

Chapter 27

Zoning

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Part 1**Definitions****§27-101. Definitions.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

Accessory building—a building subordinate to the main building on a lot and used for purpose customarily incidental to the main building.

Alteration—an alteration as applied to a building, is any change or rearrangement in the structural parts, or any enlargement, whether by extending on any side or by increasing in height or moving from one location or position to another.

Building—any structure affording shelter to persons, animals or chattels, including a wall or solid fence over 4 feet high.

Building area—the building area is the aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys, projection not more than 18 inches, steps, one-story open porches, bay windows not extending through more than one-story and not projecting more than 5 feet, balconies and terraces.

District—a district includes all buildings and lots within certain designated boundaries as indicated on the zoning map or maps.

Front street—the street upon which a lot abuts. If a plot abuts upon more than one street, it means the street designated as the front street in an application for a building permit at the applicant's election.

Garage, minor—a building not a private garage, one-story in height, used for the storage of automobiles and not used for making repairs thereto.

~~*Garage, private*—a building used for storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot, and/or for the storage of not exceeding two additional automobiles (not trucks) owned or used by others for a similar purpose if they are stored in the same room in which the automobile or automobiles of the owner or tenant are stored.~~

Garage, public—a building other than a private or minor garage, one or more storied in height, used for the storage, maintenance and repair of automobiles.

Height—the height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in the height.

Lot—a lot is the parcel of land on which a principal building and its accessories are placed, together with the required open space.

Lot area—the area of a lot on which one building and its accessories are located, provided, that the area shall be measured to the street line only.

Lot, corner—a lot on the corner fronting not more than 50 feet on one street and not more than 200 feet on an intersecting street.

Multifamily dwelling—a building, not a one-family dwelling nor a two-family dwelling, designed for and occupied exclusively as a home or residence such as an apartment house, boarding house or hotel.

Office building—a building designed or used primarily for office purposes, no part of which is used for manufacturing ~~or dwelling other than a watchman or janitor~~. [A.O.]

One-family detached dwelling—a one-family detached dwelling is a house accommodating but a single family and having no party wall or walls in common with an adjacent house or houses.

Semidetached or twin dwelling—two attached dwellings when separated from the ground up by a division wall and with no communicating openings, designed and occupied exclusively as a private home or residence for not more than one family in each.

Street—includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. [A.O.]

Street line—the dividing line between a lot and a public street, road or highway or a private street, road or highway over which two or more dominant estates have the right-of-way.

Structure—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [A.O.]

Two-family detached dwelling—a two-family detached dwelling is a house accommodating altogether but two families, with one living over the other. Such dwelling has moreover no party wall or walls in common with an adjacent house or houses.

Yard, front—the required open space between the street line and the nearest part of any building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, steps, one-story open or closed porches, bay windows not extending through more than one-story and not projecting more than 5 feet, open balconies and terraces.

Yard, rear—a yard of the full width of the lot, located between the extreme rear line of the building, excluding cornices, eaves, gutters, chimneys projecting not more than 18 inches and uncovered steps, and the extreme rear line of the lot, or the nearest side line of a street, driveway or alley.

Yard, side—the required open space extending along the side lot line and extending from the street to the rear of the yard, excluding cornices, eaves, gutters and chimneys projecting not more than 18 inches and uncovered steps.

(Ord. 4/29/1957, §100; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

Part 2**Districts****§27-201. Designated Districts.**

For the purpose of this Chapter, the Borough of Troy is hereby divided into four separate and definite districts which shall be designated as follows:

- A. R-a Residence Districts.
- B. R-b Residence Districts.
- C. C Business Districts.
- D. I Manufacturing and Industrial Districts.

(*Ord. 4/29/1957*, §200; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-202. District Boundaries.

The boundaries of said districts shall be as shown upon the map attached to and made a part of this Chapter, which shall be designated and known as the “Zoning Map.” The said map with all the notations, references, measurements, scales and other things shown thereon is hereby constituted and shall be as much a part of this Chapter as if the matters and things shown by and upon said map were all fully described herein.

(*Ord. 4/29/1957*, §201; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-203. Boundary Lines.

The boundaries between districts are, unless otherwise indicated, either the center lines of highways or railroad rights-of-way, or such lines extended. Where figures are shown on the Zoning Map between the street and a district boundary line, they indicate that the district boundary line run parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

(*Ord. 4/29/1957*, §202; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-204. Extension of Restrictions.

When a district boundary line divides a lot held in a single and separate ownership at the time of the adoption of this Chapter, the regulations as to the use in the less restricted district shall extend for a distance of not more than 50 feet beyond the district boundary line; provided, that in no case of a lot other than a corner lot, the regulation as to the use of a less restricted district may extend a distance of more than 50 feet beyond the district boundary line when authorized by a special exception by the Zoning Hearing Board.

