

**JIM THORPE BOROUGH
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE COMPREHENSIVELY AMENDING, AND RESTATING IN ITS ENTIRETY AS CHAPTER 500 OF THE BOROUGH OF JIM THORPE CODE, THE JIM THORPE BOROUGH ZONING ORDINANCE AND ZONING MAP OF APRIL 10, 1997, AS AMENDED, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Jim Thorpe Borough, Carbon County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

**ARTICLE I
GENERAL PROVISIONS**

§500-1 Adoption

The Jim Thorpe Borough Zoning Ordinance of April 10, 1997, as amended, is hereby amended and restated in its entirety as hereinafter set forth.

§500-2 Short Title

This chapter shall be known and may be cited as the JIM THORPE BOROUGH ZONING ORDINANCE.

§500-3 Purpose

This chapter is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for uses and structures. This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood,

panic or other dangers.

- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, manufactured housing and manufactured housing parks, provided, however, that this chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§500-4 Applicability

- A. **Existing Uses.** Any legally established existing use of a building, structure, lot or parcel of land or part thereof, as of the effective date of this chapter may be continued.
- B. **Conformance.** Any activity regulated by this chapter shall only occur or be undertaken and be continued in conformance with the requirements of this chapter.
- C. **Authorization.** This chapter regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.
- D. **Regulated Activities**
 - (1) The following activities and any other activity or matter regulated by this chapter shall only be undertaken after the required permit or approval has been obtained in full compliance with this chapter:
 - (a) The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure;
 - (b) Change in the type of use or expansion of the use of a structure or area of land; and/or,
 - (c) Creation of a lot or alteration of lot lines.
 - (2) No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
 - (3) No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this chapter for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.
 - (4) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter

shall meet at least the minimum requirements established by this chapter.

- E. Repairs and Maintenance. Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve:
 - (1) a change in use;
 - (2) an expansion, construction, or placement of a structure;
 - (3) an increase in the number of dwelling units or boarding house units; and/or
 - (4) any other activity regulated by this chapter.

- F. Municipal Authorities and Water Companies. A municipal authority, water company or any other municipality that plans to expand water, sanitary sewer, or storm sewer service via a new main extension to a proposed development that has not received any Borough approvals within the Borough shall:
 - (1) Notify the Borough by certified mail, return receipt requested, of its intention and shall provide the Borough an opportunity to provide written comment on whether the proposed expansion of service within the Borough is generally consistent with this chapter.

 - (2) Comply with the other applicable requirements of §608.1 of the MPC.

- G. Public Utility Commission
 - (1) This chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a 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.

 - (2) It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

§500-5 Interpretation

- A. Interpretation. In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Borough and its citizens.

- B. Conflict
 - (1) Borough Provisions
 - (a) These regulations are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by the Borough which are not in conflict with any provisions of this chapter. The provisions of this chapter shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this chapter.

- (b) Where this chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this chapter shall control.
- (2) Other Laws and Regulations. Whenever the provisions of any other law, regulation and/or statute require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings and/or structures or smaller number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this chapter the provisions of such other law, regulation and/or statute shall govern.
- (3) Private Provisions
- (a) These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter impose a greater restriction, the requirements of this chapter shall govern.
- (b) Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this chapter, then such private provisions shall be operative and supplemental to these requirements.
- C. Specificity. Whenever any regulations pertaining to a specific use or activity under authority of this chapter require a greater width or size of yards, courts or other open space, or require a lower height of buildings and/or structures or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required for the zoning district or generally required under this chapter, the greater or higher standards shall govern.
- D. Pennsylvania Municipalities Planning Code Amendments. The provisions of this chapter that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

§500-6 Severability and Repealer

- A. Severability. If any provision, section, sentence, or clause of this chapter shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this chapter, it being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.
- B. Repealer. All ordinances or parts of ordinances or regulations inconsistent herewith are hereby repealed, including, without limitation, the Zoning Ordinance of Jim Thorpe Borough, Carbon County, Pennsylvania, enacted April 10, 1997, as amended. Nothing in this chapter hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued, or liability incurred or any cause or causes of action accrued or existing under any ordinance repealed by this chapter. Nor shall any right or remedy of any character be lost, impaired, or affected by this chapter.

§500-7 Effective Date

This chapter shall be effective five days from adoption.

**ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES AND COMPREHENSIVE PLAN**

§500-8 General Community Development Objectives From current §500-4

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include the following:

- A. To preserve, enhance and protect existing residential, commercial, industrial, public, and semipublic development from the intrusion of incompatible land uses.
- B. To preserve an open space and park system along streams.
- C. To continue the general pattern of single-family residential homes on individual lots as the predominant housing type within the Borough.
- D. To provide a variety of housing choices from low-density to high-density housing development.
- E. To protect the environment.
- F. To establish programs to promote the conservation, rehabilitation, and improvement of all parts of the Borough.
- G. To establish facilities and provide uses to serve all age groups of varying social, economic, ethnic, and racial characteristics.



§500-9 Comprehensive Plan NEW

In addition to the General Community Development Objectives set forth in §500-8, this chapter is intended to implement the 2013 Middle Carbon County Comprehensive Plan, as may be amended, and any other plan which may be adopted by the Borough.