

CHAPTER 27

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PART 1

SHORT TITLE; PURPOSE; SCOPE

§101. SHORT TITLE.

1. This Chapter shall be known and may be cited as the "Sharpsville Borough Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance."
2. The accompanying map is hereby declared to be a part of this Chapter and shall be known and may be cited as the "Sharpsville Borough Zoning Map" hereinafter referred to as the "Zoning Map."

(Ord. 727, 5/4/1970, §100)

§102. PURPOSE.

1. The regulations of this Chapter are made in accordance with the Borough's Comprehensive Plan and designed:
 - A. To lessen congestion on the roads and highways.
 - B. To secure safety from fire, panic and other dangers.
 - C. To promote health and the general welfare.
 - D. To provide adequate light and air.
 - E. To prevent the overcrowding of land.
 - F. To avoid undue congestion of population.
 - G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
2. Such regulations are also made with reasonable consideration, among other things, to the character of the districts hereinafter set forth and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

(Ord. 727, 5/4/1970, §101)

§103. SCOPE.

This Chapter regulates and restricts within the boundaries of the Borough of Sharpsville, Mercer County, Pennsylvania:

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- A. The height, number of stories and size of buildings and other structures.
- B. Their construction, alteration, extension and reconstruction.
- C. All facilities and services in or about such buildings and structures.
- D. The percentage of lot that may be occupied.
- E. The size of yards, courts and other open spaces.
- F. The density of population.
- G. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- H. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways.

(Ord. 727, 5/4/1970, §102)

§104. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

1. This Chapter has been developed as a legislative and administrative tool to help the Borough Council and Planning Commission carry out the general development objectives prescribed in the Borough's Comprehensive Plan. This plan was developed in 1968 and officially adopted by the Borough Council on March 2, 1970.
2. The general development objectives which can be furthered through zoning are:
 - A. The reorganization of land use patterns to:
 - (1) Prevent the further development of incompatible and mixed-use activities.
 - (2) Provide for the more efficient "reuse" of present problem areas.
 - (3) Develop stable residential, commercial and industrial areas.
 - (4) Reduce and, where possible, eliminate traffic circulation where it could have an adverse affect on residential areas.
 - (5) Provide sufficient off-street parking so as to improve traffic movements and reduce accidents.
 - B. The elimination and prevention of physical and environmental blight by reducing or, where possible, eliminating the factors which cause or perpetuate the erosion of the physical appearance, structural quality and/or functional obsolescence of residential and nonresidential structures.

- C. Promote the redevelopment and appropriate reuse of blighted and problem areas throughout the Borough.

(Ord. 727, 5/4/1970, §103)

PART 2

ZONING DISTRICTS

§201. ZONING DISTRICTS.

The Borough of Sharpstown, for the purposes of this Chapter, is hereby divided into the following zoning districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Single-Family Residential	R-1
General Residential	R-2
Central Commercial	C-1
Restricted Industrial	I-1
General Industrial	I-2

(Ord. 727, 5/4/1970, §200; as amended by Ord. 929, 7/8/1987, §1)

§202. BOUNDARIES OF ZONING DISTRICTS.

The boundaries of the zoning districts are hereby established and shall be as shown upon the Zoning Map entitled "Sharpstown Borough Zoning Map" which accompanies this Chapter and is hereby made a part of this Chapter. Where uncertainty exists with respect to the boundaries of the various zoning districts, as shown on the Zoning Map, the following rules shall apply:

- A. Where a Zoning District Boundary Approximately Follows the Centerline or Street Lot Line or a Centerline or Alley Lot Line of a Street or Alley. The centerline of such street or alley shall be interpreted to be the zoning district boundary.
- B. Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line. The zoning district boundary shall be interpreted as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a Zoning District Boundary Approximately Follows a Lot Line. The lot line shall be interpreted to be the zoning district boundary.
- D. Where a Zoning District Boundary Follows a Railroad Line. The zoning district boundary shall be interpreted to be located midway of the track or center of the tracks of the railroad line.