(*Ord. 4/29/1957*, §203; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

Part 3**R-a Residence Districts****§27-301. Application of Regulations.**

The following regulations shall apply to R-a Residence Districts.
(*Ord. 4/29/1957*, §300; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-302. Erection, Alternation and Use of Buildings.

A building may be erected, altered or used, and a lot or premises may be used for the following purposes, and no other:

A. One-family detached dwelling.

B. Club, fraternity house, lodge, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board, except where the principal activity is one carried on as a business. [A.O.]

C. Educational, religious, and philanthropic use, including dormitories of any educational institution when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board, but excluding hospitals, sanatorium, penal or correctional institutions. [A.O.]

D. Hospital or sanatorium, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board. [A.O.]

E. Accessory use on the same lot with, and customarily incidental to, any of the above permitted uses, including a private garage; also professional office or studio for personal use of a doctor or physician, surgeon, ~~occultist~~, dentist, ~~masseur~~, artist, teacher, architect, musician, lawyer, real estate and/or insurance broker, magistrate, or practitioner of a similar character to any of the foregoing, or rooms used for home occupations, including dressmaking, millinery or ~~similar handicrafts~~, tailor, bed and breakfast, beautician, day care or tourist homes; provided, that the office, studio or occupational room is located in the residence of the practitioner or in a building attached thereto; and, provided further, that no goods are publicly displayed nor business solicited other than by the display of a sign not exceeding 2 square feet in dimension, placed between the front sidewalk and the house or upon the house and no space is rented out or devoted to the use of any other person than the owner or the tenant of said premises and not more than three assistants are therein employed, and that the essential character of the building as a residence is maintained. [A.O.]

F. Signs when erected and maintained in accordance with the provisions of Part 8 hereof.

(*Ord. 4/29/1957*, §301; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.)

§27-303. Building Area.

The building area shall not exceed 33.33 percent of the lot area.
(*Ord. 4/29/1957*, §302; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-304. Front Yard.

There shall be a front yard, the depth of which shall be at least 30 feet; provided, that in the case of a lot extending through from one street to another street, the lines of which are not more than 150 feet apart, the depth of the front yard on the rear street line may be decreased, when authorized by the ~~Board of Adjustment~~ Zoning Hearing Board.

(*Ord. 4/29/1957*, §303; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

§27-305. Front Yard; Corner Lots.

In the case of a corner lot, a front yard as provided for in §27-304 shall be required on each street on which the lot abuts; provided, that if at the effective date of this Chapter any corner lot with a width of less than 50 feet be held in single and separate ownership, the depth of the front yard on the long side of the lot may be decreased when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board.

(*Ord. 4/29/1957*, §304; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

§27-306. Side Yards; One-Family Detached Dwelling.

In the case of a one-family detached dwelling, there shall be two side yards, one on each side of the main building, the aggregate width of which shall be not less than 16 feet. Neither side yard shall be less than 6 feet wide; provided, that if at the effective date of this Chapter, a lot with a width less than 50 feet be held in single and separate ownership, a one-family detached dwelling may be built thereon with side yards of less than the stipulated width, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board; and, provided further, that in the case of one-family detached dwelling constructed with its greater dimension parallel with the front street, a one-story porch, whether enclosed or unenclosed, may project into one of the side yards, provided the width of such side yard is not thereby reduced to less than the required minimum of 6 feet.

(*Ord. 4/29 /1957*, §305; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

§27-307. Side Yards; Other Buildings.

In the case of any building other than a one-family detached dwelling or a building accessory thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall be not less than 16 feet; and if such building is over 40 feet high, this width shall be increased 6 feet for each 12 feet or fractional portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957*, §306; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-308. Rear Yards.

There shall be a rear yard, the depth of which shall be at least 15 feet; provided, that if at the effective date of this Chapter any lot with a depth less than 150 feet to be held in single and separate ownership, the depth of the rear yard may be reduced to not less than 12 feet. In the case of a building over 40 feet high, this depth shall be

increased 6 feet for each 12 feet or fractional portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957*, §307; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-309. Conformance to Building Regulations.

All buildings shall conform to the building regulations of the Borough in effect at the time of the erection thereof.

(*Ord. 4/29/1957*, §308; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-310. Frontage.

The lot shall have a frontage of at least 50 feet.

(*Ord. 4/29/1957*, §309; as reenacted by *Ord. 7-1964*, 12/7/1964)

Part 4**R-b Residence Districts****§27-401. Application of Regulations.**

The following regulations shall apply in R-b Residence Districts.
(*Ord. 4/29/1957*, §400; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-402. Erection, Alteration and Use of Buildings.

A building may be erected, altered or used and a lot or premises may be used for the following purposes, and no other:

A. Any use permitted in the R-a Residence Districts hereunder, without the need to apply for or obtain any special exception or variance therefore and without any requirement that the owner reside on the premises in order to support or justify the use so made of the real estate. [*Ord. 98-1*]

B. Two-family detached dwellings; semidetached dwellings; multifamily dwellings.

C. Penal or correctional institutions when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board. [A.O.]

D. Minor garage, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board; provided, that the minor garage shall be built and located to the rear of the rear line of the main building and be located not less than 20 feet from any street.

