

ARTICLE V
NATURAL HAZARD AREAS

Section 500 PURPOSE

The purpose of this Article is to protect persons and property from undue and unnecessary exposure to natural conditions and locations which will result in threats to their health and safety, and damage and/or destruction.

Section 501 ESTABLISHMENT OF FLOOD PLAIN DISTRICT

- A. The Borough Council of the Borough of Shickshinny shall establish a Flood Plain District to include all areas subject to inundation by the waters of the One Hundred Year (100 year) flood. The source of this delineation shall be the Type 15 Flood Insurance Study including the Floodway Data and the Flood Insurance Zone Data Tables for the Borough of Shickshinny, Pennsylvania issued in June, 1975, as prepared by Dewberry, Nealon and Davis Consulting Engineer. The Flood Plain District shall be deemed an overlay on any existing, and hereafter established, zones or districts within the Borough of Shickshinny.

The provisions of this ordinance shall apply to all other applicable ordinances within the Borough, so that notwithstanding other parts of said ordinances the provisions herein shall not be circumvented.

- B. The Flood Plain District shall be comprised of two subdistricts described as follows:
1. Floodway (F1) - that portion of the Flood Plain District required to carry and discharge the waters of the One Hundred Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Type 15 Flood Insurance Study including the Floodway Data and the Flood Insurance Zone Data Tables for the Borough of Shickshinny referenced above.
 2. Floodway Fringe (F2) - those portions of land within the Flood Plain District subject to inundation by the One Hundred Year Flood, lying beyond the floodway in areas where detailed study data and profiles are made available by the above referenced study.

- C. The delineation of the Flood Plain District may be revised, amended and modified by the Borough Council of the Borough of Shickshinny in compliance with the National Flood Insurance Program when:
1. there are changes through natural or other causes;
 2. changes are indicated by future detailed hydrologic and hydraulic studies; and/or
 3. when social and economic factors favor a realignment. All changes shall be subject to the review and approval of the Federal Insurance Administrator.
- D. The Borough Council of the Borough of Shickshinny shall resolve disputes concerning any district or zone boundary. Any party aggrieved by their decision may appeal to the Borough Council of the Borough of Shickshinny. The burden of proof is on the appellant.

Section 502 MINIMUM COMPLIANCE WITH FLOOD PLAIN MANAGEMENT
CRITERIA

The community shall adopt and enforce flood plain management regulations based on data provided by the Federal Insurance Administrator. Without prior approval of the Federal Insurance Administrator, the community shall not adopt and enforce flood plain management regulations based upon modified data reflecting natural or man-made physical changes.

Section 503 VARIANCES

- A. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- B. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

- D. A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- E. A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual report submitted to the Federal Insurance Administrator.

Section 504 USE OF FLOOD PLAIN DISTRICT

- A. The Borough of Shickshinny shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.S. 1334;
- B. This ordinance prohibits the encroachment, including fill, new construction, substantial improvements, and other development within the above adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge; and further prohibits the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, within the adopted regulatory floodway.
- C. No building or structure shall be built in those areas designated as PC (Public Conservation) on the official land use map for the Shickshinny Disaster Urban Renewal Area. Within these PC areas no building or structures shall be permitted. All such areas are indicated on the zoning map attached hereto.
- D. Within the Flood Plain District on the Community's FIRM for new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, that (i) stands or lots are elevated on compacted fill or on pillings so that the lowest floor of the

mobile home will be at or above the base flood level, (ii) adequate surface drainage and access for a hauler are provided, and (iii) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level;

- E. All mobile homes to be placed within the Flood Plain District on the community's FIRM, but not into a mobile home park or mobile home subdivision that (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level, (ii) adequate surface drainage and access for a hauler are provided, and (iii) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.

Section 505 STEEP SLOPES AND SLIDE HAZARD AREAS

No area having a slope in excess of 25 percent for 100 feet horizontal measured across the slope, nor any area identified by the U.S. Soil Conservation Service's Soil Map for Luzerne County as being slide prone shall be used for the construction of any building or structure except after approval as a Special Exception by the Zoning Hearing Board, subject to the requirements of this Ordinance.

A. Delineation:

Delineation of steep slope and slide hazard areas shall be the responsibility of the landowner, certified by a professional engineer, upon a general finding that said areas may exist on the site by the Zoning Officer.

