

Chapter 27

Zoning

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Part 1**Basic Provisions****§27-101. Title.**

This Chapter may be cited as “Chalfant Borough Zoning Ordinance.”
(*Ord. 266, 5/13/1971, §101*)

§27-102. Defined Words.

Words used in a special sense in this Chapter are defined in Part 6.
(*Ord. 266, 5/13/1971, §103*)

§27-103. Community Development Objectives.

The community development objectives which are the basis for the provisions of this Chapter are set forth in the Comprehensive Plan as adopted and amended by the Borough Council, Chalfant, Pennsylvania.
(*Ord. 266, 5/13/1971, §104*)

§27-104. Zoning Map.

A map entitled “Chalfant Borough Zoning Map” is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the office of the Borough Secretary in the Municipal Building.
(*Ord. 266, 5/13/1971, §105*)

§27-105. Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.
(*Ord. 266, 5/13/1971, §106*)

Part 2**District Regulations****§27-201. Zoning Districts.**

The municipality is divided into the districts stated on Table 27-201 as shown by the district boundaries on the Zoning Map.

(*Ord. 266, 5/13/1971, §201; as amended by Ord. 334, 7/9/1986*)

§27-202. District Boundaries.

District boundaries shown on the lines or roads, streams, and transportation right-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Chapter.

(*Ord. 266, 5/13/1971, §202*)

§27-203. Permitted Uses.

The permitted uses for each district are shown on Table 27-201. Uses not specifically listed shall not be permitted.

(*Ord. 266, 5/13/1971, §203*)

§27-204. Conditional Uses.

The Borough Council may authorize conditional uses as specified in Table 27-201, if all conditions and provisions of Part 4 are met.

(*Ord. 266, 5/13/1971, §204*)

§27-205. Height Regulations.

No structure shall exceed 45 feet in height above average ground level unless approved by the Zoning Hearing Board. The Board may authorize a variance to the height regulations in any district if:

A. All front, side, and rear yard depths are increased 1 foot for each additional foot of height.

B. The structure is any of the following and does not constitute a hazard to an established airport; television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles.

(*Ord. 266, 5/13/1971, §205*)

§27-206. Floor Area Requirements.

No single-family dwelling shall have a floor area of less than 720 square feet.
 (Ord. 266, 5/13/1971, §206)

§27-207. Lot and Yard Requirements.

The minimum lot area, minimum width of lot, minimum depth of front yard, and minimum width of each side yard for each district shall be as shown on Table 27-201.

A. Lots which abut on more than one street shall provide the required front yards along every street.

B. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

C. Any lot of record existing at the effective date of this Chapter and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Chapter.

D. Nonresidential structures or uses shall not be located or conducted closer to any lot line of any other lot in any “A” or “R” district than the distance specified in the following schedule:

Minimum Side or Rear Yard Abutting any Lot in any “R” District	Uses
20 feet	Off-street parking spaces and access drives for nonresidential uses.
40 feet	Churches, schools, and public or sem-public structures.
70 feet	Recreation facilities, entertainment facilities, motels, all business uses and industrial uses.

(Ord. 266, 5/13/1971, §207)

§27-208. Accessory Buildings or Fences.

No accessory buildings or fences shall be located nearer to the street line than the front line of the principal building. Permitted fences or walls shall not be located in a side or rear yard abutting an alley or way within 5 feet of the alley or way. No fence may exceed a height of 6 feet. All fences shall be constructed with the finished side facing out.

