

# Zoning Ordinance--Bellevonte Borough, 1944.



BELLEFONTE, PA. ZONE MAP

An Ordinance of the Borough of Bellevonte, Pennsylvania, for the purpose of Regulating and Restricting the Use of Land and Erection, Construction, Reconstruction, Alteration, Repair or Use of Buildings; the Portions of Lot That May Be Occupied by Buildings; the Size of Yards, Courts, and Other Open Spaces; the density of Population and the location and Use of Buildings, Structures and Land and Establishing Building Lines Upon All Public Streets, Roads, Highways, Lanes and Alleys in Said Borough. Conferring Certain Powers upon the Building Inspector; Providing for a Board of Adjustment and Establishing Building Lines Upon All Public Streets, Roads, Highways, Lanes and Alleys in Said Borough. Providing Penalties for the Violation of the Terms and Conditions thereof.

WHEREAS, Council of the Borough of Bellevonte, appointed the Zoning Commission as provided by law, to make a preliminary report, hold a public hearing and make a final report to Council recommending a new Zoning Ordinance.

AND WHEREAS, in pursuance of a preliminary report made by said zoning commission, a final hearing was advertised, as provided by law, in three newspapers published in Bellevonte and which said hearing was held on December 7, 1939, at the Court House in said Borough, a final report was made by said Commission to Council;

AND WHEREAS, Council of the Borough of Bellevonte by ordinance, in the Centre Democrat, and Keystone Gazette, as provided by law, gave fifteen days notice of a public hearing held at the Council Chamber on May 26, 1944, of the final report made by said Commission and considered the expediency of the passage of an Ordinance in accord with said report, therefore the following ordinance is adopted.

**ARTICLE I**

**SECTION 1.** Be it ordained and enacted by the Council of the Borough of Bellevonte, County of Centre, and State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same; That from and after the passage and approval of this Ordinance, the following Zones shall be established and the following regulations, for the purpose of regulating and restricting the location of trades and buildings and land determining the area of yards, courts, and other open spaces in connection with buildings hereafter erected or altered, shall be in full force and effect.

**SECTION 2.** This Ordinance shall be known as the Zoning Ordinance of the Borough of Bellevonte.

**ARTICLE II**

**SECTION 1. DEFINITIONS.** Certain words and terms used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include those in the future tense; the singular number includes the plural and the plural includes the singular; the word "building" includes the word "structure" and the word "structure" includes the word "building"; the words "used for"

include the meaning of "designed for."

**BUILDING OR STRUCTURE:** Any thing constructed or erected, the use of which demands a location on the soil, or attachment to something located on the soil.

**HEIGHT OF BUILDING:** The "height" of a building is the vertical distance measured from the curb level to the highest point of the roof adjacent to the street wall.

**CURB LEVEL:** The "curb level" is the mean level of the curb in front of the building or portion thereof, but where the building is on a corner lot, the "curb level" is the mean level of the curb on the street of the greatest elevation. Where the building does not immediately join the street, the average level of the ground immediately adjacent to the building shall be considered the equivalent of the "curb level."

**BOARD:** Board of Adjustment.

**COURT:** An open, unoccupied, unobstructed space other than a yard on the same lot as the building.

**DWELLING:** Any building which is designed for or occupied in whole or in part as the home, residence or sleeping place of one or more persons either permanently or transiently. This definition does not include Clubs or boarding houses.

**FAMILY:** (a) An individual; (b) or two (2) or more persons related by blood or marriage living together; (c) or a group of individuals of not more than six (6) persons, not related by blood or marriage, but living together as a single house-keeping unit. In each instance, the family shall be understood to include the necessary servants.

**SINGLE FAMILY DWELLING:** A separate building designed for and occupied exclusively by one family.

**DOUBLE HOUSE:** A dwelling designed for or occupied exclusively by two families under one roof and with a wall or party-wall between.

**TWO FAMILY DWELLING (Duplex):** A separate building designed for and occupied exclusively by two families, one above the other.

**MULTIPLE DWELLING:** A dwelling designed for or occupied otherwise than as a single family dwelling, two-family dwelling or double house.