- B. If use of steep slope and slide hazards areas is requested, plans shall be prepared and presented which demonstrate appropriate design considerations to preclude any potential damage to the proposed use and which have been certified by a professional engineer.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations.

Section 600 HEIGHT REGULATIONS EXCEPTIONS

- A. Public, semi-public or public services building, public institutions or schools when permitted in a district, may be erected to a height not exceeding fifty (50) feet, and churches or temples may be erected to a height not exceeding fifty (50) feet.
- B. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the district may be erected to a greater height than permitted providing:
 - 1. The structure shall not occupy more than twenty-five (25) percent of the lot area; and
 - 2. The yard requirements of the district in which the structure is erected shall be increased by two (2) feet for each foot of height over the maximum height permitted.
- C. The height limitations of this Zoning Ordinance shall not apply to flagpoles, church spires, belfries, chimneys or antennas.

Section 601 YARD REQUIREMENTS

- A. All yards required to be provided under this Zoning Ordinance shall be open to the sky and unobstructed by any building or structure except for accessory buildings in the rear yard and fences.
- B. The following may project into the required yards as established in this Zoning Ordinance:
 - 1. Steps and stoops not exceeding twenty-four (24) square feet.
 - 2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the side or rear yard not exceeding three and one-half (3.5) feet in width and placed so as to obstruct light or ventilation.

3. Sills, eaves, cornices and ornamental features not exceeding two (2) feet in width.

4. Patios.

C. Irregular Lots:

Where any main wall of a structure located on an irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.

Section 602 LOT AREA MEASUREMENTS, DEEP LOTS

A. Deep Lots:

For purposes of measuring lot area on exceptionally deep lots, only the part of the depth which is less than four (4) times the average width of the lot may be utilized in calculations.

Section 603 REDUCTION IN LOT AREA

No lot area though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that the yard lot area per family, lot width, building area or other requirements of this Ordinance are not maintained.

Section 604 FENCES OR HEDGES

Subject to the following conditions, fences may be erected along the boundaries of a lot:

- A. On any corner lot, no wall, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be permitted which may cause danger to traffic on a street by obscuring the view.
- B. No solid hedge or growth shall be planted or permitted to grow higher than three (3) feet in height on any property line or street right-of-way line between the front or side street so that the sight distance from any adjacent driveway onto a public highway or sidewalk is restricted.

Section 605 STRUCTURE ON SMALL LOT OF RECORD

Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a structure on any lot of record separately owned or under contract or sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required in this Ordinance. In no case shall any structure be permitted within five (5) feet of a lot line.

Section 606 CLEAR SIGHT TRIANGLE REQUIREMENTS

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure building, earthen bank or vegetation exceeding three and one-half (3.5) feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle on corner lots.

Section 607 ESSENTIAL SERVICE INSTALLATIONS

Essential service installations as defined in this Ordinance, shall be permitted subject to restrictions recommended by the Planning Commission and approved by the Borough Council with respect to use, design, yard area, setback and height.

Section 608 GENERAL STORAGE

No lot or premises shall be used as a storage area for junk automobiles, appliances or the storage or collection of any other miscellaneous items. Also, no lot or premises shall be used as a garbage dump or a dead animal rendering plant nor may rubbish or miscellaneous refuse be stored in the open where the same may be construed as a menace to the public health or safety.

Section 609 JUNKYARDS

All junkyards existing at the effective date of this Ordinance, within one (1) year thereafter, and all new junkyards, where permitted, shall comply with the following provisions:

- A. No junk material, appurtenant structure, or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- B. Any junkyard shall be completely enclosed with a visual screen of evergreen or evergreen type hedge where practical, or a maintenance free shadow fencing may be substituted, or tree-row of a variety and size at the time of planting that such will attain a height of eight (8) feet within three (3) years thereafter and maintained in a sound and attractive manner.
- C. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than six (6) feet.

- D. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.
- E. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.

Section 610 SANITARY LANDFILL

Sanitary landfills, where authorized as a conditional use, shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources.

ARTICLE VII
NONCONFORMING USES

Section 700 DEFINITION

A nonconforming use is the lawful occupancy of a land area, building or structure which was in existence prior to the enactment of this Zoning Ordinance but does not comply with the present provisions of this Zoning Ordinance.