E. Funeral home or mortuary. [*Ord. 98-1*]

F. Banks and similar financial institutions may be permitted by the Troy Borough Zoning Hearing Board as a conditional use; provided, that the following conditions are met:

(1) The design of the proposed structure is not inconsistent with the nature of surrounding architecture.

(2) Adequate provisions are made for off-street parking and traffic control.

(3) Illumination of the site will be kept to the minimum illumination necessary for adequate security.

(4) Signs, not attached flat to the building shall be limited to one sign nor more than 20 square feet in area; and, further provided, that they are kept in good repair as required by Part 7 hereof.

[*Ord. 01-2*]

G. Signs in R-b Residence Districts shall be permitted; provided, that they comply with the provisions set forth in Part 7 hereof. [*Ord. 01-2*]

(*Ord. 4/29/1957*, §401; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by *Ord 98-1*, 4/21/1998, §§(B), (B); by *Ord. 01-2*, 6/11/2001, §1; and by A.O.

§27-403. Building Area.

Building area shall not exceed 33.33 percent of the lot area.
(*Ord. 4/29/1957*, §402; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-404. Front Yard.

There shall be a front yard, the depth of which shall be not less than 20 feet; provided, that in the case of a lot extending through from one street to another street, the lines of which are not more than 150 feet apart, the depth of the front yard on the rear street line may be decreased when authorized a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board.

(*Ord. 4/29/1957*, §403; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.)

§27-405. Front Yard; Corner Lot.

In the case of a corner lot, a front yard as provided for in §27-404 shall be required on each street on which the lot abuts; provided, that if at the effective date of this Chapter any corner lot with a width of less than 40 feet be held in single and separate ownership, the depth of the front yard on the long side of the lot may be decreased, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board.

(*Ord. 4/29/1957*, §404; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.)

§27-406. Side Yards; One-Family or Two-Family Dwellings.

In the case of a one-family or two-family detached dwelling, there shall be two side yards, one on each side of the main building, the aggregate width of which shall be not less than 12 feet. Neither side yard shall be less than 4 feet wide; provided, if on the effective date of this Chapter a lot with a width of less than 30 feet be held in single and separate ownership, a single-family dwelling may be built thereon with side yards less than the stipulated width when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board; and, provided further, that in the case of a one-family or two-family detached dwelling constructed with its greater dimension parallel with the front street a one-story porch, either enclosed or unenclosed, may project into one of the side yards, provided that the width of such side yard is not thereby reduced to less than the required minimum of 4 feet.

(*Ord. 4/29/1957*, §405; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.)

§27-407. Side Yard; One-Family Semidetached Dwelling.

In the case of a one-family semidetached dwelling there shall one side yard which shall be at least 6 feet.

(*Ord. 4/29/1957*, §406; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-408. Side Yards; Other Buildings.

In any case of any building other than a one-family detached dwelling or two-family detached dwelling or a one-family semidetached dwelling or a building accessory

thereto, there shall be two side yards. If such building is not over 40 feet high, the width of each of the two side yards shall not be less than 9 feet and if such building is over 40 feet high, this width shall be increased 5 feet for each 12 feet or fractional portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957, §407; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-409. Rear Yards.

There shall be a rear yard, the depth of which shall be at least 12 feet; provided, that if at the effective date of this Chapter, any lot with a depth of 100 feet or less be held in single and separate ownership, the depth of the rear yard may be reduced to not less than 8 feet. In the case of a building over 40 feet high, this depth shall be increased 5 feet for each 12 feet or fractional portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957, §408; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-410. Conformance to Building Regulations.

All buildings shall conform to the building regulations of the Borough in effect at the time of the erection thereof.

(*Ord. 4/29/1957, §409; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-411. Multifamily Residences; Off-Street Parking.

In the case of multifamily residences, off-street parking shall be required in the form of two parking spaces per apartment or household unit.

(*Ord. 4/29/1957, §410; as reenacted by Ord. 7-1964, 12/7/1964; and as added by Ord. 78-5, 5/15/1978, §1*)

Part 5**C Business Districts****§27-501. Application of Regulations.**

The following regulations shall apply to the C Business District.
(*Ord. 4/29/1957*, §500; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-502. Erection, Alteration and Use of Buildings.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:

- A. All uses permitted in R-a or R-b Residence Districts.
- B. Greenhouse.
- C. Store.
- D. Office, bank, financial institution, telephone or telegraph business.
- E. Place of amusement or parking lot.
- F. Motel, restaurant, excluding lunch wagons, automobiles and other similar vehicles from which food is sold, bakery, pastry, candy, confectionery or ice cream shop.
- G. Public or minor garage; sale, service and repair shop and gas filling station and battery service station, when authorized by special exception of the ~~Board of Adjustment~~ Zoning Hearing Board, provided, that no pump or other filling or service device shall be located within 20 feet of the curb. [A.O.]
- H. Store house, express, carting or hauling office or station.
- I. Carpenter, cabinet making, furniture or upholstery shop, electrician shop, metal working, tinsmith, plumbing, gas, steam or hot water fitting shop, paint store and paperhanger.
- J. Creamery, butter or cheese making, milk bottling or distributing station.
- K. Laundry, dry cleaning or dyeing, tailoring, dressmaking, shoemaking and repairing.
- M. Jewelry, watches, clocks or optical goods, and musical, professional or scientific instruments, repair or manufacture.
- N. Hospital or sanatorium.
- O. Newspaper or job printing; bookbinding.
- P. Barbershop, hairdressing or manicure establishment, beauty parlor.
- Q. Undertaking and embalming.
- R. Accessory use on the same lot with the customarily incidental to any of the above permitted uses and not detrimental to the neighborhood.
- S. Any use of the same general character as any of the uses hereinbefore specifically permitted and not detrimental to the neighborhood, when authorized as a special exception by the ~~Board of Adjustment~~ Zoning Hearing Board, in

accordance with §§27-901 and 27-906 of this Chapter. [A.O]

(*Ord. 4/29/1957*, §501; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

§27-503. Prohibitions.

No building shall be erected, altered or used, and no lot or premises may be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas or noise, or that is dangerous to the public health and safety. No internal combustion engine shall be used unless objectionable noise and vibration be eliminated and it is equipped and supplied with an effective muffler and silencer.

(*Ord. 4/29/1957*, §502; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-504. Rear Yard.

If a building lot is used in whole or in part as a dwelling, there shall be a rear yard, the depth of which shall be at least 15 feet. In case such building is over 40 feet high, the depth of the rear yard shall be increased 3 feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957*, §503; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-505. Conformance to Building Regulations.

All buildings shall conform to the building regulations at the time of the erection thereof.

(*Ord. 4/29/1957*, §504; as reenacted by *Ord. 7-1964*, 12/7/1964)

Part 6**I Manufacturing and Industrial District****§27-601. Application of Regulations.**

The following regulations shall apply in an I Manufacturing and Industrial District.
(*Ord. 4/29/1957*, §600; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-602. Unlawful Purposes.

A building may be erected, altered or used, and a lot or premise may be used, for any lawful purpose, except the following:

- A. Acetylene gas manufacture.
- B. Acid manufacture.
- C. Ammonia, bleaching powder or chlorine manufacture.
- D. Arsenal.
- E. Asphalt manufacture or refining.
- F. Candle manufacture.
- G. Celluloid manufacture.
- H. Coke ovens.
- I. Creosote treatment or manufacture.
- J. Disinfectants manufacture.
- K. Distillation of bones, coal and wood.
- L. Dyestuff manufacture.
- M. Extermination or insect poison manufacture.
- N. Emery cloth or sandpaper manufacture.
- O. Fat rendering.
- P. Fertilizer manufacture.
- Q. Fish, smoking or curing.
- R. Glue, size or gelatine manufacture.
- S. Fireworks or explosive manufacture or storage.
- T. Lamp black manufacture.
- U. Match manufacture.
- V. Oil cloth or linoleum manufacture.
- W. Oiled or rubber goods manufacture.
- X. Ore reduction.
- Y. Paint, oil, shellac, turpentine or varnish manufacture.
- Z. Petroleum refining or storage.
- AA. Plating works.
- BB. Potash works.

- CC. Printing ink manufacture.
- DD. Proxlin manufacture.
- EE. Rubber, caoutchouc or gutta percha manufacture or treatment.
- FF. Salt works.
- GG. Sauerkraut manufacture.
- HH. Shoe blacking manufacture.
- II. Smelters.
- JJ. Soda and compound manufacture.
- KK. Stock yards.
- LL. Stove polish manufacture.
- MM. Sulfuric, nitric or hydrochloric acid manufacture.
- NN. Tallow, grease or lard manufacture or refining.
- OO. Tanning, curing or storage of leather, rawhides or skins.
- PP. Tar distillation or manufacture.
- QQ. Tar roofing or water proofing manufacture.
- RR. Vinegar manufacture.
- SS. Wool pulling or scouring.
- TT. Yeast plant.
- UU. Any use which may be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise.

(*Ord. 4/29/1957, §601; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-603. Rear Yard.

If a building on a lot is used in whole or in part as a dwelling there shall be a rear yard, the depth of which shall be at least 15 feet. In case such building be over 40 feet high, the depth shall be increased 5 feet for each 12 feet or fractional portion thereof by which the building exceeds 40 feet in height.

(*Ord. 4/29/1957, §602; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-604. Setback.

All buildings shall be set back at least 20 feet from the street line of any street on which the lot abuts.

(*Ord. 4/29/1957, §603; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-605. Conformance with Building Regulations.