**TRAILER:** A vehicle, whether self-propelled or not, originally designed for the dual purpose of human occupancy and highway transportation.

**GARAGE:** A building, structure, or any part thereof in which one or more motor vehicles are housed, kept or repaired. Garages are classed as "Private garages" or "public garages."

**"A":** A private garage is a garage used appurtenant to a dwelling house primarily for the storage of power-driven vehicles and where no commercial repair work is done, in which garage, space for not more than one vehicle may be rented to persons not occupants of the premises upon which it is situated.

**"B":** A public garage is any garage not included within the definition of "private garage."

**SIGNBOARDS OR BILLBOARDS:** Any structure or part thereof on which lettered or pictorial matter is displayed for advertising purposes, or intended so to be.

**LOT:** A parcel of ground which is or may be occupied by a building and accessory buildings, including the open spaces required under this Ordinance.

**DEPTH OF LOT:** The mean horizontal distance between the front lot line and the rear lot line.

**WIDTH OF LOT:** The mean horizontal distance between the side lot lines.

**CORNER LOT:** A lot upon two or more streets at their intersection.

**THROUGH LOT:** An interior lot having frontage on two streets.

**YARD:** An open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky except as otherwise provided herein.

**FRONT YARD:** A yard across the full width of the lot extending from the front line of the building to the front line of the lot.

Where a building line is referred to in this Ordinance, it shall be construed to mean that the outside wall of the structure, including bay windows, sun porches, porches, dormers, second floor projections and solid entrances, shall not be constructed or maintained nearer to the adjacent street or lot line than the building line so referred to.

**REAR YARD:** A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

**ACCESSORY BUILDING:** A subordinate building or portion of a main building, the use of which is incidental to that of the main building.

**NON-CONFORMING USE:** The use of a building or land that does not agree with the regulation of the Zone in which it is situated.

**MIXED OCCUPANCY:** Occupancy of a building or land for more than one use.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, such as bearing walls, bearing partitions, columns, beams, or girders, or the enclosure of any previously open space.

**STREET:** Includes all lands established by dedication, usage, ordinance of Council, or laid out upon the Borough plan as highways, except alleys and shall be synonymous with "roads," "avenues," "highways," "parkways," and other terms commonly applied to public highways.

**ALLEY:** A highway for pedestrian or vehicular traffic of a width of twenty feet or less.

**STREET LINE:** A line dividing the street from private property.

**TELEPHONE CENTRAL OFFICE:** A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, and other business of the Telephone Company; provided that in a residential district, a telephone central office shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

**ARTICLE III**

**SECTION 1. USE ZONE CLASSIFICATIONS AND REGULATIONS:** In order to designate, regulate and restrict the location of commerce, business, trades and industries and the location of all buildings designed, erected, altered or occupied for specific uses, the Borough is hereby divided into ZONES hereinafter designated as:

**INDUSTRIAL ZONES**

**FIRST RESIDENTIAL ZONES**

**GENERAL RESIDENTIAL ZONES**

The location and boundaries of said Zones are shown upon the ZONE MAP which is hereby declared to be a part of this Ordinance and the notations, references and other things shown thereon, are as much a part of this Ordinance as if the same were all fully described and set forth herein.

**SECTION 2. INDUSTRIAL ZONES:** In Industrial zones, structures and land may be used for any purpose except the following, and may be used for any of the following purposes by resolution of Borough Council on a favorable vote of a majority of all members of Council.

In Industrial Zones, all displays of stock or wares, or facilities for display of the same shall be confined within the owners' property and shall not extend onto the public street, road, highway, lane or alley.

**PROHIBITED USES**

The manufacture of Ammonia, In-line Colors or Dyes, Cement, Potash, Phosphates, Nitrates and Sulphates, Coal Tar Products, Dyes, Cresole or Wood Preserves, Fertilizer, Fertilizer Filler, Gas, Glue, Casein, Size or Gelatin, Industrial Poisons or Chemicals, Lampblack, Oil Cloths or Linoleum, Paints, Oils, Shellac, Varnish or Turpentine, Paper or Pulp, Printing Ink, Pyroline or Celluloid Products, Tar or Waterproofing Products, Abators or Slaughter Houses, Blast Furnaces, Rolling Mills, Smelters, Coke Ovens, Fish Smoking or Curing.

