SUBDIVISION OF LAND AND ZONING

Chapters 197 and 220

From the

CODE

of the

City

of

POTTSVILLE

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, New York 14624
July 1999
Chapter 220
ZONING

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ARTICLE I
Title and Purpose

§ 220-1. Conformance required.

No building, structure or land shall be used or occupied, nor shall any building or structure or part thereof be constructed, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter.

§ 220-2. Purpose.

This chapter is hereby adopted in accordance with a Comprehensive Plan which is designed to accomplish the following objectives:

A. To promote the health, safety, morals and the general welfare of the community.
B. To lessen congestion on streets, roads and highways.
C. To provide adequate light and air.
D. To secure safety from fire, flood, panic and other dangers.
E. To prevent the overcrowding of land.
F. To avoid undue concentration of population.
G. To facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.
H. To conserve the value of property and to encourage the most appropriate use of land in the city by considering, among other things, the character of each district and its peculiar suitability for particular uses.
This chapter shall be known and cited as the “City of Pottsville Zoning Ordinance.”

ARTICLE II
Word Usage and Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and any portion of the building or structure; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; and the word “shall” is mandatory and not directory; the word “abut” shall include the words “directly across from”; and the word “occupied” shall mean designed for, used for or intended for use by.

§ 220-5. Terms defined.
As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE — A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of the stock-in-trade books, magazines, other periodicals, photographs, slides and motion pictures which are distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or anatomical areas or an establishment with a segment or section devoted to the sale or display of such material, being an establishment from which minors are excluded. [Added 10-11-1977 by Ord. No. 227-77]

ADULT DRIVE-IN THEATER — A drive-in theater for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, being an establishment from which minors are excluded. [Added 10-11-1977 by Ord. No. 227-77]

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with the capacity for fewer than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, being an establishment from which minors are excluded. [Added 10-11-1977 by Ord. No. 227-77]

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, being an establishment from which minors are excluded. [Added 10-11-1977 by Ord. No. 227-77]
ALLEY — A public or private way not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

ALTERATION (OF BUILDING OR STRUCTURE) — Any change in the structural members of a building, such as walls, columns, beams or girders.

AUTOMOBILE OR TRAILER SALES AREA — An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE SERVICE STATION or FILLING STATION — A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where the following repairs may be rendered:

A. Major repair: includes minor repairs, also collision service, including body, frame or fender straightening or repair painting or paint shop and mechanical car wash establishments; does not include operations requiring the burning of rubber.

B. Minor repair: general repairs and servicing; excludes major repairs as listed above.

AUTOMOBILE WRECKING — The dismantling or dissembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT — A story whose floor is more than twelve (12) inches but not more than half of its story height below the average level of the adjoining ground [as distinguished from a cellar, which is a story more than one-half (½) below such level]. Any portion of a basement, when used as a dwelling, shall be counted as a story for purposes of height measurement.

BOARD — The Zoning Hearing Board. [Amended 1-9-1990 by Ord. No. 425]

BUILDING — Any structure having a roof supported by columns or walls used for shelter or enclosures. When divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

BUILDING HEIGHT — The vertical distance measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.

BUILDING, PRINCIPAL — A building which contains the principal use of the building site on which it is situated. In a residential district, a dwelling is a “principal building” on the zone lot.

COMMISSION — The City Planning Commission of the City of Pottsville.

COUNCIL — The City Council of the City of Pottsville.

DISTRICT — A portion of the territory of the City of Pottsville within which certain uniform regulations and requirements apply under the provisions of this chapter.
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DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except as provided herein:

A. DWELLING, SINGLE-FAMILY — A detached building, designed for only one family, containing one dwelling unit.

B. DWELLING, TWO-FAMILY — A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

C. DWELLING, MULTIFAMILY — A building designed for occupancy by three or more families and containing three or more dwelling units, including garden apartments, elevator apartments, elevator apartments primarily for the elderly and rooming houses or row houses which contain fewer than nine dwelling units on each floor.

DWELLING STRUCTURE — Any structure containing one or more rooms providing sleeping and sanitary facilities, not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boardinghouse or similar structure.

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure, designed as a unit for occupancy by not more than one family.

ELDER CARE FACILITY — Any premises which provides sleeping rooms where persons are lodged and where meals and/or nursing care is available due to the age of physical or mental infirmity of persons residing therein. This term includes nursing homes, assisted-living facilities, intermediate-care facilities, congregate-care facilities and elderly supervised independent living accommodations. [Added 3-9-1998 by Ord. No. 591]

ESSENTIAL SERVICES — The construction or maintenance, by public utilities or governmental agencies, of gas, electrical, steam, telephone or water distribution systems. These include equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which conform to the height regulations of the district in which they are proposed, except that buildings and electric substations are excluded.

FAMILY — An individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit, except that dormitories and religious homes with common living quarters and adequate central services are excluded.

FLOOR AREA — For the purposes of applying the requirements for off-street parking and loading, “floor area,” in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or
maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

GARAGE, PRIVATE PARKING — A detached accessory building used only for the storage of automobiles by the families resident upon the premises. A private garage shall not contain more that two automobile storage spaces for each dwelling unit located upon the zone lot.

GARAGE, PUBLIC PARKING — A structure other than a private garage used for the storage, sale, hire, care, repair or refinishing of automobiles.

GENERAL NUISANCE — Any use considered to be inconsistent with the public comfort, convenience, health, safety and general welfare. The following factors are included:

A. Fire and explosion hazards.
B. Electrical and radioactive disturbances.
C. Noise and vibration.
D. Dust, dirt and fly ash.
E. Glare.
F. Smoke and odors.
G. Other forms of air pollution not listed above.

HOTEL — A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals. No cooking is provided in any individual room or suites.

JUNK — Includes scrap metals and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, tinfoil, bottles, old tools and machinery, fixtures and appliances, lumber, boxes or crates, pipe and pipe fittings) and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

JUNKYARD — Consists of buildings or premises where junk, waste, discarded or salvage materials are bought, sold, stored, packed or handled. “Junkyards” include automobile wrecking yards, house wrecking and structural steel materials and equipment. The purchase or storage of used furniture, household equipment and used cars in operable condition are not included.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Amended 12-12-1994 by Ord. No. 526]

A. LOT, CORNER — A lot abutting upon the intersection of two or more streets which form an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.
B. LOT DEPTH — The mean horizontal distance between the front and the rear lot lines.
C. LOT LINES:

(1) LOT LINE, FRONT — The line separating the lot from a street.

(2) LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

(3) LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a “side street lot line.”

(4) LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

D. LOT WIDTH — The mean width of the lot measured at right angles to its depth.

E. LOT AREA — The computed area contained within the lot lines.

MASSAGE PARLOR — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulders, nor hotels with at least 20 rooms available for transient guests. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities and facilities for the welfare of the residents of the area, being an establishment from which minors are excluded. [Added 10-11-1977 by Ord. No. 227-77]

MOBILE HOME — A dwelling unit that can be towed, transported or self-propelled from its place of manufacture to a designated site; a unit that can be moved in its entirety and be relocated by the same method of towing, transporting or self-propellation as originally used. [Added 4-13-1971 by Ord. No. 150-71]

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. [Amended 12-12-1994 by Ord. No. 526]

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment hereto or prior to the application of this chapter or amendment to its location by reason of annexation. [Amended 12-12-1994 by Ord. No. 526]¹

NURSING HOME — Any premises with fewer than 15 sleeping rooms where persons are lodged and furnished with meals and nursing care.

¹ Editor's Note: The former definition of “nursing home,” which immediately followed this definition, was repealed 3-9-1998 by Ord. No. 591.
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OFFICE BUILDING — A building comprised of more than 50% percent of offices. Offices permitted in the C-1 District and home occupations with offices are not considered to be "office buildings."

PARKING AREA, PRIVATE — An open area for the same uses as a private garage, and subject to the same conditions.

PARKING AREA, PUBLIC — An open area, other than a street or other public way, used for the parking of automobiles and available to the public.

PRINCIPAL PERMITTED USE — Any use requiring no special action by the Board or the Commission before a zoning permit is granted by the Zoning Officer, subject to all other applicable provisions of this chapter. [Amended 12-12-1994 by Ord. No. 526]

RECREATION:

A. RECREATION, COMMERCIAL — Recreation facilities operated as a business and open to the general public for a fee.

B. RECREATION, PRIVATE NONCOMMERCIAL — Clubs or recreation facilities operated by a nonprofit organization and open only to its members.

C. RECREATION, PUBLIC — Recreation facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization and open to the general public.

D. RECREATIONAL FACILITY, OUTDOOR — Any activity normally conducted outdoors, including swimming, tennis, baseball, football and similar recreational and/or athletic activities. Such activities conducted within an enclosed building or structure shall be considered to be "outdoor recreational facilities."

ROOMING HOUSE — A building containing a single dwelling unit and rooms for the rooming and/or boarding of between three and 25 persons for definite periods of not less than one week.

SIGN [Amended 2-11-1986 by Ord. No. 358] — Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon or within a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business. Further sign definitions are as follows:

A. BUSINESS OR IDENTIFICATION SIGN — A sign which directs attention to a business, profession, product, service, activity or entertainment sold or offered upon the premises where such sign is located.

B. ADVERTISING SIGN (BILLBOARD) — A sign used for the display of printed or painted advertising matter which directs attention to a business, product, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

C. DIRECTIONAL SIGN — An advertising sign or device intended to direct or point toward a place or object or one that points out the way to either an unfamiliar or a known place or object that obviously could not be easily located without such a sign or device, whether or not located on the premises.
D. FLASHING SIGN — A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature, date or other similar information shall not be considered "flashing signs."

