

ORDINANCE NO. 247

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, AMENDING ORDINANCE NO. 155 OF THE BOROUGH RELATING TO ZONING, AND CHANGING THE PROVISIONS RELATING TO HEIGHT RESTRICTIONS, AND MULTIPLE DWELLINGS, SETTING FORTH REQUIREMENTS AS TO LAND USE, REQUIRING PLACEMENT OF BUILDING LINES BY A SURVEYOR OR ENGINEER, DEFINING BUILDING LINES AND INCREASING THE PERMIT FEE.

BE IN ENACTED BY THE COUNCIL of the Borough of Southmont, Cambria County, Pennsylvania, and it is hereby enacted by the authority of the same, that Ordinance No. 155 of the Borough of Southmont enacted and approved August 3, 1951, is amended and changed as follows:

1. TITLE. This Ordinance shall be known and cited as the Southmont Borough Zoning Ordinance Amendment of 1967.

2. HEIGHT RESTRICTIONS. Article II. Section 2 is amended to read:  
 "Section 2. Height restrictions. No building shall be erected, converted, altered or improved in the residence district which exceeds twelve (12) stories or one hundred and fifty (150) feet in height, whichever is the lesser. For the purpose of this Ordinance the height of a building shall be the vertical distance from the average ground elevation to the highest point of the building, including chimneys, superstructures and penthouses."

3. OFF-STREET PARKING FACILITIES. Article II. Section 5 (c) is amended to read: "(c) Multiple family dwellings, apartment houses and other such buildings must provide off-street parking space for not less than two cars for each dwelling unit contained in such building, at least fifty per cent (50%) of which parking space shall be enclosed and covered garage space with the remaining space adequately screened from adjacent properties and public rights of way by landscaping or planting."

4. BUILDING LINES, LAND AREAS AND PLANS. Article IV is amended to read:  
 "Section 1. The building line or set back for all buildings, except as hereinafter provided, shall be forty (40) feet from the front of all lots one hundred and fifty feet or more in depth, and thirty (30) feet from the front of all lots less than one hundred fifty feet in depth, and twenty (20) feet from the side streets on all corner lots; streets running parallel or in the direction of the side of the lots as laid out on the Southmont Plan of Lots by F. W. Otto shall be and are designated as cross or side streets.

Section 2. The building line or set back for all buildings except as hereinafter provided, shall be a minimum of five (5) feet on all sides and rear of all lots. For the purpose of this Ordinance, shrubbery, fences or steps shall not be considered, but an eave, overhang, projection, roof or other construction extending more than twelve (12) inches beyond a wall or other support shall be considered as part of a building.

Section 3. No building shall be erected, converted, altered or improved, which

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extends beyond the building lines or set backs herein established by this Ordinance.

Section 4. MULTIPLE FAMILY DWELLINGS. (a) In addition to all other provisions of this Ordinance, the following additional regulations and restrictions shall apply to buildings exceeding three stories or thirty-six feet in height, multiple family dwellings, apartment houses, and other such buildings.

(b) No such building shall be erected, converted, altered or improved in which the number of dwelling units is in excess of one unit for each four thousand square feet (4000 sq. ft.), of land within the tract upon which such building is erected. A "dwelling unit" is defined as a space or series of rooms occupied for living by one or more persons as a single household group. For the purpose of this section inclusion or extension of a tract across streets or other boundary lines when all portions of such tract are under the same ownership shall require the approval of the Board of Adjustment

(c) No such building exceeding three stories or thirty-six feet in height shall be erected, converted, altered or improved if the set back from the property lines and from the building line of any other buildings, other than garages, on all sides and rear is less than sixty (60) feet or eight (8) feet per story whichever is greater. No such building three stories or thirty-six feet in height or less shall be hereafter erected if the set back from the property lines on all sides and rear is less than five (5) feet per story.

(d) No such building shall be hereafter erected if the area of land covered by such structure including garage space, sidewalks, driveways, or other paved areas exceeds fifty per cent of the area available within the property lines of the tract of land on which such structure is built, and the remaining fifty per cent (50%) shall be used for lawns, gardens landscaped or wooded areas.

(e) All such buildings hereafter erected shall comply with applicable fire and building codes of the Pennsylvania Department of Labor and Industry, and the final plans and designs for such structures shall be submitted to and approved by the Borough Zoning Board of Adjustment before a permit therefor may be issued."

5. BUILDING PERMITS. Article V. Section 2 (a) is amended to read: "(a) No excavation for a foundation, nor the erection, construction or structural alteration of any structure nor the occupancy of streets or alleys with building materials or temporary structures for construction purposes shall be undertaken until a building permit therefor shall have been issued by the Administrative Officer, and until the location of the building upon the land shall have been staked out on the land by a Registered Engineer or Registered Surveyor, the cost of which stake-out shall be borne by the applicant."

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Article V. Section 2 (d) is amended to read: "(d) A fee of Five Dollars (\$5.00) shall be charged for the issuance of a permit for a building or structural alteration having a cost of construction of \$5,000.00 or less, and for a building or structural alteration having a cost of construction in excess of \$5,000.00, the fee shall be One Dollar (\$1.00) per Thousand Dollars of construction cost but such fee shall in no event exceed Twenty-five (\$25.00) Dollars. The Administrative Officer shall have the right to revise and determine the estimated cost of construction set forth in the application for a permit."

6. REPEALER. All other provisions of said Ordinance No. 155, remain the same and in full force and effect unless inconsistent herewith, which inconsistent provisions if any, are hereby repealed.

7. SEVERABILITY. Should any provision of this Ordinance be declared invalid by a Court having jurisdiction, such invalidity shall not affect the validity of the remaining provisions hereof.

8. This Ordinance shall become effective immediately upon its publication and filing as provided by law.

ORDAINED AND ENACTED this 26th day of January, 1967.

Paul L. West  
President of Council

ATTEST:

Carole E. Korman  
Secretary

APPROVED:

Robert Woods  
Mayor