The manufacture or storage of Gunpowder, Fireworks, or any other Explosives or Explosive Substance, except fire ammunition.

The Commercial incineration or reduction, or the storage of Garbage, Offal, Dead Animals or Refuse.

The Distilling of Coal or Wood, or Grinding of Bones or Shells.

The Refining of Petroleum or the manufacture of Petroleum Products.

The manufacture of products containing asphalt or the refining of Asphalt.

Iron or Steel Foundry or Fabrication Works.

The tanning, curing or storing of Raw Hides, or Skins, Leather or Hair.

The manufacture of Shoddy or the pulling or scouring of wool.

The storage of all petroleum products and other inflammable liquids, except when the same conforms to regulations adopted by the Commonwealth of Pennsylvania.

The manufacture of Disinfectants or Insecticides.

Automobile wrecking yard.

**SECTION 3. COMMERCIAL ZONES:** In commercial zones, structures and land may be used for any purpose except the following, and may be used for any of the following purposes by resolution of Borough Council on a favorable vote of a majority of all members of Council.

**PROHIBITED USES**

All uses prohibited in Industrial Zones.

All heavy industries, and all manufacturing or the production of any goods, materials or merchandise other than such as are to be sold only

at retail on the premises.

Carpet or Bag Cleaning Establishment.

Coal or Coke Storage.

Contractor's Plant or storage thereof, except during the course of building construction.

Public Garages, except as provided in Article IV, Section 1.

Gasoline Service Stations, except as provided in Article IV, Section 1.

Lumber Yards, Saw, Planing or Wood Working Mills.

Milk Bottling and Distributing Station.

Stones or Monument Works.

And, in general, all those uses which may be obnoxious or offensive by reason of the emission of Odor, Dust, Smoke, Gas, Vibration or Noise.

In a Commercial Zone, buildings erected to be erected, altered or enlarged shall not be placed nearer to any street line than three (3) feet.

In Commercial Zones, all displays of stock or wares, or facilities for display of stock or wares, shall be confined within the owner's property and shall not be permitted on the public street, road, highway, lane or alley.

**SECTION 4. FIRST RESIDENTIAL ZONES:**

(1) In such Zones, no structure shall be erected or used, and no land shall be used for purposes other than for the following specified uses, or for the purpose necessary or ordinarily accessory to such uses:—

Apartment houses.

Single Family Dwellings.

Two Family Dwellings.

Double Dwellings.

Churches, Convents and Parish Houses.

Schools, Libraries and Museums.

Farming, Gardening, Nurseries and Green Houses that are not used for Commercial purposes.

Railroad Passenger Stations and Railroad Right-of-Way, and telephone central offices.

Equipment and facilities for public service except gasoline service stations, gas tanks or enclosure structures.

(2) An accessory use shall not include a business or industry but may include the usual accessories of a residence located upon the same lot with the residence and appurtenant to the dwelling, together with the conduct of a profession such as physician or dentist and also customary home occupations engaged in solely by the occupant of the dwelling; provided, however, that no window display, or sign other than a name plate not exceeding two square feet in area and bearing only the name and occupation of the occupants, shall be allowed as appurtenant to use as offices or for home occupations as permitted under this section.

(3) The minimum requirement as to lot area for a dwelling house or other building to be built or erected in a First Residential Zone shall be seventy-five hundred (7500) square feet of ground and shall have a minimum frontage of fifty (50) feet, provided, however, that if the land affected by an unplotted lot having area or frontage less than stated herein and held under separate ownership, the area of such unplotted lot so held under separate ownership from the adjoining land at the time of the adoption of this Ordinance,

shall be the minimum requirement for such unplotted lot of ground; and provided further, that if a lot in a recorded plan of lots has been divided and is held under separate ownership from adjoining lots at the time of the adoption of this Ordinance, then the area and frontage of the part or parts so held under separate ownership shall constitute the minimum area requirement for such plot of ground.

