	-	-
	Non-Residential	12,500	125	50	25	6	15	5	45	50	3	3
C-2 Central Business District	All uses	-	-	^{2/}	^{2/}	^{2/}	-	6	80	-	-	-
C-1 Neighborhood Commercial	All uses	-	-	10 ^{2/}	10 ^{2/}	^{2/}	-	2	25	60	3	3
I-1 Light Industrial	All uses	8,500	50	20	20 ^{4/}	10 ^{4/}	20 ^{2/}	-	75	60	10	10
I-2 Industrial	All uses	20,000	100	20	20 ^{4/}	10 ^{4/}	20 ^{2/}	-	75	60	20	20

^{1/} Per dwelling unit ^{2/} Except where abutting R-1 or R-2, then 25 feet shall be required ^{3/} Except where abutting R-1 or R-2, then 15 feet shall be required ^{4/} Except where abutting R-1 or R-2, then 20 feet shall be required ^{5/} Except where abutting R-1 or R-2, then 40 feet shall be required ^{6/} In C and R districts, 5 foot rear and side yards shall be required where accessory structures abut a street or alley.

406. Special Exception Uses

406.1 Purpose

The following standards are intended to provide the Zoning Hearing Board with a guide for the purposes of reviewing certain uses not otherwise permitted in specific zones except under restrictions of this Article.

406.2 Procedure

An applicant for a Special Exception shall, if required, submit to the Zoning Officer, proposed site plans together with his application. Such site plans shall contain such information as may be required to enable the Zoning Officer and the Zoning Hearing Board to properly evaluate the submission. Special Exceptions may be authorized by the Zoning Hearing Board only in accordance with this Article and upon satisfaction in each instance of such conditions as to general character, height and use of structure, the provisions of surrounding open space and treatment of the grounds, and as to street capacity and use, as, in the opinion of the Board, may be necessary to safeguard public health, comfort and convenience, and as may be required for the preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

406.3 Use Standards

The following standards shall be considered minimum requirements and no Special Exception shall be issued for these uses, within the specified zones, unless these standards are met to the satisfaction of the Zoning Hearing Board. (Site plans shall be submitted for all uses listed below).

Schools and Educational Institutions

- a. The minimum lot area for schools shall meet the requirements of the Pennsylvania Department of Education.
- b. Schools and educational institutions shall provide yard areas sufficient to conform to the general character of the area in which they are proposed to be located. There shall be no maximum building coverage requirement.
- c. Off-street parking requirements of this Ordinance may be increased or decreased if, in the judgment of the Board, such consideration as the unavailability of public transportation, the distance from centers of

population, or a relatively high percentage of pupils driving their own cars make such requirements desirable.

- d. Illumination for night athletic activities shall be shielded from view from adjoining street and residential areas.

Cemeteries, Hospitals, Clinics, Nursing or Convalescent Homes, Religious and Philanthropic Institutions

- a. A statement setting forth full particulars on the operation to be conducted within the structure shall be filed with the Zoning Hearing Board by the applicant and said Board shall determine whether said structure or use will serve a useful purpose to the general welfare of the City and will not be detrimental to surrounding property and provided they do not have an adverse effect on the area due to noise, dirt, odor, or traffic circulation.
- b. Lot area sufficient to meet the needs of the particular type of institution shall be provided. No structure shall be erected nearer than fifty (50) feet of a right of way line; and all other requirements as set forth in this Ordinance for the zone in which it is to be located shall be observed.

Golf Courses and Country Clubs, Public Parks and Playgrounds, Lodges or Social Buildings, Recreation Areas and Commercial Swimming Pools

- a. A statement setting forth full particulars on the operation of the use and a copy of the Articles of Incorporation of a corporation, shall be filed with the Zoning Hearing Board.
- b. The proposed use must be a non-profit organization operated principally for the recreation and enjoyment of the members of said organization and their guests.
- c. The proposed use shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and the design of any structures erected in connection with such use shall be in keeping with the general character of the area.
- d. A fence at least six foot in height shall surround the immediate vicinity of any swimming pool.

Public Utility Installations

- a. A statement setting forth the need and purpose of the installation shall be filed with the Zoning Hearing Board by the applicant.
- b. Proof shall be furnished to the Board that the proposed installation in the location specified is necessary for the convenient and efficient operation of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- c. The design of any structure or use in connection with such facility shall conform to the general character of the neighborhood in which it is proposed to be located and will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood in which it is located.