E. ILLUMINATED SIGN — A sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.

F. INDIRECTLY ILLUMINATED SIGN — An illuminated, nonflashing sign whose illumination is derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source into residential zones or public streets.

G. NAMEPLATE SIGN — A sign which states the name or addresses or both of the occupant of the lot where the sign is located.

H. POLE OR GROUND SIGN (FREESTANDING SIGN) — A sign supported by or suspended from a freestanding column or other support located in or upon the ground surface.

I. REAL ESTATE SIGN — A sign which is for the sole purpose of selling or leasing the real property on which it is located.

J. TEMPORARY SIGN — A sign which is not permanently affixed to the property on which it is located and is intended to advertise or announce a special campaign or event, including but not limited to a political, educational, charitable, professional, religious, commercial or like campaign or event. Portable signs manufactured with the intention of being movable which may have ability to change messages shall also be considered “temporary signs” and shall comply with these regulations. Such signs shall in no way be permanently affixed to the property.

K. PROJECTING SIGN — A sign which is attached to the structure wall and which extends more than fifteen (15) inches from the face of such wall.

L. WALL SIGN — A sign which is attached to the wall of a structure with the face in a plane parallel to such a wall, and not extending more than fifteen (15) inches from the face of such wall.

SPECIFIED ANATOMICAL AREAS [Added 10-11-1977 by Ord. No. 227-77]:

A. Less than completely and opaquely covered:
   (1) Human genitals, pubic region;
   (2) Buttock; and
   (3) Female breast below a point immediately above the top of the areola.

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Added 10-11-1977 by Ord. No. 227-77]:

A. Human genitals in a state of sexual stimulation or arousal;
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B. Acts of human masturbation, sexual intercourse or sodomy; and

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

STORY — The portion of a building included between the surfaces of any floor and the floor above it; if there is no floor above it, then the space between the floor and the ceiling next above it.

A. STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story. Any partial story used for residence purposes, other than for a janitor and his family, shall be deemed a full story.

B. STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building. Any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the “first story.”

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

A. RESIDENTIAL STREET — A street between two (2) intersecting streets upon which an R District abuts, or where fifty percent (50%) or more of the abutting street frontage is in predominantly residential use.

B. SIDE STREET — The street adjacent to a corner lot which extends in the general direction of the depth of the lot.

STRIP MINING — Any mining operation by which the earth and rocks overlying a coal vein are removed by mechanical means or by hand for the purpose of recovering, mining or removing coal thereunder.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Added 1-9-1990 by Ord. No. 425]

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease or land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Added 1-9-1990 by Ord. No. 425]

VARIANCE — Relief granted by Zoning Hearing Board from the requirements set forth in this chapter and in accordance with the procedures set forth in this Zoning Code where it is alleged that the provisions of this code inflict unnecessary hardship upon an applicant. [Amended 1-9-1990 by Ord. No. 425]

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
YARD — An open space of uniform width and depth, lying between a building (or group of buildings) on the same lot and the nearest lot line. It is unoccupied and unobstructed from the ground upward, except as otherwise permitted.

A. YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line.

B. YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line.

C. YARD, SIDE — An open space extending from the front yard to the rear yard between a building and the nearest side lot line.

ARTICLE III
Establishment of Zoning Districts


The City of Pottsville is divided into the following ten (10) zoning districts:

- R-1 Single-Family Residential
- R-1A Single-Family Residential
- R-2 Two-Family Residential
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Central Business
- C-4 Heavy Commercial
- M-1 Light Manufacturing
- M-2 Heavy Manufacturing
- S-1 Special Purpose


The location and boundaries of these districts are established as shown on the attached Zoning Map of the city dated January 1961, amended and revised April 1979, amended March 1995, amended February 1996. The Zoning Map is hereby made a part of this chapter, together with all future notations, references and amendments.

§ 220-8. Interpretation of boundaries. [Amended 12-12-1994 by Ord. No. 526]

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

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1 Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

Any land annexed to or consolidated with the city shall be temporarily classified R-1 until reclassified by an amendment to this chapter.

ARTICLE IV
District Regulations

§ 220-10. Basic regulations.

The basic regulations governing the use of land and the size of lots, yards and buildings within each zoning district are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article V and by other provisions of this chapter.

A. Regulations governing the use of land. Regulations governing the use of land within the various zoning districts shall be as set forth in Schedule 1.2

B. Regulations governing the size of lots, yards and buildings. Lot, yard and building regulations for the various zoning districts shall be as set forth in Schedule 2.3


A. Principal permitted uses. Uses listed as principal permitted uses in Schedule 1 shall require no special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer. [Amended 12-12-1994 by Ord. No. 526]

B. Accessory uses. Uses listed as accessory uses in Schedule 1 are uses which are subordinate to the principal use of a building or property, and such uses shall not require any special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer. [Amended 12-12-1994 by Ord. No. 526]

C. Special uses.

(1) Uses listed as special uses in Schedule 1 shall require individual consideration in each case because of their unique characteristics. Such special uses may be permitted only upon authorization by the Zoning Hearing Board, subject to certain conditions and safeguards, and after review by the Planning Commission. [Amended 12-12-1994 by Ord. No. 526]

(2) A special use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate

2 Editor's Note: Schedule 1 is included at the end of this chapter.

3 Editor's Note: Schedule 2 is included at the end of this chapter.
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landscaping and screening; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and shall not jeopardize the public health, safety, welfare and convenience.

§ 220-12. Use classes.

Twenty (20) use classes are hereby established as shown on Schedule 1. The specific uses included in each use class are outlined below:

A. Principal permitted uses: Use Classes 1 through 12.

1. Use Class 1: Single-family detached dwellings.

2. Use Class 2: Two-family dwellings, including duplex dwellings and semiattached single-family dwellings.

3. Use Class 3: Local retail and service. Includes small local retail stores and services, serving the neighborhood only and not the entire city, grocery, drug, hardware stores, soda fountains (no dancing or live entertainment), business and professional offices, including branch banks, barber and beauty shops, shoe repair, dry cleaning and laundry establishments. Also includes a second floor apartment if occupied as a dwelling unit by the owner or proprietor of the ground floor permitted use. Excludes automobile service stations.

4. Use Class 4: Community retail and service. Includes retail and service establishments serving the entire city, major department stores and specialty shops, banks and other financial institutions, hotels, motels and rooming houses, offices and office buildings, automobile service stations including minor repairs, off-street parking, railway and bus terminals, telegraph and express offices, auto supply stores, furniture stores, major appliance stores, radio and television studios, funeral parlors, car sales, business and commercial schools, supermarkets and health care facilities. [Amended 3-13-1995 by Ord. No. 534]

5. Use Class 5: Commercial recreation and entertainment. Includes hotels, theaters, nightclubs, restaurants, taverns, major entertainment facilities, bowling alleys, pool halls, skating rinks, social halls, clubs and lodges.

6. Use Class 6: Commercial education. Includes schools of business, technical trades, art, music, dancing, photography.

7. Use Class 7: Limited commercial and industry conducted within an enclosed building. Includes laboratories, manufacture of small musical or precision instruments, dress and garment manufacturing, manufacture of rubber stamps and ceramic products (using only pulverized clay and electrical or gas kilns), automobile sales and show rooms, funeral parlors, printing and publishing, wholesale offices and showrooms and display rooms with storage limited to samples enclosed within a building.

8. Use Class 8: Heavy commercial. Includes delivery and distribution centers, wholesale business and warehousing, truck and freight terminals, produce and meat markets,

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8 Editor's Note: Schedule 1 is included at the end of this chapter.
material and machinery store and sales yards, laundries, large-scale dry cleaning and dyeing, automobile service stations including major repairs, printing and newspaper publishing, small machine shops, sign painting, automatic car wash, animal hospitals and veterinary clinics.

(9) Use Class 9: Light industry. Includes the manufacture, assembly or packing of products from previously prepared materials not objectionable or injurious due to smoke, noise, odors, glare, dust or hazardous materials. Such products would include cloth, plastic, paper, leather, wood, metal, precious or semiprecious metals or stones, electronic or electrical instruments or devices, candy, food products, pharmaceuticals and the like, but not including the production of fish or meat products, sauerkraut, vinegar or the rendering or refining of fats and oils.

(10) Use Class 10: Heavy industry, involving the manufacture or assembly of products from raw materials. Includes bulk storage of 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; and railroad yards, repair shops and roundhouses. Provided that they are over two hundred (200) feet from the nearest R District, the manufacture of products such as 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 are also permitted.

(11) Use Class 11: Communications and forest products. Includes forest and agricultural products; radio-television transmission or receiving towers and facilities; cemeteries and mortuaries.

(12) Use Class 12: Essential services for public utilities, as defined in § 220-5.

(13) Use Class 12(a): Adult entertainment and services, which includes adult bookstores, adult motion-picture theaters, adult mini-motion-picture theaters, adult drive-in theaters and massage parlors. [Added 10-11-1977 by Ord. No. 227-77; amended 6-10-1986 by Ord. No. 363]

(a) Such uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distance from the following specified uses or zones:

1. Within one thousand (1,000) feet of any residential zone or any single-family or multiple-family residential use.

2. Within one thousand (1,000) feet of any public or private school.

3. Within one thousand (1,000) feet of any church or other religious facility or institution.

4. Within one thousand (1,000) feet of any public park or S-1 Zone.

(b) The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point
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of the parcel of property of the land use district boundary line from which the proposed land use is to be separated.¹

B. Accessory uses: Use Classes 13 through 15.

(1) Use Class 13: Accessory residential uses. Includes home occupations; home gardening, but not the raising of livestock or poultry; private parking areas; nonprofit nurseries and greenhouses (not including outdoor storage of equipment).