Section 701 PERMITTED CONTINUATION

A nonconforming use may continue; be bought or sold, altered, restored or extended subject to the provisions of this Article even though such use does not conform to the regulations established in this Ordinance for that use.

Section 702 ALTERATIONS

- A. A nonconforming building or structure may be altered or improved within the confines of the existing building.
- B. A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structures conversion to a conforming use.

Section 703 EXTENSION OR EXPANSION

A nonconforming use may be extended upon approval as a Special Exception by the Zoning Hearing Board subject to and provided the following:

- A. The extension does not encroach upon the front, side and rear yard requirements and the maximum building height requirements of this Ordinance.
- B. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Ordinance.
- C. Such extension does not result in an increase in total floor area, or lot use area of more than one hundred (100) percent of the original floor area or lot area.
- D. Adequate parking can be provided in conformance with this Ordinance to serve both the original plus expanded use.
- E. Such expansion does not present a threat to the health or safety of the community or its residents.

Section 704 CHANGES

No nonconforming building, structure or use shall be changed to another type of nonconforming use, except as a Special Exception under the provision of this Ordinance.

Section 705 RESTORATIONS

- A. A building which is damaged by fire, explosion, flood or other casualty to the extent of seventy-five (75) percent or more of its value (exclusive of walls below grade) at the date of the damage as determined by fair market value of the building, and which does not comply with the use, area or height regulations of this Ordinance, shall not be restored except in conformity with the regulations of this Ordinance.
- B. A lawful nonconforming building destroyed to the extent of less than seventy-five (75) percent by fire, explosion, flood or other casualty or legally condemned, may be reconstructed and used for the same nonconforming use provided that (a) the reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned and (b) building reconstruction shall be carried on without interruption.

Section 706 ABANDONMENT

- A. The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use, unless approved as a Special Exception under the provisions of this Ordinance. A nonconforming use shall be considered abandoned when one of the following conditions exist:
 - 1. When the intent of the owner to discontinue the use is apparent.
 - 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months unless other facts show intention to resume the nonconforming use.
 - 3. When a nonconforming use has been discontinued for a period of one year.
 - 4. When it has been replaced by a conforming use.
 - 5. When it has been changed to a use permitted as a Special Exception by the Zoning Hearing Board.

- B. Any nonconforming use of a sign or billboard which is discontinued or not used for six (6) months shall not be resumed; and if any sign or billboard is removed, it shall not be reconstructed.

Section 707 NONCONFORMING LOTS OF RECORD

- A. Any residence and customary accessory building may be erected on any approved lot of record in existence on the effective date of this Ordinance provided it is within a residence district.
- B. This provision shall apply even though such lot fails to meet the applicable requirements of side, front or rear yards or the minimum lot area requirements.

Section 708 UNSAFE STRUCTURE

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building declared unsafe by a proper authority.

Section 709 CONSTRUCTION APPROVED PRIOR TO LEGAL
ENACTMENT OF ORDINANCE

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently proceeded within six (6) months of the date of such permit.

Section 710 REGISTRATION

The Zoning Officer shall prepare a list registering all non-conforming uses existing at the time of the legal enactment of this Ordinance. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation. Further, said list shall be maintained for public use and information and available during normal Borough Building hours in the office of the Borough Secretary.

ARTICLE VIII
ADOPTION AND AMENDMENT

Section 800 ADOPTION

This Zoning Ordinance is adopted in compliance with the provisions of Article VI, Section 607 and 608 of Act 247, as amended, known and cited as the "Pennsylvania Municipalities Planning Code".

Section 801 AMENDMENT

This Zoning Ordinance may be amended from time to time as deemed necessary for the public welfare or convenience, in compliance with the provisions of Article VI, Section 609 and Section 609.1 of Act 247, as amended, known and cited as the "Pennsylvania Municipalities Planning Code".

ARTICLE IX
ZONING HEARING BOARD

Section 900 CREATION AND APPOINTMENT

A Zoning Hearing Board is hereby created. The membership of said Board shall consist of three residents of the Borough appointed by Borough Council. Their terms of office shall be three years after expiration of the initial term; said initial term shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Borough, except that no more than one member of the Zoning Hearing Board may also be a member of the Planning Commission.