Day Care Centers

- a. A statement setting forth full particulars on the operation to be conducted within the structures, and to include the approvals of the Pennsylvania Departments of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964, shall be filed with the Zoning Hearing Board.
- b. The Board shall determine whether said structure or use will not be detrimental to surrounding property and the design of any structures erected in connection with such use shall be in keeping with the general character of the area, and such lot shall meet the requirements of the available zone as set forth in Section 405.

Conversion Apartment Dwellings

The conversion of any building to two (2) or more family dwelling units may be permitted in the specified zones provided:

- a. The maximum number of dwelling units after conversion is limited to four (4) in an R-2 District and six (6) elsewhere where permitted.
- b. Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet and bathing facilities.

- c. The area of the lot upon which the conversion is located contains at least two thousand (2,000) square feet for each dwelling unit after conversion.
- d. One dwelling unit shall have a minimum of seven hundred (700) square feet of habitable floor area and all additional dwelling units shall have a minimum habitable floor areas according to the following standards:
 - one-bedroom units - 500 square feet
 - two-bedroom units - 700 square feet
 - three-bedroom units - 900 square feet
- e. No exterior structural alteration of the structure may be made except as may be necessary for safety or for improved access.
- f. In the CBD zone, conversions are only permitted above the first floor.

Home Occupations

Any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:

- a. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than permitted signs.
- b. Home occupations shall be limited to the employment of not more than one (1) assistant. An assistant is not to be construed as an additional independent operator or professional, but rather must be clearly an auxiliary helper such as a secretary or a receptionist.
- c. The home occupation shall be conducted wholly within the livable portion of a dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor nor more than four hundred (400) square feet. An accessory building may also be utilized for home occupation purposes provided the four hundred (400) square feet provision is maintained.
- d. All parking shall be off-street and two (2) off-street spaces shall be provided in addition to that required of the residence unit. Off-street parking would be excluded for those occupations that do not, in the

opinion of the Zoning Officer, produce goods or provide services that would generate vehicular traffic.

- e. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.
- f. Automotive repair is not permitted as a home occupation.

Heavy Industry as Defined in Section 404.D #7

All proposed uses shall provide documentation, to the satisfaction of the Zoning Officer, that the proposed use will be in conformance with the performance standards listed below. In the event any use fails to meet the performance standards after a certificate of zoning ordinance compliance is issued, the Zoning Officer may, after proper notice, require that the use be terminated within sixty (60) days, unless the use can be corrected to satisfactorily meet the performance standards listed below:

- 1. Smoke, Dust, Dirt and Fly Ash: Shall not exceed the limits set by State and City Air Pollution Codes.
- 2. Odor: The emission of obnoxious odors of any kind shall not be permitted.
- 3. Gases: No gas shall be emitted which is deleterious to the public health or safety.
- 4. Glare: Arc welding, acetylene torch cutting or similar processes that produce glare shall be performed within any enclosed building or shall be screened from view from any point beyond the property line.
- 5. Vibration: No use shall cause earth vibrations or concussions detectable beyond its property lines, without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
- 6. Fire and Safety Hazard: The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks shall be in accordance with City and State regulations. The permitted manufacture of storage of explosive or poisonous gases shall be in accordance with City and State regulations.

The storage, baling or treatment of rags, wastes, scrap paper or similar materials shall be in an enclosed masonry building, no part of which may be located closer than fifty (50) feet from any property line.

Mobile Home Parks

- a. A Mobile Home Park or Subdivision shall contain a minimum of eight (8) acres.
- b. Maximum density in a Mobile Home Park and Subdivision shall be ten (10) units per acre.
- c. Regardless of lot size, the side yard distances measured from the outside of each Mobile Home to the lot line shall not be less than twenty (20) feet in total and no one side yard distance less than eight (8) feet. Front and rear yards shall not be less than twenty (20) feet and, in no case, shall the distance between any two mobile homes be less than twenty (20) feet.
- d. All streets, roads, and driveways in a Mobile Home Park or Subdivision shall be paved with an all-weather surface approved by the City Engineer at least twenty (20) feet wide.
- e. Each Mobile Home in a Mobile Home Park must have at least one paved parking space sufficient in size for at least one automobile. The spaces may be provided in a common parking area within the Mobile Home Park - not necessarily individual spaces on individual lots.
- f. Each parking space in a Mobile Home Park or Subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

Personal Care Boarding Homes

- a. Personal Care Boarding Homes shall be defined as any premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for three or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self administration but do not require hospitalization or care in a skilled nursing/intermediate care facility.