(2) Use Class 14: Parking and loading areas and signs.

(3) Use Class 15: Other accessory uses customarily appurtenant to permitted uses.

C. Special uses: Use Classes 16 through 20.

(1) Use Class 16: Multifamily dwellings.

(a) Includes multifamily dwelling structures in the R-1, R-1A and R-2 Districts, which conform with the following schedule:

<table>
<thead>
<tr>
<th>Type of Regulation</th>
<th>R-1</th>
<th>R-1A</th>
<th>R-2</th>
<th>R-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average area (square feet per dwelling unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum parcel area (square feet)</td>
<td>10,000</td>
<td>12,000</td>
<td>20,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Maximum building coverage (percent)</td>
<td>40</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Maximum building height (stories)</td>
<td>2½</td>
<td>2½</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Maximum building height (feet)</td>
<td>35</td>
<td>35</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>

(b) The Board may impose additional or more restrictive conditions if warranted by the character of the R Districts in which such multifamily dwelling units are proposed or by other special factors.

(2) Use Class 17: Related residential uses. Includes nonprofit social halls, clubs and lodges.

(3) Use Class 18: Strip mining, in accordance with provisions outlined in § 220-24E, to the extent that such mining is not preempted by the provisions of 52 P.S. § 1396.17a. [Amended 12-12-1994 by Ord. No. 526]

¹ Editor's Note: Former Subsection A(14), regarding Use Class 12(b), elder-care facilities, added 3-9-1998 by Ord. No. 591, was repealed 7-12-1999 by Ord. No. 611.
§ 220-12 POTTsville CODE

(4) Use Class 19: Appropriate public uses. Includes public and quasi-public uses of a welfare, educational, religious, recreational and cultural nature and dormitories and religious homes accessory to such uses; and essential public utilities that require enclosure within a building or structure. All such uses shall be appropriate to the character of the district in which they are proposed as determined by the Zoning Hearing Board. [Amended 12-12-1994 by Ord. No. 526]

(5) [Added 7-12-1999 by Ord. No. 611] Use Class 20: Elder-care facilities as defined in § 220-5, Schedule 2, of this chapter shall be permitted in the R-1 Residential Zoning District and the following regulations shall be applicable:

(a) Maximum building coverage: 60%.
(b) No structure shall be closer than 50 feet to the boundary line of the lot or a public street.
(c) Maximum height: 50 feet.
(d) Minimum lot size: six acres.
(e) There shall be no minimum lot width or depth requirement. However, all lots shall have at least six acres.
(f) Access: All lots shall either be located on a public street or be accessible to a public street by deeded easement having a minimum width of 32 feet of paved surface.

§ 220-13. Supplementary limitations for use classes.

The following supplementary limitations on the use classes shall apply in various districts:

A. In the C-3 District, the floor area of a building over four stories in height shall not exceed four times the area of the zone lot.

B. In an M-2 District, not less than 75% of a commercial and/or manufacturing use shall be conducted wholly within a completely enclosed building. In all other districts, all such uses shall be conducted wholly within a completely enclosed building. Off-street parking and loading facilities, service stations, terminals and sales, service and storage yards are excluded from the provisions of this subsection.

C. In any M District, any use not conducted wholly within a completely enclosed building, except for off-street parking and loading facilities, shall not be less than 100 feet from any R District.


A use may be added to the use classes by the Zoning Hearing Board after review by the Planning Commission, provided that:
§ 220-14

A. It is not listed in any other use class.
B. The use class proposed is the most appropriate for the use.
C. No general nuisance is created.
D. It shall not adversely affect the character of any district in which it is to be permitted.
E. It shall not create more traffic than any other use listed in the use class.

§ 220-15. Continuation of use.

A use, building or structure which shall be made nonconforming, as defined in § 220-5, at the time of passage of this chapter or any applicable amendment thereto may be continued except as otherwise set forth in this article, provided that no existing use located in the district where

(Cont’d on page 22017)
enumerated in Article IV shall be considered nonconforming if the yards, area, height, coverage dimensions or off-street parking do not conform with the regulations of this chapter.

§ 220-16. Registration of nonconforming uses.17

The owner of the premises occupied by a lawful nonconforming use or building may secure within a year a certificate of nonconformance from the Zoning Officer. Such certificate shall be authorized by the Zoning Hearing Board and shall be for the purpose of ensuring to the owner the right to continue such nonconforming use.

§ 220-17. Regulation of nonconforming uses.

An existing nonconforming use, building or structure cannot be enlarged, reconstructed, substituted or structurally altered unless required to do so by law or order and as follows:

A. Enlargement. Any nonconforming use, building or structure may be enlarged up to but not more than twenty-five percent (25%) of its floor area and/or lot area as it existed at the time of passage of this chapter. Such enlargement must conform to all other regulations of the district where it is situated. This provision may be used only once for each zone lot.

B. Repairs and maintenance.

(1) Normal maintenance repairs and incidental alteration of a building or other structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use.

(2) A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

C. Displacement and change of use.

(1) A nonconforming use may be changed into a conforming use.

(2) A use listed in a specific use class which is a nonconforming use because of its location cannot be changed into another nonconforming use first listed in a use class with a higher number.

(3) Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use, or for creating a different nonconforming use.

D. Restoration. Any nonconforming building or structure damaged less than fifty percent (50%) of its then-existing floor area may be restored, reconstructed or used as before, provided that the volume of such use, building or structure shall not exceed the volume which existed prior to such damage and that it is complete within one (1) year of such happening.

17 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
E. Termination.

(1) When fifty percent (50%) or more of the existing floor area, volume or use of land is destroyed by fire, casualty or act of God, it shall thereafter be terminated as a nonconforming use, building or structure.

(2) When discontinued for a period of one (1) year or more, a nonconforming use shall be terminated. Change to a lower numbered use class or to a conforming use shall be considered as abandonment thereof, and such nonconforming use cannot be revived.

F. Approval granted prior to passage of chapter. A building, structure or use planned, constructed or designed in compliance with existing laws prior to the passage of this chapter shall be deemed a legal nonconforming use, provided that:

(1) The construction or use was actually started prior to passage of this chapter.

(2) The ground story framework, including the second tier of beams, is completed within six (6) months of passage of this chapter.

(3) The entire building or use is completed or installed and ready for occupancy or operation within one (1) year of the passage of this chapter.

ARTICLE VI
Supplementary Regulations


A. Existing nonconforming lots in R-1 Districts. A single-family dwelling may be constructed on any vacant nonconforming lot, irrespective of its area or width, which is located in an R-1, R-1A or R-2 District, provided that it complies with the following:

(1) Said lot is in existence as an entity at the time of passage of this chapter.

(2) The owner of the lot does not own an adjoining lot.

(3) The front yard conforms with the requirements of Subsection D(1).

(4) The minimum width of the lot and the minimum side and rear yards shall not be less than that specified in the following table:

<table>
<thead>
<tr>
<th>District in Which the Lot is Located</th>
<th>Side Yard Width</th>
<th>One Yard</th>
<th>Both Yards Combined</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>48</td>
<td>8</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>R-1A</td>
<td>48</td>
<td>8</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>R-2</td>
<td>40</td>
<td>–</td>
<td>–</td>
<td>20</td>
</tr>
</tbody>
</table>
B. Height limitations. District height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flagpoles, radio and television towers, masts and aerials, farm structures and parapet walls, extending not more than four (4) feet above the limiting height of the building, and multiple dwelling and apartment structures.

C. Area regulations.

(1) Lots not serviced with public water or sewer. Lots not served by a public water or sanitary sewer system or other systems approved by the Division of Sanitation (Pennsylvania Department of Health) shall have a minimum width of one hundred (100) feet at the building line and a minimum area of twenty thousand (20,000) square feet per dwelling unit.

(2) Lots not served with public sewer. Lots served by a public water system and an individual on-lot sewage disposal system, such as a septic tank or cesspool, shall be not less than seventy-five (75) feet wide at the building line nor less than ten thousand (10,000) square feet in area per dwelling unit.

(3) Large-scale commercial developments. Commercial developments or shopping centers containing more than one (1) attached commercial unit or store may be developed on a lot having the minimum lot area specified in Schedule 2, provided that all the other regulations of Schedule 2 shall apply.

D. Yard regulations.

(1) Front yard exception. When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two (2) adjoining lots; provided, however, that it may not be reduced below fifteen (15) feet.

(2) Side yard width may be varied. Where the side wall of a building is irregular or not parallel with the side lot line, the side yard may be varied. Its average width shall not be less than the required width, nor shall it be narrower at any point than five (5) feet.

(3) Width of one (1) side yard may be reduced. The width of one (1) side yard may be reduced to not less than three (3) feet, provided that the combined side yards shall not be less than the minimum required for the lot. Similarly, the distance between the proposed structure and another existing or proposed structure on an adjacent lot may not be less than the minimum sum of the two (2) side yards. A reduction of width may be authorized only by the Board when warranted by the location of existing buildings or when conducive to the desirable development of two (2) or more lots.

(4) Side yard of corner lot. Where the side yard on the side street of a corner lot abuts another side yard of a lot in an R District, the former shall be at least one-half ($\frac{1}{2}$) the width of the front yard of the latter.

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18 Editor's Note: Schedule 2 is included at the end of this chapter.
(5) All fences, hedges, walls and shrubs must be maintained in good condition. When adjoining an R District, no advertising shall be permitted on fences.