All buildings shall conform to the building regulations of the Borough in effect at the time of erection thereof.

(*Ord. 4/29/1957, §604; as reenacted by Ord. 7-1964, 12/7/1964*)

Part 7**Signs****§27-701. R-a and R-b Residence Districts.**

In R-a and R-b Residence Districts, signs may be erected and maintained only when in compliance with the following provisions of this Section and in compliance with any and all other ordinances and regulations of the Borough of Troy relating in any way to the erection, alteration or maintenance of signs, billboards, banners and other advertising devices:

A. Signs advertising the sale and/or rental of the premises upon which they are erected, when erected by a broker or other person interested in the sale and rental of such premises, may be erected and maintained; provided, (1) the size of any such sign is not in excess of 6 square feet and, (2) not more than one sign be placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one sign may be erected on each frontage.

B. Signs advertising the sale and/or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sales and development, may be erected and maintained; provided, (1) the size of any such sign is not in excess of 20 square feet and, (2) not more than one sign be placed upon any property in single and separate ownership unless such property fronts upon more than one street, in which event, one sign may be erected on each frontage.

C. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained; provided, (1) the size of any such sign is not in excess of 6 square feet and not in excess of 4 feet in length and, (2) not more than one sign is erected on each 500 feet of street frontage. Such signs may have arrows painted thereon but such signs may not be in any form except a square or parallelogram.

D. Signs bearing the word “sold” or the word “rented” with the name of the person effecting the sale or rental may be erected and maintained; provided, the conditions specified in paragraph .A hereof are complied with.

E. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected; provided, (1) the size thereof is not in excess of 12 square feet and, (2) such signs are removed promptly upon completion of the work. This provision shall not be deemed to permit the erection of signs advertising that furnishings or such signs are hereby prohibited.

F. In R-b Residential Districts, churches may erect signs no larger than 30 square feet in area, provided that:

(1) The church building fronts on a street other than the street from which motor vehicle traffic enters the church parking lot.

(2) The sign conveys no more information than the name of the church and words indicating the existence of an entrance or parking lot for the same.

(3) The sign and its lettering are symmetrical, made of durable wood or metal materials resistant to weathering and consist of gold lettering and trim on a green background.

(4) Any such sign which becomes cracked, chipped of paint, rusted or dilapidated shall be repaired to new condition or removed.

[*Ord. 91-3*]

G. In addition to the other requirements of this Section, every sign referred to in this Chapter must be constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated. Except as provided in other ordinances or regulations of the Borough of Troy, the construction or erection of any such signs within the lines of public highways is prohibited.

H. No permit will be required for the erection, alteration or maintenance of any signs referred to in this Section.

(*Ord. 4/29/1957, §700; as reenacted by Ord. 7-1964, 12/7/1964; as amended by Ord. 90-2A, 5/20/1990; and by Ord. 91-3, 5/21/1991*)

Part 8**Applications and Permits****§27-801. Duty of Zoning Officer.**

It shall be the duty of the Zoning Officer and he is hereby given the power and authority to enforce the provisions of this Chapter.

(*Ord. 4/29/1957, §800; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-802. Building Permit Application.

The Zoning Officer, before granting any building permits, shall require that the applications shall be accompanied by a plot plan containing all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this Chapter.

(*Ord. 4/29/1957, §801; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-803. Permit Issuance; Compliance.

No building permit shall be issued until the Zoning Officer has certified that the proposed building or alteration of any existing building complies with all the provisions of this Chapter.

(*Ord. 4/29/1957, §802; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-804. Unlawful to Commence Without Permit.

It shall be unlawful for any firm or corporation, or any agents, contractors or subcontractors or employees thereof to commence or prosecute work for the erection or material alteration or construction, reconstruction, raising, moving, extending, enlarging, or material repairing of any building until a building permit has been duly issued therefor, where such permit is required by existing ordinance and until the provisions of this Chapter have been duly met:

(*Ord. 4/29/1957, §803; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-805. Fee.

A filing fee shall be determined by the Borough Council.

(*Ord. 4/29/1957, §804; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-806. Application Blanks.

Building permit application blanks may be obtained from the Borough Secretary or Zoning Officer.

(*Ord. 4/29/1957, §805; as reenacted by Ord. 7-1964, 12/7/1964*)

§27-807. Zoning Officer Appointment.

The Zoning Officer shall be appointed by the Council at the first meeting in January. His appointment shall be for one year but it may be terminated at any time

by a vote of the Council.

(*Ord. 4/29/1957*, §806; as reenacted by *Ord. 7-1964*, 12/7/1964)

Part 9**Board of Adjustment Zoning Hearing Board****§27-901. Appointment.**

The Borough Council of the Borough of Troy shall appoint a ~~Board of Adjustment Zoning Hearing Board~~, to consist of three members, one of whom shall be designated to serve until the first day of January, 1959, one until the first day of January, 1960, and one until the first day of January, 1961. Their successor shall be appointed, on the expiration of their respective terms, to serve for 3 years.