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- E. Where a Zoning District Boundary Follows a Body of Water. The zoning district boundary shall be interpreted to be at the limit of the jurisdiction of the Borough of Sharpville unless otherwise indicated.
- F. Submerged Areas Not Included in Any Zoning District. All areas within the corporate limits of the Borough which are under water and are not shown on the Zoning Map as included within any zoning district shall be subject to all the regulations and provisions of the zoning district which immediately adjoins the water area. If the water area adjoins two or more zoning districts, the boundaries of each zoning district shall be construed to extend into the water area in a straight line until they meet the other zoning district.
- G. Zoning District Regulations and Provisions Apply to Schools, Parks, Etc. Any areas shown on the Zoning Map as park, playground, school, cemetery, water, street or alley shall be subject to the regulations and provisions of the zoning district in which they are located. In case of doubt, the regulations and provisions of the most restricted adjoining zoning district shall govern.
- H. Where Property Has Not Been Included in Any Zoning District. In every case where property has not been specifically included within a zoning district, the same shall automatically be classed as lying and being in the "R-1" Residential Zoning District until such classification shall have been changed by an amendment to this Chapter, as provided by law.
- I. Unsubdivided Land. In unsubdivided land, the zoning district boundary shall be determined by use of the scale indicated on the Zoning Map.
- J. Vacation of Public Ways. Whenever any street or alley is vacated in the manner authorized by law, the zoning district or districts adjoining such side or such street or alley shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations and provisions of the extended zoning district or districts.

(Ord. 727, 5/4/1970, §201)

§203. ZONING DISTRICT; BOUNDARY LINE ZONING.

- 1. Lots in Two Zoning Districts. Where a zoning district boundary line divides a lot which was in single ownership and a lot of record at the effective date of this Chapter, the use thereon and the other zoning district regulations and provisions applying to the least restricted portion of such lot under this Chapter shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 25 feet of said dividing zoning district boundary line. The use so extended shall be deemed to be conforming.

(Ord. 727, 5/4/1970, §202)

PART 3

INTERPRETATION AND APPLICATION

§301. INTERPRETATION.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort, convenience and the general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of that statute, other ordinance or regulation shall be controlling. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property owner and against any implied extension of the restriction. This Chapter is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between private parties. However, where this Chapter imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of this Chapter shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by this Chapter, the restrictions of the easement, covenant or other agreement shall govern.

(Ord. 727, 5/4/1970, §300; as amended by Ord. 956, 10/9/1990, §1)

§302. APPLICATION.

The provisions of this Chapter shall apply to the use and/or occupancy of all buildings, other structures and/or lots.

- A. Conformity of Buildings, Other Structures and/or Lots. Any building, other structure and/or lot shall be in conformity with the provisions prescribed in this Chapter for the zoning district in which such building, other structure and/or lot is located.
- B. Conformity of Uses. The use and/or occupancy of any building, other structure and/or lot shall be in conformity with the provisions prescribed in this Chapter for the zoning district in which such building, other structure and/or lot is located. Any use which is not listed shall automatically be interpreted as a prohibited use.

(Ord. 727, 5/4/1970, §301)

PART 4

R-1 RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT

§401. PURPOSE OF ZONING DISTRICT.

To provide a zoning district in which the predominate use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of single-family dwellings.

(Ord. 727, 5/4/1970, §400)

§402. USE REGULATIONS.

1. Principal Uses Permitted.

- A. One-family detached dwellings.
- B. Public schools.
- C. Church, church school, church uses, cemetery, provided:
 - (1) It shall not include a funeral home or mortuary establishment, a rescue mission or the occasional use for religious purposes of properties not regularly so used.
- D. Governmental or governmental authority facility, service structure and/or use, provided:
 - (1) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
 - (2) It shall be authorized by a governmental agency.
- E. Public utility facility, service structure and/or use, provided:
 - (1) It shall not include any type of equipment which will in any way interfere with local radio or television or otherwise be detrimental to the surrounding area.
 - (2) It shall not include a business facility, repair facility, storage of materials, storage or any repair or trouble crew outside a structure.
 - (3) It shall be reasonably necessary to the adequate distribution of service.