(6) Adequate screening as required in this chapter shall consist of a four-to-six-foot-high covered fence or a visual screen of suitable shrubs, placed at proper intervals to insure adequate screening, maintained within fifteen (15) feet of the property line separating the uses.

(7) Adequate screening shall be provided by any commercial or manufacturing use in a C-2 or M District when abutting a residential use.

(8) Fences and walls located in yards. Fences, walls and hedges not exceeding six (6) feet in height may be located in any yard or court; provided, however, that such height limitation shall not be considered applicable to fences used to protect utility structures.

(9) Adequate screening shall be provided by any commercial or manufacturing use in a C-2 or M District when abutting a residential use.

(10) Patios and open porches. Patios and open porches may be located in side and rear yards not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened as outlined in Subsection D(6). In case of a corner lot, they shall not reduce the side yard on the side street below the required width.

E. Two (2) or more buildings on a lot. Two (2) or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building if each were on a separate zone lot.

F. Corner lots. No obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height shall be erected or maintained on any lot within the triangle formed by the street intersection and a line drawn between points along two (2) street lines thirty (30) feet from the intersection. This subsection shall not be construed to be applicable to utility poles used in rendering public service.

G. Through lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the widest street shall be deemed the street

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19 Editor's Note: See Ch. 95, Building Construction.
upon which the property fronts. No principal structure shall be erected on the rear of the lot, except as specified in § 220-18E.

H. Accessory structures. All accessory structures shall conform with the minimum yard regulations established in Schedule 2, except as permitted below:

(1) Attached accessory structures. Accessory structures which are attached to the principal building shall comply with all of the yard requirements for the principal structure.

(2) Unattached accessory structures in R Districts. Accessory structures not attached to a principal structure in an R District may be erected within the required side and rear yards of a principal structure, provided that it conforms with the following:

(a) Maximum height: one and one-half (1 1/2) stories or fifteen (15) feet in height.
(b) Distance from side lot line: not less than five (5) feet from the side lot line.
(c) Distance from side yard (corner lot): same as for principal structure.
(d) Distance from rear lot line: not less than five (5) feet from the rear lot line, except when the structure abuts an alley, then ten (10) feet shall be required.
(e) Distance from principal structure: not less than ten (10) feet from a principal structure.

(3) Unattached nondwelling accessory structures. Nondwelling accessory structures shall comply with front and side yard requirements for the principal structure. They shall have a rear yard of at least ten (10) feet except as otherwise specified in this chapter.

(4) Number of accessory structures limited. No more than two (2) accessory structures, including a private garage, are permitted on each residential zone lot.

I. [Added 7-9-1985 by Ord. No. 349] Fences in residential sections. All fences in residential neighborhoods shall conform to § 220-18D(5), (6) and (8), in addition to the following:

(1) Construction and erection of new fences shall require a building and zoning permit from the Code Enforcement Officer.

(2) Fences shall be constructed of aluminum, steel, iron, wood or other material as approved by the Code Enforcement Officer.

(3) Fences shall be maintained in good condition to meet the following minimum standards:

(a) All wood fences will be either painted or stained on both sides of the property.
(b) All metal-type fences susceptible to rust shall be rustproofed and painted on both sides.
(c) Galvanized fences are not required to be painted.

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20 Editor's Note: Schedule 2 is included at the end of this chapter.
(4) Any and all types of barbed wire, whether used solely as fencing or to be placed on top of fencing in residential neighborhoods, are prohibited.

(5) Any fences within the City of Pottsville currently not in conformance with these standards must be brought into compliance within one (1) year of the passing of this section.


A. Appropriate public uses.

(1) When any appropriate public use, as enumerated in Use Class 19, is permitted by the Board as a special use, it shall comply with the following lot, yard and building regulations:

   (a) Maximum building coverage: sixty percent (60%).
   (b) Front yard: fifteen (15) feet.
   (c) Rear yard: twenty (20) feet.
   (d) One (1) side yard: ten (10) feet.
   (e) Both side yards combined: twenty-five (25) feet.
   (f) Maximum height: eighty (80) feet.

(2) The Board may impose additional or more restrictive conditions if warranted by the character of the area in which such uses are proposed or by other special factors.

(3) Such uses shall also be located on a street having a pavement at least thirty (30) feet wide and shall maintain a ten-foot-wide landscaped strip on all sides abutting or facing an R District.

B. Community buildings, social hall, lodges, fraternal organizations, clubs and other noncommercial recreational establishments.

(1) All buildings must be a minimum of twenty (20) feet from the rear lot line.

(2) There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.

(3) Any such use shall be located on a street having a pavement width of at least thirty (30) feet or shall be able to provide access without causing heavy traffic on local residential streets.

(4) Applicants shall prove that such uses proposed to be located in R Districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

C. Nursery school, day-care center for more than five (5) children. Such uses shall maintain screening on any property line abutting an R District and shall require a minimum ten-thousand-square-foot lot.
§ 220-20 ZONING § 220-21

§ 220-20. Recreation uses.

A. Commercial recreation uses. Such places of amusement shall provide parking with ingress designed to minimize traffic congestion, shall conform to the yard regulations of the district in which they are located, shall provide adequate screening from abutting residential property and shall show that adequate controls have been taken to prevent offensive noise, vibration and other nuisance conditions.

B. Outdoor recreation facilities. Outdoor recreation facilities located on a residential zone lot in an R District shall be restricted to the use of the owner-occupant and/or members of his family. This provision shall not apply to public recreation facilities authorized in R Districts as Class 19 uses. In all cases however, lights used to illuminate outdoor recreation facilities shall not be directed at adjoining residential zone lots.

C. Drive-in theaters. Drive-in theaters shall be subject to the following regulations:

(1) Drive-in theaters shall be situated on a zone lot of ten (10) acres or more and shall be located not closer than three hundred (300) feet to any residential structure.

(2) The movie screen shall face away from any public highway, and the external boundaries shall be landscaped so as to obscure structures and parking areas from public streets and adjoining properties.

(3) Lights shall not be directed on adjoining property, streets or highways.

(4) Interior vehicular circulation shall be one-way only.

(5) Surface drainage shall be such that adjoining properties, streets or highways shall not be subjected to damage.


A. Dwelling structures may be converted into the following maximum number of dwelling units according to the specifications listed in Table 1 below:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Dwelling Units Permitted</th>
<th>Lot Area per Unit (square feet)</th>
<th>Minimum Floor Area per Unit (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>4</td>
<td>3,000</td>
<td>600</td>
</tr>
<tr>
<td>R-1A</td>
<td>6</td>
<td>2,500</td>
<td>500</td>
</tr>
<tr>
<td>R-2</td>
<td>8</td>
<td>2,000</td>
<td>400</td>
</tr>
<tr>
<td>S-1</td>
<td>4</td>
<td>3,000</td>
<td>600</td>
</tr>
</tbody>
</table>

B. For each unit created through conversion, one (1) off-street parking space shall be provided on the zone lot.
§ 220-21  POTTsville CODE  § 220-22

C. No commercial or manufacturing structure shall be converted into a dwelling structure. No structure which was so converted may be further converted to provide for additional dwellings.


A. Off-street loading.

(1) Number of loading spaces required. Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with Table 2 below.

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Feet of Floor Area</th>
<th>Required Off-Street Loading Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
<td>15,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>Hospitals (in addition to space for ambulance)</td>
<td>10,000 to 300,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 300,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Undertakers and funeral parlors</td>
<td>5,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 5,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Hotels and offices</td>
<td>10,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>Commercial, wholesale, manufacturing and storage</td>
<td>10,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>25,000 to 40,000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>40,000 to 60,000</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>60,000 to 100,000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(2) Size and location. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and may occupy all or part of a required yard.

B. Off-street parking.
§ 220-22 ZONING § 220-22

(1) Number of parking spaces required. In all districts, except the C-3 Districts at the time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces open to the public shall be provided as set forth in Table 3 below.

(2) Size. Each off-street parking place shall have an area of not less than 180 square feet, exclusive of access drives or aisles, in usable shape and condition. Except in the case of dwellings, no parking area shall contain fewer than three spaces.

(3) Access.

(a) 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 10 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.

(b) Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

(4) Location of facilities. Off-site facilities shall be located on the same zone lot as the use to which they are accessory or else within a radius of 400 feet. They must also be in the same ownership as the use to which they are accessory, subject to deed restrictions filed in an office of record, requiring the maintenance of the required number of spaces throughout the life of the use.

