An ordinance of the Borough of Eldred, Commonwealth of Pennsylvania, dividing the Borough of Eldred into districts or zones and within them regulating, restricting and determining the location, height, bulk and size of buildings and other structures, the percentage of lots which may be occupied, the size of lots, courts and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities and other purposes and the use of land for trade, industry, recreation, agriculture, forestry, soil conservation, water supply, conservation and other purposes; establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts or zones; providing for administration and enforcement; establishing and prescribing the duties of a zoning hearing board; setting forth rules of interpretation and definitions; providing for amendment; and imposing fines and penalties for violations.

Whereas, all matters and things required to be done by the laws of the Commonwealth of Pennsylvania in order that the Borough Council of Eldred, County of McKean, may avail itself of the powers conferred by said laws have been done and complied with,

Now therefore, the Eldred Borough Council, County of McKean, pursuant to the authority conferred on them by the Act of Assembly of 1968, July 31st, Act 247, (Pennsylvania Municipalities Planning Code) and amendments thereto hereby ordains and enacts as follows:

Article I

Short Title - Purpose - Community Development Objectives

100 Short Title

This ordinance shall be known as "The 1973 Eldred Borough Zoning Ordinance".

101 Purpose

The regulations of this "Zoning Ordinance" are made in accordance with a comprehensive land use plan and designed:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense
facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

102 Community Development Objectives

This Ordinance is intended to further facilitate implementation of Eldred Borough's Community Development Objectives. These objectives are:

A. Achievement of the highest and best use of land;

B. Protection of transportation corridors;

C. The establishment of a realistic population density control;

D. To effectuate a logical road and street pattern designed to adequately serve business, industry and residence and insofar as possible maintain a separation necessary to protect the neighborhood environment;

E. To guide development with a view to providing adequate and economical community facilities and utilities;

F. To achieve adequate public protection;

G. To permit economical installation of sanitary sewers and treatment facilities;

H. To ultimately eliminate pollution factors and pollutants from water and air.

I. Protection from flooding.
ARTICLE II
ZONING DISTRICTS

200 Establishment of Districts

The Borough of Eldred as indicated on the Zoning Map is hereby divided into the following zoning districts:

- Residential "R" District
- Commercial - Residential "CR" District
- Agricultural - Conservation "A-C" District

201 Zoning Map

The boundaries of the districts are established as shown on the map entitled "The 1973 Zoning Map of Eldred Borough" and called the "Zoning Map" in this ordinance. The Zoning Map, including all the explanatory material on it, is made a part of this ordinance.

The Borough Secretary shall certify the Zoning Map as part of this ordinance and keep it on file in his office.

Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the map, with a signed statement substantially as follows:

On this ___ day of __________, 19___, by action of the Borough Council, the following change was made on this map:

(Brief description of the change)

ATTEST:

President

Eldred Borough Council

Borough Secretary

The ordinance making the change shall provide for its immediate entry upon the Zoning Map.

202 Interpretation of District Boundaries

If there is uncertainty of the exact boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries shown as approximately following the center lines of streets or highways shall be construed to follow such center lines;

B. Boundaries shown as approximately following the platted lot lines shall be construed to follow such lot lines;
C. Boundaries shown as following shore lines of rivers, streams, and reservoirs shall be construed to follow such shore lines and to move with changes in the actual shore lines;

D. Distances not specifically determined on the Zoning Map shall be determined by the Zoning Hearing Board.

ARTICLE III

APPLICATION OF DISTRICT REGULATIONS

300 District Regulations

No structure or land shall hereafter be used or occupied and no structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations for the district in which it is located except as may be otherwise provided in this Ordinance.

No part of a yard, open space, parking space or loading space required for any structure under this ordinance, shall be included as part of a yard, open space, parking space or loading space similarly required for another structure.

No yard, lot or parking space now existing shall be reduced in size below the minimum requirements of this ordinance. Yards or lots created after the effective date of this ordinance shall meet its minimum requirements.