- b. The number of residents shall be limited to no fewer than three and no more than six.
- c. Personal Care Boarding Homes shall be spaced at least 800 feet from other Personal Care Boarding Homes, so as not to impact or adversely affect any particular neighborhood.
- d. At least one responsible non-client adult shall be available on the premises for the residents on a 24 hour-a-day basis while any of the residents are on the premises.
- e. Conversion of existing structures must meet the development standard requirements for new construction.
- f. Facility must be located within a reasonable distance from public transportation and shopping facilities.

ARTICLE V

SUPPLEMENTAL REGULATIONS

501. Additional General Regulations

501.1 Visibility at Intersections

On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

1. Seventy-five (75) feet from the point of intersection of the center lines if intersecting streets are twenty (20) feet or more in width; or
2. If one or both streets are less than twenty (20) feet in width, a clear sight triangle of fifty (50) feet must be maintained.

501.2 More Than One Principal Structure on a Lot

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

501.3 Exception to Height Regulations

The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

501.4 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

501.5 Parking, Storage, or Use of Major Recreational Equipment

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers, and like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or in a rear yard. However, such equipment may be parked anywhere on residential premises for up to twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

501.6 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any property (or public street contained therein) other than in completely enclosed buildings, except on those premises where such storage is absolutely necessary to the operation of a business such as that of an automobile dealer. Nor shall any vehicle not customarily associated with resident travel, such as tractor trailer trucks, be parked on any residentially zoned property (or public street contained therein) other than in completely enclosed buildings.

Further, the parking and storage of Commercial or construction type vehicles (ie. 18-wheelers, 16-wheelers, etc.) shall be permitted only in light industrial or heavy industrial zoned areas. The parking of such vehicles in Residential or Commercial zoned area will be allowed temporarily for the purpose of loading and unloading.

501.7 Lot Area and Lot Width for Lots and Served with Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewer system and any City, State or other local laws or ordinances in force require a higher standard for lot area or lot width than this ordinance, the more restrictive regulations of such ordinance or laws shall apply.

501.8 Front and Rear Yard Exceptions

When a proposed structure is situated in the same linear block with improved structures having yard dimensions less than those required for the district, the yard required can be decreased to a depth equal to the average of the yards of the improved structures.

501.9 Projections into Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.

- a. Terraces, decks or patios, provided that such terraces or patios are not under roof or otherwise enclosed and are not closer than three (3) feet to any adjacent property line.
- b. Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features – provided they do not extend more than five (5) feet into any required yard not closer than three (3) feet to any adjacent property line, except in the C2 District where a ten (10) foot minimum height above grade must be maintained.
- c. Uncovered stairs and landings provided they are not closer than three (3) feet to an adjacent property line, except in the C2 District.
- d. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line, except in the C2 District where a ten (10) foot minimum height above grade must be maintained. Fire escapes which are required by State or local codes to be supported on the ground shall be no closer than three (3) feet to any adjacent property line.
- e. Projecting architectural features needed as a functional component of active or passive solar energy systems, including but not limited to canopies, eaves, overhangs, reflectors, movable insulation and attached solar collectors, are permitted to project into required yards provided they do not extend more than five feet into any required yard nor closer than three feet to any adjacent property line.
- f. Satellite receiving stations provided they do not extend more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line.

501.10 Accessory Uses

- a. Private, non-commercial swimming pools which are designed to contain water depth of eighteen (18) inches or more must be located in a rear or side yard only, and shall be entirely enclosed within a continuous fence not less than four (4) feet in height. There shall not be less than six (6) feet

between side and rear property lines and edge of water line in pool. Fences for this section are defined as an impenetrable structure from a height of at least six (6) feet to the grade level of the ground.

- b. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than six (6) feet from side or rear property lines.
- c. Driveways, patios, decks and paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface deflects storm water on to an adjoining property.
- d. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.
- e. Garages and other accessory structures shall be no higher than 1 ½ stories and shall be located at least ten (10) feet from the principal structure. Side and rear yard requirements for these structures are shown on Schedule II Section 405.

501.11 Municipal Uses

In any district, a building or use may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses. Further, the lot sizes, yard regulations, and coverage requirements may be modified to accommodate such buildings or uses provided that the modifications will represent the least possible modification of the regulations at issue and provided further that all such modifications shall be in the public interest and they will not adversely affect other properties in the district in which they are located.

501.12 Gasoline Pumps

Gasoline pumps and all other service equipment shall be set back not less than fifteen (15) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.