(5) Modification of parking requirements. The Zoning Hearing Board may authorize, on appeal, a modification, reduction or waiver of the foregoing parking requirements in exceptional cases of use, zone lot size or shape or other unusual situations. [Amended 12-12-1994 by Ord. No. 526]

C. Joint facilities for parking or loading. Off-street parking and loading facilities may be provided jointly for separate uses if approved by the Zoning Hearing Board. The total number of spaces shall not be less than the sum of the separate requirements for each use and shall comply with all regulations governing location of accessory spaces. [Amended 12-12-1994 by Ord. No. 526]

D. Development of parking and loading areas including commercial parking lots, automobile or mobile home sales lots.

Table 3
Off-Street Parking Space Requirements*
[Amended 10-11-1977 by Ord. No. 227-77]

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling alleys</td>
<td>5 for each alley</td>
</tr>
<tr>
<td>Churches and schools</td>
<td>1 for each 5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater</td>
</tr>
<tr>
<td>Use</td>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Community buildings and social halls</td>
<td>1 for each 100 square feet of floor area</td>
</tr>
<tr>
<td>Dwellings</td>
<td>1 for each family or dwelling unit, except for elevator units for the elderly where 1 space for every 3 dwelling units shall be required</td>
</tr>
<tr>
<td>Funeral homes, mortuaries</td>
<td>5 for each parlor</td>
</tr>
<tr>
<td>Hospitals, extended-care facilities, nursing and convalescing homes</td>
<td>1 for each 3 beds, plus 1 for each employee</td>
</tr>
<tr>
<td>[Amended 3-9-1998 by Ord. No. 591]</td>
<td></td>
</tr>
<tr>
<td>Rooming houses and dormitories</td>
<td>1 for each 2 bedrooms</td>
</tr>
<tr>
<td>Manufacturing plants, research or testing laboratories, bottling plants</td>
<td>1 for each 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shift. The total parking area shall not be less than 25% of the building floor area.</td>
</tr>
<tr>
<td>Medical or dental offices</td>
<td>5 spaces for each doctor or dentist</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 space for each 2 living or sleeping units</td>
</tr>
<tr>
<td>Restaurants, beer parlors and nightclubs</td>
<td>1 for each 2.5 seats</td>
</tr>
<tr>
<td>Retail stores, shops, etc., in a C-1 or C-2 District</td>
<td>1 for each 300 square feet of floor area where the floor area shall exceed 1,000 square feet</td>
</tr>
<tr>
<td>Banks or professional offices</td>
<td>1 for each 300 square feet of floor area</td>
</tr>
<tr>
<td>Sports arenas, auditoriums, theaters, assembly halls</td>
<td>1 for each 3.5 seats</td>
</tr>
</tbody>
</table>
### § 220-22 Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesale establishments or warehouses</td>
<td>1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area.</td>
</tr>
<tr>
<td>Motels</td>
<td>1 space for each living or sleeping unit</td>
</tr>
<tr>
<td>Adult entertainment services</td>
<td>1 space for each 200 square feet of floor area</td>
</tr>
</tbody>
</table>

*NOTE: Where a use is not specifically mentioned in this table, the requirements for similar uses listed shall apply.*

1. Screening and landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces residential or institutional premises situated in any R District.

2. Minimum distances and setbacks. Off-street loading and parking areas may be developed in any required front, side or rear yard; provided, however, that such areas designed for use by five (5) or more vehicles shall not be located closer than ten (10) feet to any dwelling school, hospital or similar institution.

3. Surfacing. Surfacing shall consist of an asphaltic or portland cement binder pavement (or similar durable and dustless surface), graded and drained to dispose of all surface water and designed to provide for orderly and safe loading and parking.

### § 220-23 Signs [Amended 2-11-1986 by Ord. No. 358]

A. Scope and applicability. In all zones, signs may be erected, altered, maintained, used and removed only in compliance with the provisions of this Article, the provisions of other Articles of this chapter and other regulations of the city relating to the erection, alteration, maintenance, use, removal or moving of signs and similar devices.

B. General regulations.

1. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the zone in which the property to which the sign relates is located.

2. Signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product within six (6) months after cessation of the original use.

3. No sign shall be placed in such a position that it will cause danger to traffic on a street or which is entering a street by obscuring the view. In no case shall any sign, other than an official sign, be erected within the official right-of-way of any street unless specifically authorized by other ordinance or regulations of the city.
(4) Advertising signs shall conform to the yard, height and area requirements of the zone in which they are located.

(5) Flat wall and projecting signs as permitted within this chapter which project into any public right-of-way shall be erected with the bottom of the sign at least ten (10) feet above the level of the road center line or public way, whichever is higher.

(6) Real estate signs may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located, not exceeding eight (8) square feet in area within any residential district, fifteen (15) square feet in area in Commercial Zone C-3 and not exceeding thirty-two (32) square feet in area in all remaining districts, and provided that it shall be maintained and removed within thirty (30) days after consummation of a lease or sale transaction.

(7) Temporary signs shall be permitted on nonresidential properties only for a total period not to exceed ninety (90) days in any calendar year, provided that they do not exceed thirty-two (32) square feet in area and are removed promptly after the conclusion of the campaign or event. The ninety (90) days shall be cumulative, and any part of a day shall count as a full day.

(8) Nonilluminated temporary signs on new construction sites not exceeding one hundred thirty (130) square feet in total area shall be permitted, provided that they shall be removed within thirty (30) days after completion of the construction work, and not more than one (1) sign shall be placed on each street frontage of the construction site.

(9) Wall and projecting signs shall not project above the highest point of the structure upon which they are attached or located.

(10) Signs existing at the time of passage of this chapter which do not conform to the requirements of the chapter shall be considered nonconforming. However, nonconforming signs may be repainted or repaired (including lighting), provided that such repainted, repaired signs do not exceed the dimensions of the existing sign. Copy may also be changed. Nonconforming signs, once removed for a period of sixty (60) days, may be replaced only with signs which conform to provisions of this chapter. Temporary signs are excluded from this subsection; refer to Subsection B(7) above.

C. Prohibited signs.

(1) The following signs are prohibited in all districts:

   (a) Signs which in any way simulate official, functional, directional or warning signs erected or maintained by the State of Pennsylvania or any county or municipality, thereof or by any railroad or public utility or similar agency concerned with the protection of public health or safety.

   (b) Banners, spinners, flags, pennants or any moving object used for commercial advertising purposes, whether containing a message or not.

   (c) No sign, except such directional devices as may be required by federal and state aviation authorities, shall be placed, inscribed or supported upon the roof or upon any structure which extends above the roof of any building.

   (d) Flashing, blinking, twinkling, animated or moving signs of any type.
(2) Advertising signs (billboards) shall not be permitted to be erected in any residential district, Commercial Districts C-1, C-3 and C-4 or Industrial Districts M-1 and M-2. In other commercial districts, advertising signs shall be restricted and controlled as provided in this Article and other Articles of this Zoning Chapter.

(3) No sign except a wall sign or projecting sign, as defined herein, shall be permitted to have any portion thereof extending into the public right-of-way in excess of thirty-six (36) inches, except as hereinafter modified.

D. Signs in all residential districts and special purpose districts. Within Districts R-1, R-1A, R-2 and S-1, none other than the following signs shall be permitted and no sign shall be erected or altered in whole or in part unless it complies with the following regulations:

(1) Nonadvertising signs, situated within the property lines and not exceeding two (2) square feet in area, such as "No Trespassing," "Private Drive," nameplate signs, traffic directional signs, professional office identification signs, etc.

(2) Identification signs for churches, hospitals, schools, playgrounds, parks and other public uses, not to exceed twenty (20) square feet in area.

(3) Signs identifying a permitted office or use and situated within the property lines of the premises they identify and not exceeding two (2) square feet in area.

(4) Signs advertising private clubs, lodges and other similar permitted uses and situated within the property lines of the premises to which they relate and not exceeding twelve (12) square feet in area.

(5) Signs prohibiting or otherwise controlling trespassing upon particular premises or indicating the private nature of a road, driveway or premises, provided that the area of any such sign does not exceed two (2) square feet.

(6) Signs prohibiting or otherwise controlling fishing, hunting, etc., upon particular premises, provided that the area of any such sign does not exceed two (2) square feet.

(7) One (1) project identification sign on each side of a multifamily development which has frontage on a public street, which may bear only the name of the project, the address and the presence or lack of vacant units. Such signs shall not exceed fifty (50) square feet in total area on either side and six (6) feet in height and shall be situated within the building line.

E. Signs in commercial districts. Within these districts, no sign shall be erected or altered in whole or in part unless it complies with the following regulations:

(1) In Neighborhood Commercial District C-1, none other than the following signs shall be permitted:

(a) Applicable signs as permitted in residential districts.

(b) Each permitted use may have one (1) wall identification sign located on or attached to each street and entrance facade of said use. Each sign shall not exceed thirty (30) square feet in area.

(c) Signs required by law to be exhibited by the occupants of the premises.
(2) In Commercial District C-3, none other than the following signs shall be permitted:

(a) Applicable signs as permitted in residential districts.

(b) Each permitted street level use may have one (1) wall and one (1) projecting identification signs located on or attached to each street and entrance facade of said use. No sign shall project more than thirty-six (36) inches into the public right-of-way. Total sign area for each use shall not exceed an area equal to two (2) square feet for each one (1) foot of street frontage occupied by such use. The combined sign areas shall not exceed a maximum of sixty (60) square feet on any one (1) street or entrance facade.

(c) Each permitted upper or lower level use, having no street level space other than an entrance, may have one (1) wall and one (1) projecting identification sign located on or attached to each street and entrance facade of said use. Such signs shall not project more than thirty-six (36) inches into the public right-of-way.

(d) A single use occupying an individual property may have one (1) freestanding pole or ground identification sign, provided that such sign shall not exceed sixty (60) square feet, shall be erected with the bottom edge of the sign at least ten (10) feet above the level of the street center line or public way, whichever is higher, and shall be within the property lines of the premises to which it relates.

(e) In the case of a group of different uses occupying a single property, a freestanding pole, ground identification or projecting sign may be permitted with individual signs identifying different establishments. Such freestanding signs shall meet the requirements as described in Subsection E(2)(d) above. Projecting signs shall be aligned vertically and not staggered on the face of the building. Multiple signs shall be grouped or affixed together.

(f) Signs required by law to be exhibited by the occupants of the premises.

(3) In Commercial Districts C-2 and C-4, none other than the following signs shall be permitted:

(a) Applicable signs as permitted in residential districts.