301 General Exceptions to Lot Size Requirements

If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirement of the zone. The record of ownership as recorded in the office of the County Recorder of Deeds at the time of passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance became applicable to the land concerned.

302 Exemptions

This article 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.

303 Uniformity

Within each district, the regulations established by this ordinance shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

ARTICLE IV
RESIDENTIAL "R" DISTRICTS

400 Uses Permitted Outright in a Residential "R" Zone

In an "R" zone the following uses and their accessory uses are permitted outright:

A. Dwelling;
B. Mobile home in accordance with Article VII.

401 Conditional Uses Permitted in an "R" Zone

In an "R" zone the following uses and their accessory uses are permitted when authorized in accordance with Article X:

A. Church;
B. Community building;
C. Funeral home;
D. Governmental use;
E. Hospital, sanitarium, rest home, nursing or convalescent home, physician's office or dental office;
F. Mobile home park, in accordance with Articles VIII and IX;
G. School;
H. Utility structure;
I. Community parks and playgrounds.

402 Dimensional Standards in an "R" Zone

In an "R" zone the following dimensional standards shall apply:
A. The front yard shall be a minimum of 20 feet;
B. Each side yard shall be a minimum of 5 feet, except that on a corner lot the side yard on the street side shall be a minimum of 20 feet;

C. The rear yard shall be a minimum of 5 feet;

D. The lot area shall be a minimum of 8,000 square feet and shall exceed the minimum by 1,000 square feet for each additional dwelling unit in a multifamily structure.

E. The lot width at the front building line shall be a minimum of 80 feet;

F. Building height shall be a maximum of 35 feet.

403 Home Occupations

Home occupations shall be permitted in an "R" zone provided such use is carried on by the residents of the dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not otherwise be defined as a nuisance or generator of substantial pedestrian or vehicular traffic in the neighborhood.

ARTICLE V

COMMERCIAL - RESIDENTIAL "CR" DISTRICTS

500 Uses Permitted Outright in a Commercial - Residential "CR" Zone

In a "CR" zone the following uses and their accessory uses are permitted outright:

A. A use permitted outright or as a conditional use in the "R" zone, except mobile homes or mobile home parks;

B. Retail or wholesale trade establishment;

C. Repair and maintenance service;

D. Office;

E. Personal or business service establishment;

F. Eating or drinking establishment;

G. Financial institution;

H. Amusement establishment;

I. Community parks and playgrounds.
501 Dimensional Standards in a "CR" Zone

In a "CR" zone the dimensional standards of the "R" zone shall apply to a lot or a structure used for a dwelling purpose. The maximum building height shall be 35 feet. There shall be no other dimensional standards in a "CR" zone.

ARTICLE VI

AGRICULTURAL - CONSERVATION "A-C" DISTRICTS

600 Uses Permitted Outright in an Agricultural - Conservation "A-C" Zone

In an "A-C" zone the following uses and their accessory uses are permitted outright:

A. Dwelling, and mobile home in accordance with Article VIII;
B. General farming;
C. Growing of trees and harvesting the same;

601 Conditional Uses Permitted in an "A-C" Zone

A. Airport or heliport;
B. Hospital, nursing or retirement home;
C. Kennel or animal hospital;
D. Commercial activity directly serving farm operations, including the preparation and storage of farm products;
E. Public or governmental utility structure or facility;
F. Communications transmitter tower or station;
G. Community building or fraternal organization building;
H. Church;
I. Golf course or other open land recreational use;
J. Cemetery;
K. Mobile home park in accordance with Articles VII, VIII and IX;
L. Community parks and playgrounds;
M. Eating or drinking establishments;
N. Extraction of oil, gas, aggregates and minerals.
Dimensional Standards in an "A-C" Zone

A. Dimensional standards for dwellings and mobile homes shall be the same as those required in an "R" zone;

B. There shall be no dimensional standards for the other uses permitted outright in any "A-C" zone;

C. For conditional uses permitted in an "A-C" zone, dimensional standards shall be as determined by the planning commission in approving the conditional use, as prescribed in Articles VIII and IX.