501.13 Fences, Walls and Hedges

The following regulations govern fences, walls and plants grown as hedges in the City:

- a. They must be set back three (3) feet from the property line when the yard in which they are located abuts a publicly utilized street or alley;
- b. Plants grown as hedges may not exceed four (4) feet in height above ground level in a front yard and eight (8) feet elsewhere;
- c. Fences and walls may not exceed four (4) feet in height above ground level in a front yard except in the I-1 and I-2 districts where heights of up to eight (8) feet above ground level are permitted;
- d. Fences and walls may not exceed six (6) feet in side or rear yards except in the I-1 and I-2 districts where heights of up to eight (8) feet are permitted.

502. Nonconforming Uses and Buildings

502.1 Application

Any legal nonconforming use may be continued subject to the following provisions.

502.2 Enlargement

A nonconforming use or building may be enlarged by only 25%. The enlarged portion shall satisfy all District requirements. Only one such enlargement shall be permitted for each zone lot, and it shall not displace any conforming use.

502.3 Repairs

Normal repairs and maintenance shall be permitted on nonconforming uses.

502.4 Alterations

A nonconforming building whose floor area is less than 50% damaged may be reconstructed and used as before, provided that the reconstruction is completed within one year of the damage.

- a. A nonconforming use or building shall not be changed into a use permitted in a less restrictive district.
- b. A nonconforming use may be changed into a conforming use. It may not subsequently revert to its original nonconforming use.

502.5 Abandonment

A nonconforming use which is discontinued for more than one year is considered to be abandoned, and shall not be resumed. Intent to resume active operations shall not affect this ruling.

502.6 Partial Destruction

The use of a nonconforming use or building shall be terminated where 50% or more of the floor area or volume is destroyed.

502.7 Nonconforming Lots of Record

In any district, a permitted building may be erected on any single lot of record. 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 that are generally applicable in this district, provided that yard dimensions and requirements other than these applying to area or width or both, of the lot shall conform to the regulations for the district in which such lot is located.

502.8 Termination of Nonconforming Use Which Creates a Special Nuisance

When the Zoning Officer or 50% of the property owners located within 200 feet of a nonconforming use register a complaint with the Zoning Hearing Board and declare said use to have the characteristics of a general nuisance then the Board shall hold a public hearing and within 30 days make a finding on the complaint. If the Board decides that the use is a general nuisance, then the Board may order the termination of such use, within a reasonable time, or may order the termination of the nuisance characteristics of the use within a reasonable time.

503. Strip Mining

503.1 Procedure

- a. Strip mining operations shall be considered a temporary use of land, and may be permitted as a Special Exception in the I-2 District.
- b. All strip mining operations shall require a permit authorized by the Building Inspector. Proposals for the establishment of future strip mining shall be submitted to the Council for their recommendation prior to final action by the Zoning Hearing Board.

- c. Evidence of adherence to all applicable Federal, State and local regulations governing strip mining must also be available for inspection upon request.

504. Junk Yards and Similar Storage Areas Including Automobile Wrecking

504.1 Application

No new junk yards or similar storage areas shall be permitted within the City limits from the date of passage of this Ordinance. Those existing at this date may continue their operations as nonconforming uses, and shall terminate within one year unless they operate in accordance with the following provisions.

- a. All junk yards and similar storage facilities shall be completely enclosed by a fence or wall at least six feet in height.
- b. No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground, with the exception of fuel tanks or drums which are directly connected with heating appliances.
- c. All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, shall be stored outdoors only in enclosed containers.
- d. No operations which, in the opinion of the Zoning Officer, cause a general nuisance shall be permitted.

505. Floodplain Zoning

505.1 Purpose and Application

The City of Pittston Floodplain Ordinance NO12 2012 is hereby incorporated by reference. This Ordinance as adapted by City Council on October 17 2012 establishes a Floodplain District and regulations governing the construction, substantial improvement or relocation of any building within this District. Any such activity within the Floodplain District shall conform to the terms of this Ordinance.

506. Livestock

Poultry and rabbits are the only livestock permitted in the City of Pittston. These may be owned and raised for personal consumption only. No retail use of livestock is permitted. No livestock will be allowed, if, in the opinion of the City Zoning Officer or City Health Officer, it is not being kept in a safe and healthy manner.

ARTICLE VI

OFF-STREET PARKING AND LOADING

601. Purpose

The purpose of this section is to regulate the number of required off-street parking and loading spaces to provide for the needs of occupants, customers or visitors of any building, structural improvement or place of assembly.

602. Application

Off-street parking facilities shall be required as a condition precedent to the occupancy of any new building or use. Facilities shall be provided:

- a. Whenever a building is constructed;
- b. Whenever the use of an existing building is changed to a use requiring more parking facilities;
- c. Whenever an existing building or use is altered or enlarged so as to increase the amount of parking spaces required in this article.