(*Ord. 4/29/1957*, §900; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

~~§27-902. Power of Board.~~

~~— The Board of Adjustment shall have the following power:~~

~~— A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Act of 1953, P.L. 957, and its supplements, or of this Chapter, and its supplements adopted pursuant thereto.~~

~~— B. To hear and decide special exceptions to the terms of this Chapter in such cases as are herein expressly provided for, in harmony with the general purpose and intent of this Chapter, with power to impose appropriate conditions and safeguards.~~

~~— C. To authorize upon appeal, in specific case, such variances from the terms of this Chapter and its supplements as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of said Chapter will result in unnecessary hardships, and so that the spirit of said Chapter shall be observed and substantial justice done.~~

~~(*Ord. 4/29/1957*, §901; as reenacted by *Ord. 7-1964*, 12/7/1964)~~

§27-902. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approval of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Section.

Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 4/29/1957, §901; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-903. Adoption of Rules.

The ~~Board of Adjustment~~ Zoning Hearing Board shall adopt rules in accordance with the provisions of said ~~Zoning Act~~ and this Chapter, governing the manner of filing appeals, or applications for special exceptions, or for variance from the terms of this Chapter, and shall require the payment in advance of a filing fee ~~of \$5 in an amount as established from time to time by resolution of the Borough Council,~~ and a further payment of the estimated cost of giving notice of the hearing of such application, as hereinafter required, fees of Borough Officers, if any, and other incidental expenses. Unless said rules are complied with and said filing fee and estimated costs are paid, the ~~Board of Adjustment~~ Zoning Hearing Board shall not be required to act upon any application.

(Ord. 4/29/1957, §903; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-904. — Public Hearing.

~~— Upon the filing with the Board of Adjustment of an appeal or of an application as aforesaid, the Board shall fix a time and place for a public hearing thereon and shall give notice thereof as follows:~~

- ~~— A. — By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Borough of Troy, which notice shall first appear at least 15 days prior to said hearing.~~
- ~~— B. — By serving a notice thereof upon the Borough Secretary and upon the Burgess.~~
- ~~— C. — By mailing or serving a notice thereof upon the party or parties filing such appeal or application, and upon the owner or owners affected by the application, and upon the tenant or occupier of every house on that same street or included in the proposed change, or affected by the application, situated within 150 feet in any direction from the lot or building in question, or area included in the proposed change. Such notice shall state the location of the building or lot or area involved in said application, and the general nature of the question involved.~~

(Ord. 4/29/1957, §903; as reenacted by Ord. 7, 1964, 12/7/1964)

§27-904. 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 hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

C. The hearings shall be conducted by the Board or the Board may appoint any member 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 of 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 partes 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. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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 the 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 .A of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection 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.

L. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 4/29/1957, §903; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-905. Meetings; Minutes.

All meetings of the ~~Board of Adjustment~~ Zoning Hearing Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board, and shall be a public record.

(Ord. 4/29/1957, §904; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-906. Record.

The officer or department from whose action the aforesaid appeal is taken shall forthwith transmit to the ~~Board of Adjustment~~ Zoning Hearing Board all of the papers constituting the record upon which the action appealed from was taken.

(*Ord. 4/29/1957*, §905; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

§27-907. Appeal or Application Blanks.

The ~~Board of Adjustment~~ Zoning Hearing Board appeal or application blanks may be obtained from board members or from the Borough Secretary.

(*Ord. 4/29/1957*, §906; as reenacted by *Ord. 7-1964*, 12/7/1964; and as amended by A.O.

Part 10**Amendments****~~§27-1001. — Amendment, Supplementation, Change, Modification or Repeal.~~**

~~— The Borough Council of the Borough of Troy may, from time to time amend, supplement, change, modify or repeal this Chapter, including the Zoning map, by proceeding in the following manner:~~

~~(Ord. 4/29/1957, §1000; as reenacted by Ord. 7-1964, 12/7/1964)~~

~~§27-1002. — Public Hearing.~~

~~— The Borough Council of the Borough of Troy, by resolution adopted at a stated meeting, shall fix the time and place for a public hearing upon the proposed amendment, and shall cause notice thereof to be given as follows:~~

~~— A. — By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Borough, first insertion of said notice to be at least 15 days prior to the date filed for such hearing.~~

~~— B. — By mailing such notice to every resident or association of residents of the Borough who shall have registered their names and addresses for the purpose with the Board of Adjustment.~~

~~— C. — Such notice shall state the nature of the proposed amendment.~~

~~(Ord. 4/29/1957, §1001; as reenacted by Ord. 7-1964, 12/7/1964)~~

§27-1001. 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. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. 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.

5. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County planning

agency for recommendations.

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

(Ord. 4/29/1957, §1000, 1001; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-1002. Duty of Borough Council.