(b) Each permitted use may have one (1) wall and one (1) projecting identification sign located on or attached to each street and entrance facade of said use. Such signs shall not project more than five (5) feet beyond the required setback line nor more than three (3) feet beyond the face of the building. Such aggregate sign area shall not exceed one hundred fifty (150) square feet in area.

(c) Each permitted use may have one (1) freestanding pole or ground identification sign, provided that such sign shall not exceed sixty (60) square feet in total area, shall be erected with the bottom of the sign at least ten (10) feet above the level of the street center line or public way, whichever is higher, or be set back from the property line a distance not less than fifty percent (50%) of the required front yard. No such sign shall extend more than twenty-five (25) feet above the level of the street center line.

(d) Signs required by law to be exhibited by the occupants of the premises.
In addition to above cited business or identification signs, advertising sign structures shall be permitted in Commercial Zone C-2, provided that they are limited to not more than one (1) for one hundred (100) feet of street frontage of the lot or more and to only one (1) additional for each additional three hundred (300) feet of lot frontage. Signs shall be spaced a minimum of two hundred (200) feet apart unless they share the same structure. This distance shall be computed from the point closest to the adjacent sign; no more than two (2) advertising messages shall be permitted for each facing of the sign structure. In no event shall the sign exceed a vertical dimension of twenty-five (25) feet above the grade of the lot. However, where a lot is below the street grade, the vertical dimension may not exceed twenty-five (25) feet above the street grade. No sign shall exceed forty (40) feet in width. Such signs shall meet building setback requirements.

No advertising sign shall be permitted to be erected within fifty (50) feet of an adjoining residential zone.

No advertising signs shall exceed two hundred (200) square feet in total area.

On structures containing more than one (1) sign face, each face shall be considered a separate sign and shall comply with Subsection E(3)(e) above.

F. Signs in Manufacturing M-1 and M-2 Districts. Within these districts, no sign shall be erected or altered, in whole or in part, unless it complies with the following regulations:

(1) In Manufacturing Districts M-1 and M-2, none other than the following signs shall be permitted:

(a) Applicable signs as permitted in residential zones.

(b) Each permitted use may have one (1) wall identification sign located on or attached to each street side of said use. Such signs shall not exceed an area equal to ten percent (10%) of said wall area, including window and door area, on which or in front of which they are displayed; however, aggregate sign area per wall shall never exceed two hundred (200) square feet in area.

(c) Each permitted use may have one (1) freestanding pole or ground identification sign, provided that such sign shall not exceed one hundred (100) square feet in total area, shall be erected with the bottom of the sign at least ten (10) feet above the level of the street center line or the public way, whichever is higher, or be set back from the property line a distance not less than fifty percent (50%) of the required front yard. No sign shall extend more than twenty-five (25) feet above the level of the street center line or the public way, whichever is higher.

(d) Signs required by law to be exhibited by the occupant of the premises.

G. Exceptions. The provisions of this Article shall not apply to the following signs:

(1) Interior signs which are not visible from a public right-of-way or an adjoining property.

(2) Official notices of any court or public office and legal notices posted pursuant to law or ordinance.
(3) Cornerstones or tablets built into or attached to the wall of a building providing customary information on building erection or commemorating a person or event.

(4) Public service company signs as aids to safety or service.

H. Sign size computation.

(1) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

(2) Multiple-side signs carrying the same message on all sides shall be considered to be of a size equivalent to the size of one (1) face. When there is a different message on any side, then each side will be considered as an individual sign.

§ 220-24. Regulations applying to other miscellaneous uses.

A. Animal hospital and boarding kennels shall be located no closer than one hundred (100) feet to any residential dwelling, restaurant or hotel in any district where permitted and shall show that adequate measures and controls have been taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

B. Home occupations. A home occupation shall be an incidental use of the dwelling unit conducted only by residents of the building, who may not employ more than two (2) additional nonresident persons. The following additional conditions shall be fulfilled.

(1) Where permitted. A home occupation shall be permitted within a single dwelling unit or in an accessory building, provided that only one (1) home occupation per dwelling unit shall be permitted.

(2) Evidence of use. No evidence of the home occupation shall be permitted with the exception of signs as outlined in § 220-23.

(3) Extent of use. Not more than twenty percent (20%) of the gross floor area of any dwelling unit may be used for a home occupation, except for medical and dental offices and foster family care, which may use up to fifty percent (50%).

(4) Permitted uses. Not more than one (1) of the following:

(a) Medical, dental and other professional, real estate, insurance and other similar offices (not to include barber or beauty shops), in accordance with the provisions for off-street parking.

(b) Rooming and/or boarding of not more than two (2) persons (not to include the rooming, boarding and/or care of diseased or mentally ill persons).

(c) Custom dressmaking, tailoring and millinery.

(d) Foster family care for not more than four (4) children simultaneously.
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(e) Tutoring for not more than four (4) students simultaneously, but not including music, dancing or business schools or similar activities.

C. Junkyards and similar storage areas, including automobile wrecking. No new junkyards or similar storage areas shall be permitted within the city limits from the date of passage of this chapter. Such uses existing at said date of adoption may continue their operations as nonconforming uses, but shall terminate within one (1) year unless they comply with the following provisions:

(1) All junkyards and similar storage facilities shall be completely enclosed by a fence or wall at least six (6) feet in height.

(2) No highly inflammable or explosive material shall be stored in bulk above ground, with the exception of fuel tanks or drums which are directly connected with heating appliances.

(3) All materials or wastes causing fumes or dust, constituting a fire hazard or attractive to rodents or insects may be stored outdoors only in enclosed containers.

(4) No operations which cause a general nuisance (§ 220-5) shall be permitted.

D. Excavation of topsoil, gravel or mineral deposits. Any excavations for the removal of topsoil, gravel or mineral deposits of any kind must be enclosed by a fence located at least ten (10) feet from the sides or perimeter of the excavation. All such excavations must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one (1) foot of vertical distance for each two (2) feet of horizontal distance. A rock crusher or processing plant shall not be located nearer than five hundred (500) feet from any adjoining residence.

E. Strip mining operations.

(1) Strip mining a temporary use of land. Strip mining operations shall be considered a temporary use of land and may be permitted as a special use only in the S-1 and M-2 Districts.

(2) Zoning permits required for strip mining operations. No strip mining operations shall be undertaken without a zoning permit authorized by the Board.

(3) Compliance with state regulations. No permit issued under the provisions of this chapter shall become effective until any license or permit required from the Commonwealth of Pennsylvania is obtained.

F. Mobile homes. Mobile homes are not permitted in any location in the City of Pottsville.

G. Automobile service, parking garages and parking lots. [Amended 3-10-1997 by Ord. No. 573]

(1) Location of exits and entrances. No vehicular entrance and/or exits shall be permitted within 50 feet along the same side of a street of any school, public playground, church, hospital, public library, institution for dependents or children, except where such property is in another block or on another street on which the zone lot does not abut. Such access shall not be closer to the intersection of any two street lot lines than 30 feet.
(2) Location of appliances or pits. All automotive servicing pits shall be located entirely within a building.

(3) Regulations of parking garages and parking lots. The City Council of the City of Pottsville may regulate the additions, construction and renovations of parking lots and parking garages, private and/or public, within the city limits and within any district of the City of Pottsville, including the Historic District of the City of Pottsville, and may from time to time as the City Council deems appropriate by resolution temporarily suspend any and all construction, renovations and additions to parking lots and parking garages, public and private, in any and all areas the City Council deems appropriate within the city limits of the City of Pottsville for the purpose of maintaining said properties pursuant to § 220-2 of this chapter.

ARTICLE VII
Administration and Enforcement

A. Sequence of steps. Under the terms of this chapter, all new construction, alterations and changes in type of occupancy must be made in conformance with the requirements contained herein. All persons desiring to undertake such new construction, alterations or changes shall conform to the following general procedure as well as to all other applicable provisions of this chapter.

(1) Application for zoning permit. The applicant applies to the Zoning Officer for a zoning permit by filling out the appropriate application and by submitting the required fee. [Amended 12-12-1994 by Ord. No. 526]

(2) Issuance of zoning permit. If the action proposed in the application is in accord with the regulations contained in this chapter, a zoning permit will be issued by the Zoning Officer either on his own authority or, in certain cases as described in Subsection B below, after referral to the Zoning Hearing Board or to the Planning Commission. [Amended 12-12-1994 by Ord. No. 526]

(3) Action in accordance with zoning permit. After receipt of the zoning permit, the applicant may proceed to undertake the construction, alteration or change in use permitted by the zoning permit.

(4) Application for occupancy permit. After completion of the construction, alteration or change in use and before occupancy takes place on the premises, the applicant shall apply to the Building Inspector for an occupancy permit stating that the completed action is in accord with the zoning permit.

(5) Inspection by Building Inspector. The Building Inspector inspects the premises and issues an occupancy permit if he finds the action has occurred in accordance with the zoning permit.