These regulations shall apply to all districts except the Central Business District.

603. Off-Street Parking Area Regulations

603.1 Size and Access

Each parking space shall be of sufficient size to accommodate at least one automobile according to prevailing standards approved by the City Engineer.

There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten feet in width in the case of a dwelling, and not less than 20 feet in width in all other cases, leading to the parking or storage areas or loading spaces.

603.2 Maintenance

All parking areas shall be continually maintained in satisfactory condition so as to be free of any hazard, nuisance or other unsafe condition.

603.3 Location

Off-street parking must be located within 300 feet of the principal building or use being served. Off-street parking spaces shall be permitted in a required side or rear yard provided no impermeable surfaces are placed within five feet of any adjoining property lines. In the I-1 and I-2 Districts, off-street parking shall be permitted in a required side or rear yard provided parking shall meet a minimum setback of ten feet from any adjoining property line or public right of way.

603.4 Computation of Required Number of Spaces

The minimum parking and off-street loading space requirements set forth in this ordinance may be reduced by the Zoning Officer based upon a finding that the particular use involved is not likely to require the number of spaces stipulated. Also, for any use or classification not described below, the parking space requirement shall be as established by the Building Inspector.

603.5 Combined Use of Facilities

One or more parking lots may be designed to service a multiple number of commercial business or industrial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

603.6 Improvements to Parking and Loading Areas

All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface, approved by the City Engineer. The City Engineer may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district.

603.7 Illumination of Parking and Loading Areas

Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

603.8 Minimum Off-Street Parking Space Requirements

<u>Building or Use</u>	<u>Parking Spaces Required</u>
<u>Institutional</u>	
1. Civic and educational; primary and secondary school; library, places for public assembly.	1 space for each employee plus 1 space for each 6 seats in assembly rooms.
2. Governmental; municipal building	1 space for each 300 sq. ft. of office floor area plus 1 space for each 4 seats in assembly rooms.
3. Place of worship	1 space for each 3 seats in principal assembly rooms.
4. Welfare; hospital	1 space per 3 beds plus 1 space for each employee on the largest shift.
Health center	1 space per 150 sq. ft. floor area.
Home for the aging	1 space per each 4 guest rooms or apartment units plus 1 space for each employee.
5. Commercial, vocational and trade schools including barber and beauty schools.	1 space per each employee plus 1 space for each 3 students.
<u>Residential</u>	
6. One and two-family dwelling	1 space per dwelling unit.
7. Multi-family residence	2 spaces per dwelling unit.
8. Public or non-profit elderly housing	1 space per 4 dwelling units.
<u>Office Buildings</u>	
9. Medical and dental offices and clinics	1 space per 200 sq. ft. of floor area plus 1 space for each doctor and dentist and employee.
10. Other office	1 space per 300 sq. ft. of gross floor area.

Commercial Business

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| 11. | Motel, hotel | 1 space per every two guest rooms or units. |
| 12. | Mortuary | 1 space per 50 sq. ft. of assembly rooms, or 1 space for each 6 seats, whichever requires the greater number. |
| 13. | Retail stores, banks, service establishments | 1 space per 300 sq. ft. of gross floor area. |
| 14. | Eating places, bars, taverns | 1 space per 100 sq. ft. of gross floor area, or 1 space per 2.5 seats, whichever requires the greater number of spaces. |
| 15. | Club, lodge, or other assembly hall | 1 space per 4 seats in building or 1 per 100 sq. ft. of gross floor area whichever requires the greatest number of spaces. |
| 16. | Indoor theater | 1 space per 4 seats in building. |
| 17. | Dance hall, skating rink, swimming pool | 1 space per 75 sq. ft. of area used for dancing, skating or swimming. |
| 18. | Bowling alley | 5 spaces per bowling lane. |
| 19. | Service and storage establishments | 1 space for every 2 employees on the largest shift. |

Manufacturing

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|-----|--|---|
| 20. | Executive offices, sales offices | 1 space per 300 sq. ft. of executive and sales office floor area. |
| 21. | Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district | 1 space for every 2 employees on the largest shift. |

Other Buildings or Uses

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| 22. | For a specific building or use not scheduled, the Building Inspector shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use. |
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604. Off-Street Loading Area Regulations

604.1 Application and General Requirements

- a. The applicability of the loading regulations shall be the same as provided with respect to parking regulations in Section 602.
- b. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard.
- c. For uses not expressly listed, loading spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Officer.
- d. No required loading space shall be less than 10 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.
- e. Sufficient screening may be required by the Building Inspector along lot lines abutting residentially zoned property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
- f. Every loading space shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system.
- g. Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or street.