Whenever the owners of 50 percent or more of the frontage in any district, or part thereof, shall present to the Borough Council of the Borough of Troy a petition duly signed requesting the amendment, supplement, change, modification or repeal of the regulation hereby prescribed for such district, or part thereof, it shall be the duty of the Borough Council of the Borough of Troy to hold a public hearing thereon and to cause notice thereof to be given in the manner prescribed in §27-1002.

(Ord. 4/29/1957, §100; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1003. Opportunity to Be Heard.

At such public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

(Ord. 4/29/1957, §1003; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1004. — Protest Against Change:

~~— In the case of a protest against such change, signed by the owners of 20 percent, or more, either of the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof and extending 100 feet therefrom, or of those directly opposite thereto and extending 100 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of $\frac{3}{4}$ of all the members of the Borough Council of the Borough of Troy.~~

~~(Ord. 4/29/1957, §1004; as reenacted by Ord. 7-1964, 12/7/1964)~~

Part 11**General Provisions****§27-1101. Multifamily Dwellings.**

Multifamily dwellings shall be limited to four stories in height when located in residence districts. They shall be used for residential purposes only and no stores or shops shall be provided for in their construction.

(*Ord. 4/29/1957*, §1100; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-1102. Row Houses.

It shall be unlawful to build or construct solid row houses in the Borough of Troy and no permits shall be issued or permission given for the construction of such houses.

(*Ord. 4/29/1957*, §1101; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-1103. Buildings of Public Service Corporations.

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public service corporation, if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

(*Ord. 4/29/1957*, §1102; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-1104. Height Restriction.

No building shall exceed 85 feet in height.

(*Ord. 4/29/1957*, §1103; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-1105. Projection into Front Yard.

No building and no part of a building shall be erected within, or shall project into, the front yard prescribed herein, except cornices, eaves, gutters or chimneys projecting not more than 18 inches and steps and one-story open or enclosed porches, bay windows not extending through more than one terrace; provided, that no porch enclosed or unenclosed shall project into the front yard more than 12 feet, or shall be closer to the side line of the lot than 8 feet.

(*Ord. 4/29/1957*, §1104; as reenacted by *Ord. 7-1964*, 12/7/1964)

§27-1106. Projection into Side Yard.

No building and no part of a building shall be erected within, or shall project into, the side yard prescribe hereunder, except cornices, eaves, gutters or chimneys projecting not more than 18 inches and steps and terraces; provided, that an accessory building may be built or constructed within one of the side yards if entirely separated from the main building and located at least 10 feet farther back from the front street line than the rearmost portion of the main building, and at least 5 feet from any party lines.

(Ord. 4/29/1957, §1105; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1107. Projection into Rear Yard.

No building and no part of a building shall be erected within, or shall project into, the rear yard prescribed hereunder, except cornices, eaves, gutters or chimneys projecting not more than one-story and not projecting more than 5 feet and steps, one-story open porches, open balconies and terraces; provided, that an accessory building may be built or constructed within the rear yard if entirely separated from the main building and located at least 10 feet farther back from the front street line than the rearmost portion of the main building; and, provided further, that if the distance from the rear line of the lot to the line limiting the rear by any covenant or restriction in the title to the lot be less than 75 feet, then a portion of the main building not wider than 20 percent of the width of the lot may project not more than 20 feet into the rear yard.

(Ord. 4/29/1957, §1106; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1108. Obstruction of View.

On no corner lot shall a wall, fence or other structure be erected or altered, or a hedge, tree, shrub or other growth be maintained so as to cause danger to street traffic by obscuring the view.

(Ord. 4/29/1957, §1107; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1109. Open Spaces.

No lot area shall be so diminished or reduced that the dimensions or any of the open spaces shall be smaller than herein prescribed.

(Ord. 4/29/1957, §1108; as reenacted by Ord. 7-1964, 12/7/1964)

§27-1110. Nonconforming Uses.

1. The lawful use of a building or premises as existing on the effective date of this Chapter or authorized by a building permit issued prior thereto, may be continued, even though such use does not conform with the provisions of this Chapter; and such nonconforming use may be extended throughout such parts of a building as were manifestly arranged or designed for such use at the effective date of this Chapter. In specific cases, the ~~Board of Adjustment~~ Zoning Hearing Board may permit further extension of nonconforming uses existing at said effective date. [A.O.]

2. A nonconforming use may, at any time, be changed to a use of the same or higher classification according to the provisions of this Chapter. Whenever the classification of a district shall hereafter be changed, any than existing nonconforming use in such changed district may be continued or changed to a use of similar or higher classification; provided, all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a use of lower classification.

3. No building which has been damaged by fire or by other cause, to an extent exceeding 75 percent of its value, shall be repaired or rebuilt except in conformity with the regulations of this Chapter.

(Ord. 4/29/1957, §1109; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by

A.O.

27-§1111. Interpretation, Purpose and Conflict.

1. In interpreting and applying the provisions of this Chapter, the same shall be considered as establishing the minimum requirements for the promotion of the health, safety and morals and general welfare of the Borough.