(6) Issuance of occupancy permit. The receipt of the occupancy permit by the applicant ensures him the right to continue the use as approved.
B. Zoning permit types. Under the terms of this chapter, five (5) general classes of zoning permits may be issued under which compliance with this chapter may occur. Each of these classes required a different procedural action as described below:

(1) Permitted uses. An application for a zoning permit for a permitted use in a zoning district requires only the review of the Zoning Officer, who determines whether the proposed construction, alteration or change in use is in accordance with the

(Cont'd on page 22035)
requirements of this chapter. The Zoning Officer then either issues or refuses to issue a zoning permit according to his decision.\(^{25}\)

(2) Special uses. An application for a zoning permit for a special use must be referred to the Zoning Hearing Board and to the Planning Commission by the Zoning Officer. The Zoning Officer is not empowered to make an independent decision on this matter, although he may submit recommendations to the Zoning Hearing Board and to the Planning Commission. The Planning Commission reviews the application and analyzes the proposed special use to determine compliance with the provisions of this chapter. The Planning Commission then gives its recommendations to the Zoning Hearing Board which meets and makes a final decision on the special use. The Zoning Hearing Board then notifies the Zoning Officer to either issue or refuse a zoning permit accordingly.\(^{26}\)

(3) Zoning permit after appeal. The applicant may appeal to the Board any action taken by the Zoning Officer by submitting an application for an appeal to the Zoning Officer and to the Secretary of the Board within twenty (20) days from the notice of the action of the Zoning Officer.\[^{[Amended 1-9-1990 by Ord. No. 425]}^{27}\]

(4) Permit after a variance request. Where the applicant feels that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, he may appeal for a variance by submitting an application requesting such variance to the Zoning Officer and to the Secretary of the Zoning Hearing Board. The Board gives notice of the date for a public hearing and reviews the application. After the public hearing and after reaching its decision, the Board can order the Zoning Officer to issue or refuse a zoning permit accordingly.\(^{28}\)

(5) Permit after request for reclassification or amendment. Where the applicant feels that this chapter is in need of change in any part, the applicant may petition for the City Council to consider an amendment to this chapter. Such a petition shall be referred to the Planning Commission for their recommendation. The City Council may then, after proper notice, hold a public hearing on the proposed amendment. After the hearing, the City Council shall make their decision on the proposed amendment. If the amendment is adopted, the applicant can then proceed to apply for a zoning permit in the manner applicable to the type of use that he wishes to propose.

\[^{25}\] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\[^{26}\] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\[^{27}\] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\[^{28}\] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

\[^{29}\] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
(1) Receive applications. He shall receive and examine all applications for permits, certificates and variances and other applications required under the terms of this chapter.

(2) Prescribe form of applications, permits and certificates. He shall prescribe the form of all applications, permits and certificates required under the terms of this chapter and may combine said applications, permits and certificate with other applications, permits and certificates required by the Building Code. In any case, information required for applications, permits and certificates under the terms of this chapter shall be included upon the forms prescribed by the Zoning Officer.

(3) Issue permits. He shall issue permits for the construction, alteration and occupancy of all uses which are in accord with the requirements of this chapter within thirty (30) days of the receipt of the application for such permit.

(4) Refuse permits. He shall refuse applications for permits or certificates which are not in accord with the requirements of this chapter within thirty (30) days of the receipt of such application. Said refusal shall be in writing and shall state the reasons for such action.

(5) Enforcement notice. If it appears to the Zoning Officer that a violation of the Zoning Code has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this subsection. Enforcement notice shall be sent to the owner of record of the parcel in which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

(a) The name of the owner of record and any other person against whom the municipality intends to take action.

(b) The location of the property in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.

(d) Date for which the steps for compliance must be commenced and the date for which the steps must be completed.

(e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board in accordance with the procedure set forth in § 220-227 of this chapter.

(f) That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board constitutes a violation with possible sanctions described.

(6) Keep records. He shall keep records of applications, of permits or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued.

Editor's Note: See Ch. 95, Building Construction.
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(7) Other powers and duties. He shall perform all other duties as may be provided or made necessary by the terms of this chapter.


A. Board is hereby created. The City Council does hereby create a Zoning Hearing Board as provided for by the laws of the Commonwealth of Pennsylvania.

B. Appointment of members. The Board shall consist of five (5) members to be appointed by the Council. One (1) member shall be designated to serve until January 10 of the year following the adoption of this chapter, one (1) until January 10 of the first succeeding year and one (1) until January 10 of the second succeeding year. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years. An appointment to fill any vacancy shall be only for the unexpired portion of the term. One (1) member shall serve for an initial term of two (2) years, commencing January 10, 1986. The other member shall serve for an initial term of three (3) years, commencing January 10, 1986. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years.

C. Duties and powers. The Board shall be responsible for the interpretation of this chapter and shall adopt and make available to the public rules for the exercise of its functions. The Board shall have the following duties and powers:

1. To hear and decide appeals. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this chapter in accordance with § 220-29D.

2. Permit special uses; to hear and decide requests for special uses. Prior to action by the Board, requests shall be referred to the Planning Commission for their review and recommendation in accordance with Subsection D. The Board shall determine that the standards set forth in § 220-12C have been fulfilled and, in addition, may impose other appropriate conditions and safeguards where necessary to secure the general objectives of this chapter and to reduce injury to the value of property in the neighborhood.

3. Authorize variances. The Board may vary the strict application of any of the requirements of this chapter, provided that such variance is granted only in accordance with § 220-30.

4. Interpretation of boundaries. The interpretation of boundaries as specified in § 220-8.

5. Other duties and powers. The Board shall perform such other duties as may be provided or made necessary by this chapter, including the following:

(a) To authorize the Zoning Officer to issue zoning permits for special uses, variances and certificates of nonconformance.

(b) To hold public hearings in accordance with § 220-31.

31 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. L.
(c) To authorize the termination of a nonconforming use pursuant to § 220-17E.

(d) To refer any pertinent matter to the Planning Commission for review and recommendation and defer any decision thereon for a period of not more than thirty (30) days pending a report for the Commission.

(e) To maintain a record of all decisions and the findings or a summary of such findings upon which said decisions shall be based.

D. Referral to Planning Commission. The Board shall refer to the Commission all applications for special uses and any other applications or appeals which, in the opinion of the Board, require review by the Commission. Upon receipt of such an application from the Board, the Planning Commission shall:

(1) Determine compliance of proposed special uses with the standards set forth in § 220-12C.

(2) Approve, disapprove or approve subject to conditions or modifications all matters referred to it and shall submit a written report to the Board stating all recommended conditions and modifications and the reasons for such approval or disapproval.


A. Zoning permits. The purpose of the zoning permit is to determine compliance with the provisions of this chapter, and no person shall erect, alter or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this chapter, until a zoning permit has been issued by the Zoning Officer.

(1) Application for permits. All applications for zoning permits shall be in writing on forms to be furnished by the Zoning Officer. Applications shall be accompanied by plans, in duplicate, drawn to scale, showing the following information:

(a) The actual shape and dimensions of the lot to be built upon.

(b) The exact size and location of existing or proposed buildings, signs, parking or loading areas.

(c) The existing and proposed use of each building or parts thereof, including number of families, dwelling units, employees, offices or other units of occupancy.

(d) Such other information as may be necessary to determine compliance.

(2) Permits to be shown. Zoning permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform building operations of any kind unless a zoning permit covering such operation has been previously issued and is being displayed as required by this

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32 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
chapter, nor shall they perform building operations of any kind after notification of the revocation of said zoning permit.

(3) Revocation of permits. The Zoning Officer may revoke a zoning permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such a case, the person holding the permit shall immediately surrender it and all copies thereof to the Zoning Officer. Before issuing a new zoning permit, the Zoning Officer may require the applicant to file an indemnity bond in favor of the city with sufficient surety conditioned for compliance with this chapter and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

B. Occupancy permits. An occupancy permit, issued in duplicate, certifying that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the permit, shall be secured from the Zoning Officer after inspection and prior to the use or occupancy of any building or structure or part thereof for which a zoning permit is required or for any change of use of any existing building or structure or part thereof or for any change of use of land. In all cases, a copy of the occupancy permit shall be kept at all times upon the premises and shall be displayed upon request made by any officer of the city. A record shall be kept of all occupancy permits, and the original applications shall be kept on file in the office of the Zoning Officer.

(1) Application for permit. Application for an occupancy permit shall be made in writing on a form furnished by the Zoning Officer setting forth such facts as the Zoning Officer may require.

(2) Permit shall continue. 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.

§ 220-29. Appeals.

A. Appeal from decision of Zoning Officer.  

(1) Any person, officer of the city or firm or corporation which deems itself aggrieved by any order of the Zoning Officer shall have the right to file a written appeal to the Board within twenty (20) days of the issuance of said order. Such appeal shall contain the information required in Subsection E, and a duplicate copy shall be sent to the Zoning Officer. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(2) It shall be competent for the Zoning Officer to recommend to the Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof by advertising at least one (1) week before the hearing and shall

33 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
give due notice to the parties in interest and shall decide all appeals within a reasonable time. Any party may appear in person or be represented by an agent or attorney.

(3) The Board shall decide each appeal within thirty (30) days, and notice thereof shall be given to all parties in interest. The Board’s decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals, the Board may, in conformity with the provision of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination in accordance with the provisions hereof.

B. Expiration of appeal decision. Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

C. 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 and shall promptly notify the City Solicitor of such appeal and furnish him with a copy of the return, including transcript of testimony. Any order of the Board not appealed within thirty (30) days shall be final.

D. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Zoning Officer or by the Court of Common Pleas.34

E. Information required on appeals to the Board. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

(1) The name and address of the applicant or appellant.

(2) The name and address of the owner of the zone lot to be affected by such proposed change or appeal.

(3) A brief description and location of the zone lot to be effected by such proposed change or appeal.

(4) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.

(5) A statement of the section of this chapter under which the appeal is made and reasons why it should be granted, or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.

34 Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

35 Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
(6) A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereof.

§ 220-30. Variances.