(Ord. 266, 5/13/1971; as added by Ord. 367, 10/9/1996, §6; and as amended by Ord. 408, 8/11/2011)

Table 27-201

	R-1 Single-Family	R-2 Residential	R-3 Single-Family	B-1 Business	M-1 Industrial
Permitted Uses	Single-family dwelling Parks, schools, churches Agriculture Accessory uses	Single-family dwelling Two-family dwelling Multiple-family dwelling Parks, schools, churches Accessory uses	Single-family party wall dwellings Single-family dwelling parks, schools, church Accessory uses	Retail stores Service shops* Restaurants Theaters Offices Banks Funeral homes Commercial schools Public buildings Parks, schools, churches Public utility Structures Accessory uses	Light manufacturing Research laboratories Offices Warehousing Public buildings Public utility Structures Accessory uses
Conditional Uses [Ord. 408]	Two-family dwelling Clinic Public utility structures Public building Cemeteries	Public buildings Public utility structures Funeral homes Clinics	Public buildings Professional offices	Multiple dwellings Shopping centers Wholesale business Research laboratories Gas stations Bowling alley	Manufacturing Restaurants
Minimum lot area	5,000 square feet	5,000 square feet	2,500 square feet	2,500 square feet	7,500 square feet
Lot area per family	2,500 square feet	1,500 square feet	2,500 square feet	2,500 square feet	-----
Width	50 feet	50 feet	25 feet	25 feet	75 feet
Front yard	15 feet	15 feet	15 feet		10 feet
Side yard	5 feet	5 feet	5 feet on one side only; Party wall permitted on other side		10 feet
Rear yard	15 feet	15 feet	15 feet		10 feet

*Service shop as used herein shall mean all services of any nature rendered for commercial uses, but shall exclude any services rendered in connection with the repair, remodeling, rehabilitation, servicing, fueling, or automotive and body repairs for motor vehicles. Such uses shall only be permitted as conditional uses in a B-1 District pursuant to the terms, conditions, and regulations applicable thereto.

(Ord. 345, 8/10/1989, §3; as amended by Ord. 408, 8/11/2011)

Part 3**General Regulations****§27-301. Nonconforming Uses.**

The following provisions shall apply to all nonconforming uses:

A. A nonconforming use may be continued but may not be extended, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Chapter.

B. A zoning certificate must be obtained within 1 year by the owner of any nonconforming use as evidence that the use lawfully existed prior to the adoption of the provision which made the use nonconforming.

C. Any nonconforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

D. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 1 year, or is abandoned for any period, such nonconforming use shall not be resumed.

(Ord. 266, 5/13/1971, §301)

§27-302. Signs.

No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

A. In any district a sign not exceeding 1 square foot in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

B. A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.

C. A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased, or developed. Such sign shall be removed promptly when it has fulfilled its function.

D. Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:

(1) Signs shall not contain information or advertising for any product not sold on the premises.

(2) Signs shall not have a combined aggregate surface size greater than 5 square feet for each foot of width of the principal structure on the premises.

(3) Signs shall not project over public right-of-way.

(4) Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

(Ord. 266, 5/13/1971, §302)

§27-303. Off-Street Parking.

1. Off-street parking spaces shall be provided in accordance with the specifications in this Section in any district whenever any new use is established or existing use is enlarged.

Use	Parking Spaces Required
Dwelling	Two for each dwelling unit.
Church, theater, school	One for every four seats in largest meeting room.
Stores, shops, restaurants, clubs, funeral homes	One for every 100 square feet of public floor space.
Business services, warehouses, professional offices	One for every 250 square feet of net floor area.
Manufacturing plants	One for every two employees.
Hospitals	One for every two beds.
Motels	One for every rental unit.

A. No off-street parking space shall have an area less than 200 feet exclusive of access drives.

B. Any off-street parking lot shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

C. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

2. *Computation.* When calculation of the required amount of off-street parking results in a requirement of a fractional space a fraction shall be counted as an entire parking space. [Ord. 367]

(Ord. 266, 5/13/1971, §303; as amended by Ord. 367, 10/9/1996, §4)

§27-304. Off-Street Loading.

One off-street loading berth of not less than 35 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

(Ord. 266, 5/13/1971, §304)

§27-305. Stormwater Management.

All uses or lots in all zoning districts shall comply with the applicable requirements and standards for managing stormwater runoff in accordance with the Borough Subdivision and Land Development Ordinance.

