

COUNCIL BILL NO. 1896

INTRODUCED BY: Diane Bernardo

ORDINANCE NO. 1798

AN ORDINANCE

OF THE CITY OF DUBOIS AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS TO RE-CLASSIFY ALL USES PERMITTED BY SPECIAL EXCEPTION THROUGHOUT THE VARIOUS ZONING DISTRICTS OF THE CITY OF DUBOIS TO USES PERMITTED AS CONDITIONAL USES.

WHEREAS, it being the law of this Commonwealth that a special exception in a zoning ordinance is a use which is expressly permitted in a given zone so long as certain conditions detailed in the ordinance are found to exist; and

WHEREAS, it is also the law in this Commonwealth that a "conditional use" is nothing more than a special exception which falls within the jurisdiction of the municipal legislative body rather than the Zoning Hearing Board; and

WHEREAS, the Council of the City of DuBois, on advisement of the Planning Commission of the City of DuBois, believes that it will better promote the health, safety and welfare of the residents of the City of DuBois and allow for the more efficient administration of the zoning ordinances of the City of DuBois in compliance with the Pennsylvania Municipalities Planning Code if all uses previously allowed in the City of DuBois by special exception were to be re-classified as uses allowed in the City of DuBois by conditional use; and

WHEREAS, Council of the City of DuBois further believes that by permitting uses previously allowed by special exception to be permitted as conditional uses, the interpretation of the zoning ordinance and its application to land development will be more uniform and the process of land development more streamlined, all in the best interests of the residents of the City of DuBois; and

THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois, in Council assemble, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. All uses previously permitted by special exception within the various zoning districts of the City of DuBois shall hereafter be re-classified as uses permitted as conditional uses.

SECTION 2. All uses previously allowed throughout the various zoning districts of the City of DuBois as conditional uses shall continue to be permitted by conditional use in those zoning districts of the City of DuBois.

SECTION 3. All parts of Chapter 27 and the Code of Ordinance of the City of DuBois in conflict herewith are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 4. All other parts of Chapter 27 and the Code of Ordinances of the City of DuBois not in conflict herewith are re-affirmed and re-ratified as if set forth at length herein.

SECTION 5. The within Ordinance shall become effective upon final enactment hereof.

ORDAINED AND ENACTED into law this 10th day of November, 2014.

ATTEST:



City Manager

By: 

Gary Gilbert
Mayor & President of Council

PASSED BY COUNCIL:

November 10, 2014

Approved: 