605. Minimum Off-Street Loading Space Requirements

	<u>Uses</u>	<u>Sq. Ft. of Floor Area</u>	<u>Required Off-Street Spaces</u>
1.	Schools	15,000 or more	1
2.	Hospitals (in addition to space for ambulance)	10,000 - 300,000	1
		For each additional 300,000 or major fraction thereof	1 additional
3.	Undertakers and Funeral Parlors	5,000	1
		For each additional 5,000 or major fraction thereof	1 additional
4.	Hotel and Offices	10,000 or more	1
5.	Commercial,	10,000 - 25,000	1
	Wholesale,	25,000 - 40,000	2
	Manufacturing,	40,000 - 60,000	3
	Storage	60,000 - 100,000	4
		For each additional 50,000 or major fraction thereof	1 additional

ARTICLE VII

SIGNS

701. Purpose

The purpose of this article is to control the size, location, illumination and maintenance of signs in order to:

- a. reduce hazards to pedestrians and vehicular traffic;
- b. encourage well designed and attractive signs to avoid degradation of the community;
- c. provide for the removal of signs which are hazardous or a blighting influence.

702. Permitted Permanent Signs

Permanent signs permitted in the City are categorized according to the following groupings:

a. Public Purpose Signs:

All signs and signals owned or operated by the City;

Identification signs for public and for semi-public facilities, such as schools, churches, hospitals, libraries, clubs and public utilities;

Memorial or historical markers or tablets.

b. Private Oriented Signs:

Nameplates identifying the owner or resident of a private property, excluding mailboxes;

Home Occupation signs;

Signs indicating the private nature of a road, driveway, or other premises, and signs controlling the use of private property, such as the prohibition of hunting or fishing.

c. Business Signs:

A sign bearing the name of an occupant of a commercially related premises and/or bearing the name of services or products manufactured, processed, sold or displayed thereon.

703. Standards for Permanent Signs

The following Table I outlines the standards to which each of the permitted permanent sign types must conform.

TABLE I
STANDARDS FOR PERMANENT SIGNS

SIGN TYPE: (See Sec. 702 for definitions)	PUBLIC (All Districts)	PRIVATE (All Districts)	BUSINESS		
			C-1, C-2	I-1, I-2	R-1, R-2
Maximum area for one sign	20 square feet	4 square feet	3 square feet per foot of lot frontage (100 sq. ft. maximum)	6 square feet per foot of lot frontage (400 sq. ft. maximum)	7.5 square feet
Maximum signs per lot	2	2	1 (2 on corner lot)	1 (2 on corner lot)	1 (2 on corner lot)
Maximum height to top if attached to building	height of building	height of building	height of building*	height of building*	height of building
Maximum height to top if freestanding	20 feet	6 feet	20 feet	30 feet	20 feet
Maximum projection from building if attached parallel to building face	1 foot	1 foot	1 foot	1 foot	1 foot
Maximum projection from building if attached perpendicular to building face	4 feet	4 feet	4 feet	4 feet	4 feet
Minimum height from ground to bottom of sign if attached perpendicular to building face	10 feet	10 feet	10 feet	10 feet	10 feet

* or 20' from the ground in the case of a one story building

704. Permitted Temporary Signs

Subject to other provisions of this section, only the following types of temporary signs are permitted throughout the City:

a. T-1:

Signs identifying architects, engineers, contractors, tradesmen or other engaged in construction work, on the premises wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed.

b. T-2:

Real estate signs, on individual properties that are for sale, rent, or lease or which have been sold, rented or leased. The former type shall be permitted for as long as the property remains for sale or rent, but the latter type shall be removed within a week of the date of the sale or rental agreement.

c. T-3:

Real estate signs similar to those described in T-2 but located in housing developments or large acreages which include more than one house lot. Such signs shall be removed when ninety (90) percent of the properties have been developed. Signs announcing proposed commercial or industrial development of the site may be erected for a maximum of one year.

d. T-4:

Signs advertising the temporary sale of products, when such sale is conducted in accordance with all the provisions of City Ordinances. Such signs shall be displayed only when the products are on sale.

e. T-5:

Temporary directional signs for a period not exceeding one week.

705. Standards for Temporary Signs

The following Table II outlines the standards to which each of the permitted temporary sign types must conform.