A. Board may authorize variance. Upon appeal and after public notice and personal notice as hereinafter prescribed in § 220-31 and after hearing and subject to appropriate safeguards and conditions for the protection of public and of neighboring properties, the Board may for a use permitted in the zone district vary the strict application of any of the requirements of this chapter, provided that said variance shall be in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

B. Purpose of variance. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

C. Required showing for variances. No variance in the strict application of any provision of this chapter shall be granted by the Board unless it finds the following:

(1) That there are special circumstances or conditions, fully described in the findings, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood.

(2) That said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.

(3) That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.

(4) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

§ 220-31. Public hearings.\(^{36}\)

Upon filing with the Board of an appeal or of a request for a variance as required by the terms of this chapter or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a time and place for a public hearing thereof as follows.

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\(^{36}\) Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
Hearings shall be held in accordance with the provisions of the Municipalities Planning Code (53 P.S. § 10101 et seq.) and in accordance with the provisions herein.

A. Public notice. By publishing a notice once each week for two (2) successive weeks in a newspaper of general circulation in the city. The notice will state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Amended 1-9-1990 by Ord. No. 425]

B. Notice to appellant. Written notice shall be given, by mail, to the applicant the Zoning Officer and such other interested parties who make a timely request for the same. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. [Amended 1-9-1990 by Ord. No. 425]

C. Notice to local officials. By mailing a notice to the Mayor and each other member of City Council, to the City Planning Commission and to the City Clerk.

D. Notice to interested parties. By mailing a notice thereof to every association of residents of the city and any other interested party who shall have registered their name and addresses for this purpose with the Board.

E. Notice to owner and neighbors. When the Board shall order, by mailing a notice thereof to the owner, if his residence is known, and to the occupant of every lot on the same street within three hundred (300) feet of the lot or building in question and of every lot not on the same street within one hundred (100) feet of said lot or building, provided that failure to give such notice as specified in this subsection shall not invalidate any action taken by the Board.

F. Nature of notice. The notice required shall be posted upon instructions from the Board and shall state the location of the building or lot in question and the general nature of the question involved.


Amendments shall be made in accordance with the provisions of the Municipalities Planning Code (53 P.S. § 10101 et seq.) and in accordance with the provisions herein.

A. Review by Planning Commission. After the introduction of any bill proposing amendment, supplement or change in this Zoning Chapter, the City Council shall refer such bill to the City Planning Commission for review. A report on said review, together with any recommendations, shall be given to the City Council, in writing, within fifteen (15) days from the date of said referral. If the Planning Commission shall fail to file such a report within the specified time and manner, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.

B. Public hearing. Thereupon, the Council shall fix a time for public hearing, and notice of such public hearing shall be published in at least one (1) newspaper of general circulation.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
in the city three (3) consecutive times, the first insertion to appear at least ten (10) days prior to the date fixed for said public hearing.

C. Opportunity to be heard. Everyone present at the public hearing shall be given full opportunity to be heard.

D. Required vote. An affirmative vote of at least four (4) members of the Council shall be required to pass the proposed amendment, supplement or change.

E. Publication of amendments. Upon final approval of the ordinance adopted in accordance with the above, said ordinance shall be forthwith published in accordance with the provisions of 53 P.S. § 36014 relating to publication of ordinances prescribing penalties.

F. Requirements for boundary changes. All amendments to district boundaries shall comply with the following requirements:

(1) A proposed R District shall be large enough so that at least one-half (\(\frac{1}{2}\)) of the number of existing building sites do not abut a C District or an M District.

(2) A proposed C District which does not abut an existing C or M District shall contain at least one-half (\(\frac{1}{2}\)) an acre.

(3) A proposed M District which does not abut an existing M District shall contain at least five (5) acres.

§ 220-33. Enforcement and penalties.

A. Council may initiate appropriate action. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the City Council or, with its approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, conversion, maintenance or use, to restrain, correct or abate such violation within ten (10) days and to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. [Amended 12-12-1994 by Ord. No. 526]

B. Violation punishable. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars ($500.), plus all costs to include attorney fees. Each day that a violation continues shall constitute a separate violation.[Amended 1-9-1990 by Ord. No. 425]

§ 220-34. Legal counsel to Zoning Hearing Board. [Added 1-5-1973 by Ord. No. 182-73]

A. There is hereby created the position of Legal Counsel to the Zoning Hearing Board of the City of Pottsville.

B. The Legal Counsel for the Zoning Hearing Board shall be appointed by the Zoning Hearing Board.
C. The Legal Counsel for the Zoning Hearing Board shall have the superintendence, direction and control of all legal matters in which the Zoning Hearing Board is involved and shall represent it in court on all appeals from the ruling of said Zoning Hearing Board.

D. The Legal Counsel for the Zoning Hearing Board shall, when requested, furnish the members of the Zoning Hearing Board with his opinion, in writing, upon any questions of law which may be submitted by them to him in this official capacity.

E. The annual salary of the Legal Counsel to the Zoning Hearing Board shall be one thousand five hundred dollars ($1,500.) per annum payable biweekly until hereafter changed by the Council.

§ 220-35. Fees.

The following fees, in addition to fees required by the Building Code,¹ shall be paid at the office of the Building Inspector upon the filing of an application for:

A. Zoning permits for uses not requiring Board action: $25.


C. [Amended 1-13-1997 by Ord. No. 565] Variance application:
   (1) Single-family residential use: $300.
   (2) All other uses: $600.


F. Occupancy permit: $50.

G. Should a stenographic record of the hearing be required, the applicant shall also pay the cost thereof.

§ 220-36. Provisions to be minimum standards; conflict with other regulations.

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes a greater restriction upon the use of building or requires larger open spaces, the provisions of this chapter shall control.

¹ Editor's Note: See Ch. 95, Building Construction.
### ZONING

**Schedule 1**

**Basic Regulations Governing the Use of Land**

Pottsville, PA

[Amended 5-8-1979 by Ord. No. 255; 3-9-1998 by Ord. No. 591; 7-12-1999 by Ord. No. 611]

<table>
<thead>
<tr>
<th>Use Class Number and Type</th>
<th>Residential R-1</th>
<th>Residential R-1A</th>
<th>Commercial C-1</th>
<th>Commercial C-2</th>
<th>Commercial C-3</th>
<th>Commercial C-4</th>
<th>Industrial M-1</th>
<th>Industrial M-2</th>
<th>Special S-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Permitted Uses</strong></td>
<td></td>
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<td></td>
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<tr>
<td>1. Single-family dwellings</td>
<td>X</td>
<td>X</td>
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<tr>
<td>2. Two-family dwellings</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>3. Local retail and service</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>4. Community retail and service</td>
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<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>5. Commercial recreation and entertainment</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>6. Commercial education</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td>7. Limited commercial and industry</td>
<td></td>
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<td></td>
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<td>X</td>
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<tr>
<td>8. Heavy commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
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<td>9. Light industry</td>
<td>X</td>
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<tr>
<td>10. Heavy industry</td>
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<tr>
<td>11. Communications and forest products</td>
<td></td>
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<td>X</td>
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<tr>
<td>12. Essential services</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>12(a). Adult entertainment and services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>12(b) Elder-care facility</td>
<td>X</td>
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<td></td>
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<tr>
<td><strong>Accessory Uses</strong></td>
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<tr>
<td>13. Accessory residential uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>14. Parking and loading areas and signs</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>15. Other accessory uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Special Uses</strong></td>
<td></td>
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<tr>
<td>16. Multifamily dwellings</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17. Related residential uses</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
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<tr>
<td>18. Strip mining</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Appropriate public uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>20. Elder-care facilities</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**NOTES:**

"X" indicates that the use class is permitted in the district; see Article IV for a detailed description of the uses included in each use class and an explanation of the conditions under which they are permitted in each district.

22045   1-15-2000
### Schedule 2

**Basic Regulations Governing the Size of Lots, Yards and Buildings**

<table>
<thead>
<tr>
<th>Type of Regulation</th>
<th>District</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Special</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot dimensions</td>
<td>R-1</td>
<td>R-1A</td>
<td>R-2</td>
<td>C-1</td>
<td>C-2</td>
</tr>
<tr>
<td>Area (square feet)</td>
<td>7,500 SF</td>
<td>6,000 SF</td>
<td>5,000 SF, 3,000 TF</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Width (feet)</td>
<td>75 SF</td>
<td>60 SF</td>
<td>50 SF, 60 TF</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Depth (feet)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Minimum yard size (feet)</td>
<td>Front yard</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>10²</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>10²</td>
<td>10²</td>
</tr>
<tr>
<td>One side yard</td>
<td>10</td>
<td>8 SF</td>
<td>8 SF, 3000 SF, 60 TF</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Both side yards combined</td>
<td>25</td>
<td>20 SF</td>
<td>20 SF, 16 TF</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>Stories</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5 SF, 2.5 TF</td>
<td>2</td>
</tr>
<tr>
<td>Feet</td>
<td>35</td>
<td>35</td>
<td>70</td>
<td>30</td>
<td>45</td>
</tr>
<tr>
<td>Maximum building coverage of lot (percent)</td>
<td>30</td>
<td>35</td>
<td>40 SF, 40 TF</td>
<td>60</td>
<td>70</td>
</tr>
</tbody>
</table>

**Abbreviations:**
- **SF** = Single Family
- **TF** = Two-Family

**NOTES:**
1. See § 220-18H for regulations covering accessory structures and § 220-19 for regulations covering appropriate public uses.
2. Except when abutting an R District, then twenty (20) feet shall be required.
3. Except when abutting an R District, then thirty (30) feet shall be required.
4. Except when abutting an R District, then fifteen (15) feet shall be required.
5. Ground area required per dwelling unit for all residential uses.