Section 901 REMOVAL OF MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance 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 vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 902 ORGANIZATION OF ZONING HEARING BOARD

The Zoning Hearing 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 members of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Article IX, Section 908 of the "Pennsylvania Municipalities Planning Code", Act 247, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Borough Council once a year.

Section 903 POWERS AND DUTIES

- A. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this ordinance.

- B. The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- C. The Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant following the procedures set forth in Section 904. The Board may grant a variance provided the following findings are made where relevant in a given case.
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That such unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

- D. The Zoning Hearing Board shall hear and decide requests for Special Exceptions in those cases where this Ordinance indicates a Special Exception may be granted subject to compliance with the standards and criteria prescribed. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

- E. The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the bases for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

Section 904 PROCEDURES

A. Variance

1. The landowner shall file a request for a variance with the Zoning Officer along with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Borough Council.
2. The Zoning Officer shall transmit the request and any information received therewith, along with his file on said issue forthwith to the Zoning Hearing Board.
3. Upon receipt of a request for variance the Board shall establish a time and place to hear said request within thirty (30) days.
4. The Board shall render a decision and inform the applicant of said decision within thirty (30) days of the final hearing date.

- B. Appeal of the Zoning Officer's decision. Appeals arising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.

C. Special Exception:

1. The landowner shall file a request for the granting of a Special Exception along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Borough Council.
2. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.

3. The Zoning Hearing Board shall schedule a public hearing with public notice within sixty (60) days of said request.
4. The Board shall render a decision and inform the applicant of said decision within thirty (30) days of the final hearing date, unless upon mutual consent of the Board and applicant it is agreed to continue the proceedings.

Section 905 TIME LIMITATIONS

Any person aggrieved by the rendering of a decision by the Borough Council, Planning Commission, Zoning Officer, or Zoning Hearing Board shall have thirty (30) days in which to file an appeal or request for review with the Zoning Hearing Board from the date of said decision.

Section 906 APPEALS

Appeals from a decision of the Zoning Hearing Board shall be filed and handled in the manner prescribed by Act 247, as amended, the "Pennsylvania Municipalities Planning Code."

ARTICLE X
ADMINISTRATION

Section 1000 ZONING OFFICER

A. Appointment:

The position of Zoning Officer for the Borough of Shickshinny, is hereby created and the Borough Council shall appoint a Zoning Officer pursuant to the provisions of Section 614 of Act 247, as amended, the "Pennsylvania Municipalities Planning Code."

B. Powers and Duties:

The Zoning Officer shall administer this Ordinance 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 the requirements of this Ordinance. Within this power, the Zoning Officer shall have duties as follows:

1. The Zoning Officer shall receive applications for, and issue zoning and sign permits, certificates of use and occupancy and stopwork orders in accordance with the provisions of this Ordinance.
2. The Zoning Officer shall make all the required inspections or he may, subject to the approval of the Borough Council, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.
3. At least annually, the Zoning Officer shall submit to the Borough Council a written statement of all zoning and sign permits, certificates of use and occupancy issued, and notices and orders issued.
4. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Zoning Ordinance and all such records shall be open to public inspection at all appropriate times.

Section 1001 PERMITS

A. Zoning Permit:

A zoning permit shall be required prior to the erection, addition or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the changes or extension of a non-conforming use. It shall be unlawful for any person to

commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No zoning permit shall be required in cases of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure.

1. Application for permits - All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings.
 - a. No building or structure shall be erected, remodeled, added to or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning permits shall be in accordance with the requirements of this Zoning Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
 - b. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage, or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed fifty (50) percent of the fair market value.
 - c. All requests for building permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended of the building and shall be accompanied by two (2) copies of a layout or plat plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Zoning Ordinance. When complete and accurate information is not readily available from existing records, the Zoning Officer may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.

- d. One (1) copy of such layout or plat plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the Borough Council.