TABLE II

PERFORMANCE AND LOCATION STANDARDS FOR TEMPORARY SIGNS

SIGN TYPE (See Sec. 704 for definitions)	T-1	T-2	T-3	T-4	T-5
Maximum area for one sign	20 sq. ft.	6 sq. ft.	32 sq. ft.	6 sq. ft.	2 sq. ft.
Maximum number of signs	One for each trade or	2 per lot	2 per development	2 per lot	2 per development
Minimum setback from public right-of-way	25 ft. or bldg. face	10 ft. or bldg. face	25 ft. or bldg. face	10 ft.	2 ft.
Maximum height to top, if sign attached to building	building height	building height	building height	building height	building height
Maximum height to top, if sign is freestanding	10 ft.	10 ft.	10 ft.	10 ft.	-
Maximum projection from bldg. face, if attached parallel to bldg. face	12 in.	12 in.	12 in.	12 in.	12 in.
Districts permitted	ALL	ALL	ALL	ALL	ALL
Maximum projection from building face if attached perpendicular to building face	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.
Minimum height from ground to bottom of sign if attached perpendicular to building face	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.

706. General Sign Regulations

- a. Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
- b. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
- c. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- d. Permits shall be required for the erection or alteration of all signs in the City.
- e. Signs may be interior lighted with non-glaring lights, or may be illuminated by shielded floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.
- f. City owned or operated signs are exempt from the provisions of Article VII.

707.1 Prohibited Signs

The following types of signs shall not be permitted in the City:

- a. Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for, a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "Stop". It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by the use of special preparation such as fluorescent paint or glass.
- b. Any sign located in or extending into a public cartway, except those owned or operated by a duly constituted government.
- c. Any freestanding sign within an area bounded by the intersection of two rights-of-way and points twenty feet from such intersection along the rights-of-way, except directional signs less than three feet in height.
- d. Freestanding signs over a public sidewalk area.
- e. Flashing or oscillating signs.

- f. Signs erected upon or attached to the roof of any building, except signs on single story structures. These are permitted on a roof provided they do not exceed twenty (20) feet from ground to their top.
- g. Signs advertising a business or activity not taking place specifically in the building on which the sign is located or on the premises in the case of a freestanding sign.

707.2 Central Business District Sign Standards

a. Applicability

The provisions in this section apply only within the Central Business (C-2) District, and shall be used in addition to the general provisions for signs found throughout this chapter. Where differences occur between the Central Business District Sign Standards of this section (Sec. 707.2) and those found elsewhere in this chapter, the Central Business District Sign Standards of this section shall control.

b. Intent

The Central Business (C-2) District is the City of Pittston's traditional primary commercial district. The majority of structures are attached masonry structures, in a variety of architectural styles, built to the property line along the street.

The intent of these special provisions is to minimize the possibly adverse effect of signs on significant architectural resources within the District, to improve the safety of pedestrian and vehicular traffic, and to improve the communicative value of the signage for the primary users of the district.

A further intent of these regulations is to provide for signage which is compatible with the dominant architectural character of the district, so that the characteristics of the district are not adversely impacted by inappropriate signage.

c. Special Definitions

The following special definitions shall apply throughout the Central Business District Sign Standards of this section (Sec. 707.2).

Projecting Sign means any business or identification sign which sole means of support is by attachment to a legal structure on a zoning lot and which projects more than twelve (12) inches into a public right-of-way. A projecting sign shall contain no more than two (2) sign faces which include lettering, and these sign faces shall be back-to-back.

Such signs may be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

d. Number of Signs

1. For each street level business, a maximum of one (1) wall sign, two (2) window signs, and either one (1) awning sign or one (1) projecting sign or one (1) ground sign shall be permitted for each facade of a structure facing a street.

2. For each upper floor business, a maximum of two (2) window signs, one (1) door sign, and either one (1) awning sign or one (1) projecting sign shall be permitted for each facade of a structure facing a street.
3. The maximum area of all signs, including ground signs, shall be fifteen (15) percent of the area of the face of the building on which the signs are proposed. For ground signs, the area of the face of the building nearest to and visible from the ground signs shall be considered for this calculation.

e. Sign Size

1. Wall signs shall be a maximum of two (2) square feet in area for every lineal foot of building frontage, up to a maximum of forty (40) square feet. Maximum lettering Size shall be eighteen (18) inches high.
2. For each street level business window and door signs shall be a maximum of twenty (20) percent of the glazed area of the window or door in which they are placed up to a maximum of eight (8) square feet. For each upper floor business, window or door signs shall be maximum of fifty (50) percent of the glazed area of the window or door in which they are placed, up to a maximum of ten (10) square feet.
3. Projecting signs shall be a maximum of nine (9) square feet per side. The area of irregular or three-dimensional shapes shall be computed by multiplying the height and width at the widest points.
4. Ground signs shall be limited to forty (40) square feet, and the sign and sign structure shall be no higher than twelve (12) feet.