ARTICLE VII

MOBILE HOME SKIRTING REQUIREMENTS

All mobile homes, either on individual lots or in mobile home parks, shall be provided and maintained with a skirting shielding the undercarriage of the unit when the unit is not placed on permanent cement block or concrete foundations. The type of material used and the adequacy of the skirting shall be approved by the municipal building inspector and installed within sixty (60) days from date the mobile home is moved onto the site.

ARTICLE VIII

MOBILE HOME PARK REQUIREMENTS

Mobile home parks shall be established in compliance with the following minimum requirements:

A. No mobile home park shall have an area of less than five acres;

B. Each mobile home site within the park shall have an area of 4,000 square feet;

C. Not less than ten percent (10%) of the gross area of the park must be set aside and maintained for recreational activities of the residents of the park;

D. No mobile home shall be closer than 20 feet to any other mobile home or building;

E. The park shall be appropriately landscaped and screened from adjacent properties;

F. All roads and streets shall have an all-weather surface of either asphalt or concrete and be properly maintained.
ARTICLE IX

CONDITIONAL USES

Authorization to Grant or Deny Conditional Uses.

A conditional use listed in the ordinance may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this article.

In permitting a new conditional use or the alteration of an existing conditional use the planning commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the planning commission considers necessary to protect the best interests of the surrounding area or the borough as a whole. These conditions may include but are not limited to the following:

A. Increasing the required lot size or yard dimension;
B. Limiting the height, size or location of buildings;
C. Controlling the location and number of vehicle access points;
D. Increasing the street width;
E. Increasing the number of required off-street parking spaces;
F. Limiting the number, size, location and lighting of signs;
G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
H. Designating sites for open space.
ARTICLE X

ZONING HEARING BOARD

1000 Board's Functions: Appeals from the Zoning Officer

The board shall hear and decide appeals where it is alleged by the appellant that the zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the zoning officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa. R.C.P., sections 1091 to 1098 relating to mandamus.

1001 Board's Functions: Challenge to the Validity of any Ordinance or Map

The board shall hear challenges to the validity of a zoning ordinance or map. In all such challenges, the board shall take evidence and make a record thereon. At the conclusion of the hearing, the board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

1002 Board's Functions: Variances

The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance provided the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

B. That 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 ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

C. That such necessary hardship has not been created by the appellant;
D. That 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 be detrimental to the public welfare; and

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance.

ARTICLE XI

NON-CONFORMING USES

Non-conforming Uses

A. The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of enactment of this ordinance, or of an amendment thereto, may be continued except as hereinafter provided, although such use does not conform with the provisions of such ordinance or amendment.

B. Non-conforming uses shall not be increased in area or intensity except that a non-conforming use of a structure may be extended throughout any parts of the structure that were manifestly arranged or designed for such use at the time of adoption of this ordinance.

C. Non-conforming uses may be increased in area or intensity when approved by the Zoning Hearing Board. A request to increase the area or intensity of a non-conforming use shall be administered as a variance. Before granting such a request, the Zoning Hearing Board must consider all significant relevant factors and determine that the increase in area or intensity will not materially add to the deleterious effect of the use upon nearby property and uses or upon the community.

D. A non-conforming use may be changed to decrease its non-conformity upon approval as a variance by the Zoning Hearing Board.

E. The Zoning Officer shall make an official registration of each and every non-conforming use as of the date of the enactment of this ordinance.

F. A single family dwelling unit, presently located on a substandard size lot, may be rebuilt on its original foundation following destruction by fire or natural disaster, upon approval of the Zoning Hearing Board.
ARTICLE XII
AMENDMENTS

1200 Authorization to Initiate Amendments
An amendment to the text of this ordinance or to a zone boundary may be initiated by the borough council, the borough planning commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the borough secretary.