B. Occupancy Permit:

1. A certificate of occupancy, either for the whole or for a part of a new building or for the structural alteration of an existing building shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or alteration of such building or part of a building shall have been completed and after due inspection shows the same to be in conformance with the provisions of this Zoning Ordinance.
2. A certificate of occupancy for the use or occupancy of vacant land or for a change of use in an existing building shall be applied for and issued before any such land or building shall be occupied, used or changed in use and such certificate of occupancy shall be issued within ten (10) days after application has been made, provided such proposed use is in conformance with the provisions of this Ordinance.
3. No fee shall be charged for an application for a certificate of occupancy as required herein; but for the issue of each copy of said certificate of occupancy, there will be a charge as per a fee schedule adopted by the Borough Council.
4. Refusal by the Zoning Officer to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
5. Occupancy permits are required for the following:
 - a. Occupancy of a new building
 - b. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - c. Change in the use of an existing building other than to a use of the same type.
 - d. Occupancy and use of unimproved or vacant land.
 - e. Change in the use of land except to another use of the same type.
 - f. Any change in use of nonconforming use to a conforming use.

6. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Zoning Ordinance and all other ordinances of the municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of the Ordinance.

C. Sign Permit:

1. No permanent or temporary sign as described in this Ordinance shall be erected until a permit therefore has been issued by the Zoning Officer.
2. Application to the Zoning Officer shall be processed within one (1) week upon receipt of the written request to erect a sign and payment of a fee as predetermined from a fee schedule adopted by the Borough Council, provided the size and nature of the sign is in conformity with the provisions of this Ordinance, and all other effective and applicable ordinances. Refusal for a sign permit shall include a written statement to the applicant containing the reasons for denial.
3. Negligence to apply for a sign permit is punishable by a fine as prescribed by this Ordinance. Payment of said fine does not grant approval to erect a sign.

D. Temporary Permit:

1. Temporary permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere within the Borough for a very short period of time. Temporary permits are limited to one (1) week period renewable for a maximum of four (4) weeks during any one calendar year unless otherwise specified in this Ordinance.
2. Temporary permits are required for and in accordance with the following:
 - a. Selling of Christmas trees at churches, schools, clubs and lodges.
 - b. Carnival, circus or street fairs.
 - c. Mobile amusements and lighting equipment for promotion, advertisement and grand openings.
 - d. Temporary parking of camping or recreational equipment in Residential Districts.

3. No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this Zoning Ordinance except upon approval of the Borough Council.
4. Written request to the Zoning Officer for a temporary permit shall be processed within one (1) week upon receipt of the request and payment of a fee as pre-determined from a fee schedule adopted by the Borough Council provided the use does not violate any provisions of this Zoning Ordinance.

Section 1002 INSPECTION

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued.

A. At the Beginning of Construction:

A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building.

1. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. At the Completion of Construction:

A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance; and the opinion of the Zoning Officer in regard to the issuance of an occupancy permit.

ARTICLE XI
SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional has never been a part thereof.

ARTICLE XII
INTERPRETATION, PURPOSE AND CONFLICT

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Borough of Shickshinny. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Borough provided that where this Ordinance imposes a greater restriction upon the use of a building or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations or ordinances the provision of this Ordinance shall prevail.

ARTICLE XIII

REMEDIES

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 Ordinance or prior laws, the Borough Council may instruct an officer of the Borough, in addition to other remedies, to institute in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct or abate such violation, structure or land, or to prevent, in or about such premises any act, conduct or use constituting a violation.

ARTICLE XIV

PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance enacted under Act 247 as amended shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine such person, the members of such partnership, or other officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a single separate offense. All fines collected for the violation of this Zoning Ordinance shall be paid over to the Borough Council and deposited in the General Fund.

ARTICLE XV
REPEALER

All Ordinances or parts of Ordinances inconsistent herewith
are hereby repealed.

Passed and enacted this day of , 1976.

BOROUGH COUNCIL OF THE BOROUGH OF
SHICKSHINNY
LUZERNE COUNTY, PENNSYLVANIA

(Mayor)

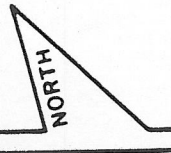
ATTEST:

(Clerk)

(SEAL)

BOROUGH OF SHICKSHINNY LUZERNE COUNTY, PENNSYLVANIA

SCALE IN FEET
300 0 600



ZONING MAP

ZONING DISTRICTS

- R-1 Single-Family Residence
- R-2 Two-Family Residence
- B-1 Neighborhood Business District
- B-2 Community Business
- B-3 Highway Business
- M-1 Mining District
- M-2 Light Industrial
- C-1 Conservation District
- Public Conservation