(Ord. 266, 5/13/1971; as added by Ord. 354B, 3/10/1993)

Part 4**Conditional Uses****§27-401. General.**

Conditional uses as specified in Part 2 may be allowed or denied by the Borough Council after recommendations by the Planning Commission in accordance with the criteria and provisions.

(*Ord. 266, 5/13/1971, §401*)

§27-402. Application.

Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

A. An application fee in an amount equal to that set by resolution of the Borough Council.

B. Five copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use, and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas, and accessory structures; the location of all utilities, the provisions for parking, moving, or loading of vehicles, and the timing of construction proposed.

(*Ord. 266, 5/13/1971, §402*)

§27-403. Review.

The Zoning Officer shall forward copies of the application to the Borough Council and to the Planning Commission for review and approval.

A. The Planning Commission shall forward its recommendation within 45 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.

B. The Borough Council may attach such conditions as they deem necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be recorded by the petitioner within 30 days of final approval. All development, construction, and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Part.

(*Ord. 266, 5/13/1971, §403*)

§27-404. Criteria for Approval.

A conditional use shall be approved if and only if it is found to meet the following criteria:

A. The proposed use conforms to the district and conditional use provisions and all general regulations of this Chapter.

B. The proposed use meets all special standards which may apply to its class

of conditional uses as set forth in this Part.

C. The proposed use shall not involve any element or cause and condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of §27-405.

D. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

G. The proposed use shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.

(Ord. 266, 5/13/1971, §404)

§27-405. Performance Standards.

All conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Part the Borough Council may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

A. *Fire Protection.* Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

B. *Electrical Disturbances.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

C. *Noise.* Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

D. *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

E. *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

F. *Air Pollution.* No pollution of air by fly-ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

G. *Glare.* Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

H. *Erosion.* No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

I. *Water Pollution.* Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection. [Ord. 408]

(Ord. 266, 5/13/1971, §405; as amended by Ord. 408, 8/11/2011)

Part 5**Administration and Enforcement****§27-501. Zoning Officer.**

The Zoning Officer, who shall be appointed by the Borough Council, shall:

A. Administer and enforce the provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

B. Issue zoning certificates and building permits.

C. Maintain a permanent file of all zoning certificates and applications as public records.

(*Ord. 266, 5/13/1971, §501*)

§27-502. Zoning Certificates.

A zoning certificate shall be obtained before any person may:

A. Occupy or use any vacant land.

B. Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged.

C. Change the use of structure of land to a different use.

D. Change a nonconforming use.

E. Applications for a zoning certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions, and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Chapter, together with a filing fee in accordance with a schedule annually affixed by resolution of the Borough Council.

(*Ord. 266, 5/13/1971, §502*)

§27-503. Causes of Action.

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

(*Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011*)

§27-504. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on 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.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough 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 this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

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 clearly described.

(*Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011*)

§27-505. Enforcement Remedies.

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for

enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction over proceedings brought under this Section.

(*Ord. 266, 5/13/1971, §504; as amended by Ord. 408, 8/11/2011*)

§27-506. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

3. A. In addition to the requirement that notice be posted under subsection .2, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this paragraph.

B. This subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

4. Pursuant to the procedures of §§303 and 304 of the Municipalities Planning Code, 53 P.S. §§10303, 10304 any proposed action of Borough Council shall be submitted to the Borough and County planning agencies for their recommendations if the proposed action relates to the adoption, amendment or repeal of any comprehensive plan, official map, subdivision or land ordinance, zoning ordinance or provisions for planned residential development. The recommendations of the planning agency(ies) including a specific statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan shall be made in writing to the Borough Council within 45 days and the proposed action shall not be taken until such recommendations are made. If, however, either the Borough planning agency or County planning agency fails to act within 45 days, the Borough Council shall proceed without its recommendations.

5. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

7. *Publication, Advertisement and Availability of Ordinances.*

A. Proposed zoning ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this subsection, and shall

include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

(2) An attested copy of the proposed amendment shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said amendment.

B. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

C. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

8. Within 30 days after enactment, a copy of any amendment to this Chapter shall be forwarded to the County planning agency.

(*Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011*)

§27-507. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the zoning map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the County planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein the the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council; provided, however, that the provisions of §908(1.2) and (9), 53 P.S. §10908(1.2) and (9), shall not apply and the provisions of §916.1, 53 P.S. §10916.1, shall control. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment

and challenge.

3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or zoning map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(*Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011*)

§27-508. Procedure for Borough Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Borough shall declare by formal action this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include;

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(b) Reference to a class of use or uses which requires revision.

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection .1, above, the

Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. 10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon grounds identical or substantially similar to those specified by the resolution required by subsection .1.A, above. Upon completion of the procedures set forth in subsections .1 and .2, above, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough Council, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(*Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011*)

§27-509. Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

2. The membership of the Board shall consist of three residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested

by the Borough Council.

6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(*Ord. 266, 5/13/1971, §506; as amended by Ord. 408, 8/11/2011*)

§27-510. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

B. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

C. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance fo record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for

that purpose.

E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under §916.1 of the Municipalities Planning Code, 53 P.S. §10916.1, where the Board fails to render the decision within the period required by this paragraph or fails to commence, conduct or complete the required hearing as provided in paragraph .B, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet

or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in paragraph .B of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this paragraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011)

§27-511. Fees.

The Borough Council shall establish, by resolution, fees with respect to applications, proceedings, hearings and all other matters under this Chapter.

(Ord. 266, 5/13/1971; as added by Ord. 408, 8/11/2011)

Part 6**Definitions****§27-601. General.**

Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is mandatory and not permissive.

Area—area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

Clinic—any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Dwelling—any structure designed or used as the living quarters for one or more families.

Family—one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Governing body—the Borough Council, Chalfant Borough, Allegheny County, Pennsylvania.

Hearing—an administrative proceeding conducted by a board pursuant to §909.1 of the Municipalities Planning Code, 53 P.S. §10909.1. [Ord. 408]

Light manufacturing—the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; film processing; light metal products; plastic goods; slaughtering, curing nor rendering, or fats.

Lot—a parcel of land occupied or capable of being occupied by one or more structures.

Lot of record—any lot which individually or a part of a subdivision, has been recorded in the Allegheny County Department of Real Estate. [Ord. 408]

Lot, depth of—a mean horizontal distance between the front and rear lot lines.

Lot, minimum area of—the horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, width of—the mean width measured at right angles to its depth.

Manufacturing—the processing and fabrication of any article, substance or commodity.

No-impact home-based business—a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a

residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (8) The business may not involve any illegal activity.

[*Ord. 408*]

Nonconforming use—nonconforming use is any use or arrangement of land or structures legally existing at the time of enactment of this Chapter or any of its amendments, which does not conform to the provisions of this Chapter.

Public hearing—a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.* [*Ord. 408*]

Public notice—notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [*Ord. 408*]