1201 Public Hearings on Amendments
The planning commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the borough council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the planning commission, the borough council shall hold a public hearing on the proposed amendment.

1202 Record of Amendments
The borough secretary shall maintain records of amendments to the text and zoning map of the ordinance.

1203 Limitation on Reapplications
No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the planning commission within the one-year period immediately following a previous denial of such request, except the planning commission may permit a new application if in the opinion of the planning commission new evidence or a change of circumstances warrant it.

ARTICLE XIII
ENFORCEMENT OF THE ZONING ORDINANCE

1300 Zoning Officer and Deputy Zoning Officers
A zoning officer shall be designated by the borough council, and the borough council may also designate as many deputy zoning officers as it deems necessary.
1301 **Enforcement Penalties**

Any person, partnership or corporation who or which shall violate the provisions of this zoning ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid over to the borough of Eldred.

**ARTICLE XIV**

**DEFINITIONS**

1400 **Rules of Interpretation**

In the interpretation of this ordinance, the following rules shall apply:

1. Words used in the present tense include future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the words "plot" or "parcel".
5. The terms "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

1401 **Particular Definitions**

1. **Accessory building.** A Building, the use of which is customarily incidental to that of the principal building, such as a private garage, private swimming pool, private stable, and tool house or children's playhouse.
2. **Accessory use.** A use, not otherwise contrary to law, customarily incidental to the use of a building.
3. **Building.** A structure, but not a mobile home, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.
4. **Dwelling.** A building designed or used exclusively as the living quarters for one or more families, but not including a mobile home.

5. **Dwelling unit.** One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

6. **Height of building.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

7. **Home occupation.** Any use customarily conducted entirely within a dwelling provided that such use is carried on by the residents of the dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

8. **Lot.** A parcel or tract of land.

9. **Lot, corner.** A lot abutting on two or more streets at their intersection.

10. **Lot depth.** The depth of a lot is the mean distance from its front lot line to its rear lot line, measured in the general direction of its side lot lines.

11. **Lot line.** The property line bounding a lot.

12. **Lot line, front.** The line between side lot lines which extends along a street.

13. **Lot line, rear.** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10' in length within the lot parallel to and at a maximum distance from the front lot line.

14. **Lot line, side.** Any lot line not a front or rear lot line.

15. **Lot width.** The average horizontal distance between the side lot lines, ordinarily measure parallel to the front lot line.

16. **Mobile home.** A transportable, single family dwelling, over thirty-five feet in length, 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.
17. **Mobile home lot.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

18. **Mobile home park.** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes and recreation vehicles for transient and nontransient use, consisting of two or more mobile home lots.

19. **Plat.** The map or plan of a subdivision or land development, whether preliminary or final.

20. **Recreation vehicle.** A vacation trailer or other vehicular or portable unit less than 35' long which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not permanent residential use.

21. **Screening.** Screening shall include fences, hedges, walls, and similar devices of six feet minimum height which obscure view.

22. **Street.** A public right-of-way for vehicular and pedestrian traffic.

23. **Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

24. **Use.** The specific purpose for which any land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

25. **Yard.** An open space or lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

26. **Yard, front.** The ground space on a lot between the street right-of-way line and the nearest point of the principal building or use, extending to the side boundaries of the lot and in Residential Districts, unoccupied except for fences and/or other decorative or landscaping uses.

27. **Yard, rear.** The ground space on a lot between the rear line of the lot and the nearest point of the principal building or use, extending to the side boundaries of the lot.

28. **Yard, side.** A yard between the front and rear yard, measured at right angles from the side lot line to the nearest point of a building.
ARTICLE XV

FLOOD PLAIN CONSERVATION DISTRICT

1500 Declaration of Specific Intent

The intent of this Article is to:

A. Promote the general health, welfare, and safety of the community;

B. Reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding;

C. Minimize danger to public health by protecting water supply and natural drainage;

D. And promote responsible floodproofing measures within the Flood Plain Conservation District.

1501 Special Definition

A. The "Flood Plain" is defined as:

1. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;

2. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

B. The "Floodway" is defined as the designated area of a flood plain required to carry and discharge flood waters of a given magnitude.