f. Location

1. No sign or sign structure or support shall be placed onto or obscure or damage any significant architectural feature of a building, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
2. No sign shall be painted onto any significant architectural feature, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
3. No sign or sign structure or support shall be located on the roof of any building or structure, nor shall any sign or sign structure or support extend beyond the cornice line of any building or structure.
4. Projecting signs shall extend no more than four (4) feet from the front of a building or structure or two-thirds ($\frac{2}{3}$) of the width of the sidewalk beneath the sign where such sidewalk exists, whichever is less. The bottom most point of a projecting sign shall be no less than ten (10) feet from above grade beneath the sign.

g. Materials

The following types of signs and materials shall not be permitted for signs in the Central Business District:

1. Internally illuminated box signs;
2. Flashing or oscillating signs;

3. Internally illuminated awnings.
4. Wall signs shall be painted only onto a separate material which is applied to the facade of the building.
5. For awning signs, letters shall be applied or painted onto the valance portion of the awning only.

h. Illumination

1. Internally illuminated box signs shall not be permitted.
2. The sign face may be illuminated with small shielded spotlights which are placed as to not glare onto the public right-of-way or onto adjacent properties or neon tubing may be attached to the face of the sign for illumination.

i. Location

Signs for street level businesses shall be located below the sills of the second floor windows and above the frame of the storefront windows.

j. Materials

Sign supports and structures shall be designed to be the minimum necessary to safely install the sign. Sign structures and supports shall be designed to be compatible with the architecture of the building.

709. Nonconforming Signs

709.1 Purpose and Application

A nonconforming sign is a sign that was lawfully erected, altered, moved or maintained under previous ordinances of the City, but does not conform to the provisions of this Ordinance. It is the intent of the City to have all nonconforming signs either removed or brought into conformity within a defined time period.

709.2 Amortization of Nonconforming Signs

Any sign which becomes nonconforming by virtue of this Ordinance shall be removed, altered or replaced so as to be brought into conformity within a period between six (6) months and five (5) of the effective date of this Ordinance. The Zoning Officer will specify exact time factor based on the age, condition and location of such signs.

710. Abandoned Signs

Any sign which no longer advertises an existing business conducted or product sold on the premises, shall be considered abandoned and shall be removed by the owner or user of the sign, or the owner of the property upon which sign is located.

711. Enforcement

- a. If the Zoning Officer declares any sign to be:
 1. unsafe or deteriorated;
 2. constructed in violation of this Ordinance;
 3. abandoned as per Section 710 above;
 4. a temporary sign exceeding its permitted period of display as stipulated in Section 704,

he shall give written notice to the owner, user thereof, or owner of the property upon which the sign is located. This notice shall stipulate that the offending sign shall be removed, altered or replaced by the owner or user within 20 days of receipt of the notice.

- b. Failure to remove, alter or replace signs within 10 days of receiving the notice stipulated in Section 711(a) above, shall cause the offending sign to be removed by the Zoning Officer or shall cause the Zoning Officer to take whatever corrective action is necessary. The cost of this removal or corrective action shall be promptly paid by owner or user of the sign or the owner of the property upon which the sign is located to the City.
- c. Failure to remove, alter or replace nonconforming signs within the allotted time by the Zoning Officer shall also cause the offending sign to be removed or corrected by the Zoning Officer. The cost of this removal or corrective action shall be promptly paid by the owner or user of the sign or owner of the property upon which the sign is located to the City.

712. Billboards

712.1 Purpose and Application

It is the intent of the City to regulate the construction and maintenance of Billboards. These are defined as: all signs (whether freestanding or attached to a building) which refer to products, materials or services which are not made, sold or performed on the same premises upon which the sign is located.

712.2 Regulations and Standards

- a. Billboards are only permitted in the I-1 and I-2 districts.
- b. They may not exceed thirty (30) feet in height from ground level.
- c. They may not exceed two hundred eighty-eight (288) square feet in total area.
- d. Only one (1) shall be permitted per lot or parcel of land.
- e. They must conform to the same maintenance and construction standards as detailed in Section 706 for all other signs.
- f. They must conform to the setback standards of the zoning district in which they are located.

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