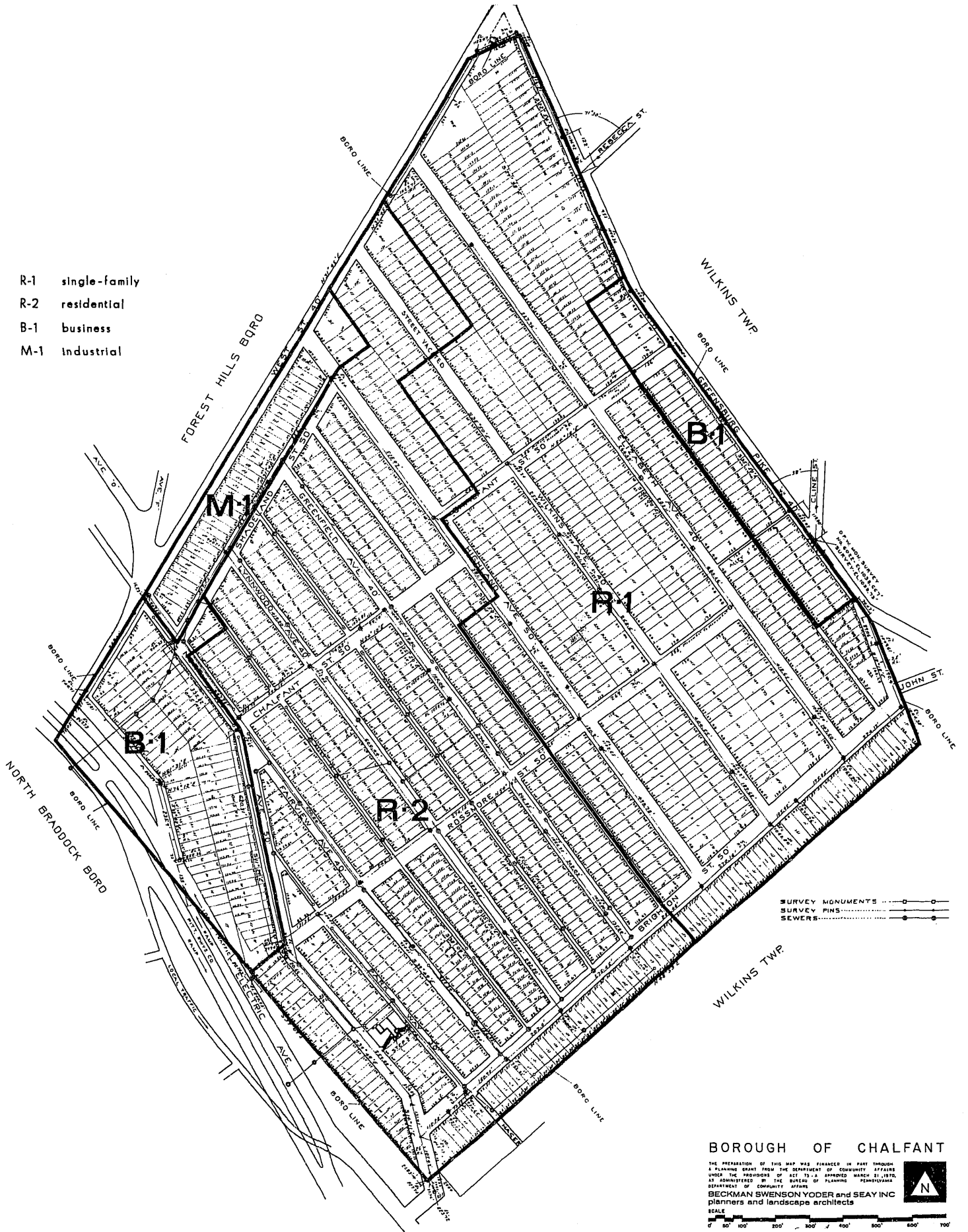
Structure—anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences and patios.

(*Ord. 266, 5/13/1971, §601; as amended by Ord. 408, 8/11/2011*)

Zoning Map Amendments

Ord./Res.	Date	Description
Ord. 282	9/12/1974	Amending the Zoning Map to change property from R-2 District to a R-1 District. (This refers to the property situate at 204 North Avenue, being a part of Lot No. 186 owned by John Maclyak and Jacquelyn Maclyak).
Ord. 345	8/10/1989	Amending the Zoning Map to change property from R-2 District to a R-1 District. This refers to the lots numbered 192, 193, 194, 195, and 196 inclusive as recorded in a plan of lots laid out by the East Pittsburgh Land Company known as the East Pittsburgh Addition.

- R-1 single-family
- R-2 residential
- B-1 business
- M-1 industrial



BOROUGH OF CHALFANT

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A PLANNING GRANT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE PROVISIONS OF ACT 70-A APPROVED MARCH 21, 1970, AS ADMINISTERED BY THE BUREAU OF PLANNING PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS
BECKMAN SWENSON YODER and SEAY INC
 planners and landscape architects



CHALFANT BOROUGH ZONING MAP