C. The "flood waters of the one hundred year frequency" is defined as the waters of a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year).

D. "Substantial improvement" is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

1502 Establishment of the Flood Plain Conservation District (FP)

The Flood Plain Conservation District shall be deemed an overlay. This district shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency. It should be noted that flooding is a natural circumstance and overflows of considerable magnitude exceeding the limits of the one hundred (100) year frequency...
can happen. The source of this information shall be taken from the
data provided by the U. S. Army Corps of Engineers during 1973, and
as delineated by Mr. Robert Hulings, Professional Engineer.

1503 Change in The Flood Plain Conservation District

The delineation of the Flood Plain Conservation District boundaries
may be revised and modified by the Eldred Borough Council where there
are changes through natural or other causes, or where changes can be
validated by further detailed engineering studies employing on-site
survey techniques as approved or recommended by the U. S. Army Corps
of Engineers, Pittsburgh District, or the Conservation District of
McKean County.

1504 Permitted Uses and Activities

A. In the Flood Plain Conservation District, the development and/or
use of any land shall be permitted provided that the development,
substantial improvement and/or use adheres to all the require-
ments of the underlying zone. In addition, all structural devel-
opment or substantial improvement in this district shall adhere
to the floodproofing provisions stipulated in the "Eldred Building
Code of 1973, as amended".

B. In the floodway, no modification, alteration, repair, or new
construction of buildings, structures, fill or any combination
of these shall be permitted which would impair its ability to
carry and discharge flood waters or increase the water surface
elevation of the one hundred (100) year flood more than one (1)
foot, except where the effect on flood heights is fully offset
by stream improvements. The "floodway" shall be that area
described in the data provided by the U. S. Army Corps of
Engineers during 1973 and as delineated by Mr. Robert Hulings,
Professional Engineer.

1505 Conditional Uses

In addition, the following uses may be permitted in The Flood Plain
Conservation District as a special exception when authorized by the
Zoning Hearing Board (subject to Article X of the Zoning Ordinance)
and after review by the Planning Commission.

A. Dams, culverts and bridges approved by the Commonwealth of
Pennsylvania, Department of Environmental Resources.

B. Impoundment basins.
C. Storm sewers. However, flap gates shall be provided on all storm water outfalls where an area or portion thereof is susceptible to backflooding.

D. Other uses similar to the above, provided the effect is not to alter substantially the cross-sectional profile of the stream basin at the point of the proposed construction or use.

1506 Special Regulations

A. In case of any dispute concerning the boundaries of a Flood Plain Conservation District, an initial determination shall be made by the Zoning Officer.

B. Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the Flood Plain Conservation District as defined in Section 1502, which may include the grounds that the said data referred to therein is or has become incorrect because of changes due to natural or other causes may appeal to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the appellant.

C. The Flood Plain Conservation District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot. Should the Flood Plain Conservation District be declared inapplicable to any tract by reason of action of (i) the Eldred Borough Council in amending this Ordinance; or (ii) the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (iii) any court of competent jurisdiction in determining the legal effect of the same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article.

1507 Municipal Liability

The grant of a zoning permit or approval of a subdivision plan in the Flood Plain Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.
ARTICLE XVI

GENERAL

1600 Saving Clause

The invalidity of any section or provision of this ordinance shall not invalidate any other section, provision or part of it.

1601 Effective Date

This Zoning Ordinance shall become effective on the 9th day of February, 1974, and remain in force until modified, amended or rescinded by the Eldred Borough Council.

1602 Adoption

Approved, ordained and enacted this 9th day of January, 1974.

ATTEST:

[Signatures]

Borough Secretary

Mayor

Borough of Eldred

President, Borough Council