

SECOND CLASS CITY ZONING LAW
Act of Mar. 31, 1927, P.L. 98, No. 69
A SUPPLEMENT

Cl. 11

To an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), authorizing cities of the second class to regulate and restrict the height, number of stories and size of buildings and other structures, and the size of yards, courts and other open spaces, the density of population, and to regulate and restrict the location, use and occupancy of buildings, structures and land for trade, industry, residence, specified uses or other purposes, and, for the above purposes, to divide the city into districts, and authorizing the City Planning Commission to recommend the boundaries of districts and appropriate regulations therein, and providing the method of adoption of said district regulations and restrictions, and providing methods to prevent the unlawful erection, construction, reconstruction, alteration, conversion, repair, maintenance, use, or occupancy of buildings, structures or land, and to prevent the unlawful occupancy or use of the said buildings, structures or land and any illegal act, conduct, business or use in or about such premises, and the method of amendment or change thereof, et cetera.

Section 1. Regulating use of land and buildings

For the purpose of promoting health, safety, morals or the general welfare of the community, cities of the second class are hereby empowered to regulate, restrict or determine, the height, number of stories and size of buildings and other structures, the percentage of lot that may be built upon, the size of yards, courts and other open spaces, the density of population, and the location, use and occupancy of buildings, structures and land for trade, industry, residence or other purposes. 1927, March 31, P.L. 98, No. 69, Sec. 1.

Section 2. Districts

For any or all of said purposes, the council may, by ordinance, divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act and, within such districts, they may regulate and restrict the erection, construction, reconstruction, alteration, repair, use or occupancy of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings, structures or land throughout each district; but the regulations in one district may differ from those in other districts. 1927, March 31, P.L. 98, No. 69, Sec. 2.

Section 3. Purposes in View

Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate

provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the topography and character of the district, with its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. 1927, March 31, P.L. 98, No. 69, Sec. 3.

Section 4. Duties of City Planning Commission

It shall be the duty of the City Planning Commission of such city to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public meetings thereon before submitting its final reports, and council shall not hold its public meetings or take action until it has received the final report of such commission. 1927, March 31, P.L. 98, No. 69, Sec. 4.

Section 5. Method of Procedure

The council of such city shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and, from time to time, amended, supplemented or changed. However no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such city. 1927, March 31, P.L. 98, No. 69, Sec. 5.

Section 6. Changes

Such regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty (20) per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear, or adjoining on the sides thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, or when disapproved by the city planning commission, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council of such city: Provided, That before any such amendment, supplement or change shall be voted on by the council, the city planning commission shall have been given twenty (20) days' notice thereof and of the date of the hearing. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments. 1927, March 31, P.L. 98, No. 69, Sec. 6.

Section 7. Board of Adjustment.--The mayor of every city of the second class shall, with the approval of the council, appoint a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this act, it shall be provided that the said board of adjustments may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the

ordinance, in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

The board of adjustment shall consist of three members, one of whom shall be a member of the city planning commission; one of whom shall be designated to serve until the first day of January, one thousand nine hundred and twenty-eight; one until the first day of January, one thousand nine hundred and twenty-nine; and one until the first day of January, one thousand nine hundred and thirty. Their successors shall be appointed, on the expiration of their respective terms, to serve three years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses under penalty as may be provided in the ordinance. All meetings of the 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.

Appeals to the board of adjustment may be taken by any person aggrieved, or by the head of any department affected by or interested in any decision of the officer charged with the administration of the ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the court of common pleas of the county wherein said city may be situated, on application and notice to the officer from whom the appeal is taken and on due cause shown and the filing of a bond as in other injunction proceedings.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give posted public notice thereof, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

The board of adjustment shall have the following powers:

1. 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 any ordinance adopted pursuant to this act.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers, such boards may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(7 repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 4(a) of Act 53 of 1978 provided that the repeal of the penultimate paragraph of section 7 shall take effect one year after the general effective date of Act 53.

Section 8. Conflict with Other Laws

Whenever the regulations made under authority of this act require a greater width of size of yards, courts or other open spaces, or require a lower height of building, or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance, the provisions of the regulations made under authority of this act shall govern. Wherever the provisions of any other statute or local ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building, or a less 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 act, the provisions of such statute or local ordinance or regulation shall govern. 1927, March 31, P.L. 98, No. 69, Sec. 8.