2. It is not intended by this Chapter to interfere with or abrogate or annul the rules and regulations of the Board of Health of the Borough of Troy, or the provisions of the building code of this Borough, or any rules, regulation or permits previously adopted or used thereunder; provided, however, that where this Chapter imposes greater restrictions upon the use of buildings or permits, or upon the height of the buildings or require larger open spaces than are required by such ordinances, rules, regulations or permits, the provisions of this Chapter hereafter shall control.

(*Ord. 4/29/1957, §1110; as reenacted by Ord. 7-1964, 12/7/1964*)

~~§27-1112. — Violation.~~

~~— If any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used, or any hedge, trees, shrub or other growth be maintained in violation of this Chapter, or any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or other wise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said buildings, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.~~

~~(*Ord. 4/29/1957, §1111; as reenacted by Ord. 7-1964, 12/7/1964*)~~

§27-1112. 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. 4/29/1957, §1111; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

§27-1113. — Penalty.

~~— For any and every violation of the provisions of this Chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in such violation shall be liable on conviction thereof, to pay a fine or penalty not exceeding \$25 for each and every offense, and whenever such person shall have been notified by the building inspector or by private service of summons in prosecution, or in any other way, that such person is violating the provisions of this Chapter, each day that he shall continue such violation after such notification shall constitute a separate offense, punishable by like fine and penalty. Such fines and penalties shall be collected as like fines or penalties are now collected by law.~~

~~(Ord. 4/29/1957, §1112; as reenacted by Ord. 7-1964, 12/7/1964)~~

§27-1113. 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. 4/29/1957; as reenacted by Ord. 7-1964, 12/7/1964; and as added by A.O.

§27-1114. 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 district justice. 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 district justice determining that there has been a violation further determines that there was a 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 district justice 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 be 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. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 4/29/1957, §1112; as reenacted by Ord. 7-1964, 12/7/1964; and as amended by A.O.

Part 12

Zoning Map Amendments

Ord.	Date	Location
1/25/1960		Defining Commercial Zone 3 as bounded by the Industrial Zone on the east; by the Industrial Zone and Residential-B Zone 6 on the north; by the Borough line on the south; by a line 200 feet equidistant from Canton Street on the west.
3-1964	2/11/1964	Rezoning of lands bounded on the south by the Borough line, George E. Kennedy and land lands of Dr. George E. Boyer; on the east by George E. Kennedy, Dr, George E. Boyer, Ronald Pine, Charles Losey, Robert Darrow and Walter Wood; on the north by Weigester Street and Terrace Lane properties; on the west by the Borough line, rezoned industrially.
77-12	7/14/1977	Rezoning two lots which front Fallbrook Street (tax map location 9-6) from residential to commercial.
77-13	9/8/1977	Rezoning a parcel of land owned by Town and Country Estates from R-a to R-b
77-14	10/13/1977	Rezoning a parcel of land formerly known as the "Crumbling Lot" and presently owned by Earl Cunningham from R-b to commercial.
79-20	11/19/1979	Rezoning the property of Mr. and Mrs. Clifford Davis, Jr., located at 265 Redington Avenue, from Residential 1-A to Residential 1-b.
82-1	3/15/1982	Rezoning the property of Mr. and Mrs. William L. Egerter, located at 160 Center Street, from Residential 1-a to Residential 1-b.
98-1	4/21/1998	Rezoning the property situated at 410 Canton Street being Tax Parcel No. 52-068.03-015-000 being the lands conveyed by Robert W. Cook, et al, to Oak Hill Veneer, Inc., from R-a Residence District to the R-b Residence District.
98-3	6/19/1998	Rezoning the property situated at 483, 495, 475 and 465 Elmira Street presently owned by John and Lori Koch, George and Eileen Page and the lands of the McClure Motor Company Auto Sales from the R-b Residence District to the Class C Commercial District.
99-1	10/20/1999	Rezoning land situated at 9 Fallbrook Road, 485 Prospect Street from Ra to Rb.
02-3	11/20/2002	Advertising for a zoning hearing which will amend our zoning map to change the zoning at 425 Elmira Street from Res-B to Commercial. The hearing will be held December 18, 2002; 6:30 P.M., at the Allen F. Pierce Library, 110 Elmira Street, Troy, PA.

Ord.	Date	Location
02-06	--/------	Rezoning to show that the real estate situated at 425 Elmira Street, Troy, Pennsylvania, identified as Tax Parcel No. 52-068.01-090, shall be and is hereby changed from zoning classification Residential - B (R-B) to Commercial (C).
06-05	12/20/2006	Rezoning real estate located at 115 West Main Street, being Tax Parcel No. 52-068.02-207 from zoning classification Residential B (R-B) to Commercial (C) and changing the zoning classification of the real estate situated at 160 West Main Street, being Tax Parcel No. 52-068.02-179 from Residential-A (R-A) to Residential-B (R-B)