In a First Residential Zone, buildings erected or to be erected, altered or enlarged shall not be placed so that the building line shall be nearer to the front street line than twenty-five (25) feet, nor nearer to a side lot line than six (6) feet, nor nearer to a rear lot line than fifteen (15) per cent of the average depth of the lot upon which said building is erected; provided, however, that such distance from such rear lot line need not exceed twenty (20) feet.

Private Garages. No portion of a private garage in any Residential Zone shall be nearer to the street line than the building line fixed by this Ordinance; nor closer to an alley line than five (5) feet, nor closer to a side lot line than the building line fixed by this Ordinance.

**SECTION 5. GENERAL RESIDENTIAL ZONES:**

In such Zones, no structure shall be erected or used, and no land shall be used for purposes other than for the following specified uses, or for the purpose necessary or ordinarily accessory to such uses:—

All uses permitted in First Residential Zones.

Boarding Houses, Clubs, Social, Recreational and Community Center Buildings.

Multiple Dwellings.

Apartment Houses.

Hospitals, Orphanages, Asylums and Other Charitable or Philanthropic Institutions, except such as are intended for the insane or feeble-minded, or for the custody, correction, reformation or detention of persons for any cause.

A minimum requirement as to lot area for a dwelling house or building to be built or erected in General Residential Zones shall be five thousand (5000) square feet of ground and shall have a minimum frontage of forty (40) feet, provided, however, that the land affected by an unplotted lot having an area or frontage less than that stated herein and held under separate ownership the area of such unplotted lot so held under separate ownership from adjoining lands at the time of the adoption of this Ordinance shall be the minimum requirement for such unplotted lot ground; and provided further that if a lot in a recorded plan of lots has been divided and is held under separate ownership from adjoining lands at the time of the adoption of this Ordinance, then the area of the part or parts so held under separate ownership shall constitute the minimum area requirement for such plot of ground.

Buildings erected or to be erected, altered or enlarged in a General Residential Zone shall not be placed nearer to the front street or road line than ten (10) feet, nor nearer to a side property line than five (5) feet, nor nearer to a

rear lot line than ten (10) feet, nor nearer to a rear street line than ten (10) feet.

**SECTION 6. MAINTAINING ESTABLISHED FRONT BUILDING LINES.**

In any residential zone where forty (40%) per cent or more of the property fronting upon one side of a street between two street intersections has been improved with buildings at the time of the passage of this Ordinance, all buildings or structures hereafter erected, altered or enlarged on said frontage shall be so constructed that the front building line shall not be nearer to the street line than the average distance of front building line established on said forty (40%) per cent or more of existing lots. When the said side of the street has not been improved or built upon to the extent of forty (40%) per cent, at the time of the passage of this Ordinance, no building or structure shall be built or placed in such Zone having the front line nearer to the street line than the minimum in such Residential Zone set by this Ordinance.

**ARTICLE IV**

**USE REGULATIONS**

**SECTION 1. GENERAL USE REGULATIONS.**

(a) Outbuildings and accessory buildings, except private garages erected in Residential Zones shall not be located nearer to any street than fifty (50) feet in the case of an inside lot, or thirty (30) feet in the case of a corner lot.

(b) Trailers. No trailer may be placed within the Borough limits for residential use regardless of whether it is placed upon a foundation or not.

(c) In the Commercial Zones, gasoline service stations may be established or extended provided no portion of the same or any of their equipment for service is placed closer to the street line than twenty (20) feet nor closer thereto than the building line of buildings on adjacent lots.

(d) In the Commercial Zones, public garages and gasoline service stations may be established, erected or enlarged provided:—

(1) That the proposed structure shall not have entrance or exit closer than two hundred (200) feet to a public school, public library, church, theatre, or any other public gathering place, hospital, playground, or fire station.

(2) No public garage or gasoline service station shall be constructed, altered, or enlarged except with provisions for rendering all services on the premises and not on the public streets.

(e) No certificate of occupancy and compliance shall be issued for the establishment, enlargement or extension of a public garage or gasoline service station in any commercial zone unless the property owner files with the application for such certificate the written consent of the owners, in area and number, of two-thirds of all the property within two hundred (200) feet of the proposed structure. In computing the percentage of consents required under this provision, so much property as is already used for public garages or gasoline filling stations shall be counted as consenting but property owned by

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