2. Accessory Uses Permitted.

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- A. Private garage, for not more than three private passenger vehicles.
 - B. Private playhouse, private swimming pool, private tennis court, private tool or storage shed, private greenhouse.
 - C. Private shelter for domestic pets (excluding horses and ponies) provided it shall not be used on a commercial basis.
 - D. Private incinerator, provided:
 - (1) It shall be located within the dwelling, or only in the rear yard.
 - (2) It shall be used only for burning of refuse produced on the premises.
 - E. Wall, fence, lamp post, similar accessory structure, subject to height limitations outlined in §403.
 - F. Parking of a commercially licensed vehicle shall be limited to one such commercially licensed vehicle of 1/2 ton capacity or less.
 - G. Recreation vehicles to include travel trailers, campers, boats, boat trailers subject to the limitations outlined in §1103, "Supplementary Area Regulations."
 - H. Any other accessory use, provided:
 - (1) It shall be customarily incidental and subordinate to a permitted principal use.
 - (2) It shall be located on the same lot as the principal use.
 - (3) It shall be approved by the Zoning Hearing Board.
3. Special Exception Uses.
- A. Carnivals, street fairs, etc., provided that:
 - (1) They are sponsored by a nonprofit organization.
 - (2) They are not over 1 week (7 days) in duration.
 - (3) They are subject to any special standards necessary for the quiet enjoyment of the vicinity.
4. Conditional Uses.
- A. Conditional Use in R-1 Residential Zoning District. The conversion and reuse of abandoned schools or other public buildings for use as private commercial schools, general offices and senior citizen housing may be permitted by Borough Council as a conditional use subject to the following standards, conditions and

procedures:

(1) General Standards.

- (a) The proposed use shall be in accord with the goals and objectives of the Borough Comprehensive Plan and this Chapter.
- (b) There shall be written agreements committing to the proposed reuse.
- (c) The proposed reuse shall be adequately served by the public services.
- (d) The reuse shall not cause a major increase in traffic congestion in the neighborhood.
- (e) The reuse will not create a threat to the public health and safety of the neighborhood.

(2) Specific Conditions.

- (a) The proposed development complies with the foregoing general use standards.
- (b) The exterior architectural style shall not be altered or changed. Any structural additions shall be of the same architectural style and character of the original structure and shall be approved by Borough Council.
- (c) Proposed uses shall conform with all parking and loading requirements and shall be off the street. Parking areas shall be landscaped. Existing natural trees and ground cover shall be used wherever possible.
- (d) Proposed uses shall be limited to private commercial schools, general office use and senior citizen housing.
- (e) All waste disposal shall be collected at a central location and on a regular schedule as contracted with the appropriate disposal company. Containers shall be screened from view of adjacent residences.
- (f) Proposed uses shall not emit offensive odors or noxious, toxic or corrosive fumes or gases.
- (g) Proposed uses shall provide necessary shielding or other protective measures against interference by mechanical equipment with electrical apparatus to nearby residences.

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- (h) All conversions shall comply with local, State and Federal building codes and shall be approved by the Pennsylvania Department of Labor and Industry, as applicable.
 - (i) The proposed uses shall comply with the Nuisance Ordinance [Chapter 10, Part 2].
 - (j) Such other conditions as deemed necessary by the Borough Council to safeguard the public health and safety of the neighborhood.
- (3) Procedures.
 - (a) Detailed site and building plans shall be submitted in triplicate as part of the application.
 - (b) Applications for conditional use shall be submitted to Borough Council on forms provided by the Borough.
 - (c) Copies of the site plans and related data shall be submitted to the Planning Commission and other officials as deemed necessary by the Borough.
 - (d) A public hearing, following public notice as prescribed by the Pennsylvania Municipalities Planning Code, (hereinafter referred to as the "Planning Code"), as amended by the Act of 1988, P.L. 1329, No. 170) shall be held by Council within 45 days of the acceptance of a complete application. Not later than 10 days prior to the day set for the hearing on the application, the Planning Commission and other officials requested to comment on the plan shall file a written report with Council setting forth their recommendations. [Ord. 956]
 - (e) Within 30 days following the public hearing, Borough Council shall either approve or disapprove the application. Where disapproved, reasons shall be stated in writing referring to specific Sections of this Chapter or other applicable laws. Where approved, any additional conditions beyond those specified in this Chapter shall be stated in writing.
 - (f) In the case of a leased facility, lessee shall be responsible for complying with previously stated conditions, standards and procedures.

[Ord. 899]

- 5. Accessory signs, subject to provisions of Part 10.
- 6. Parking and loading facilities, subject to provisions of Part 11.

(Ord. 727, 5/4/1970, §401; as amended by Ord. 899, 8/8/1984, §§1,3; and by Ord. 956, 10/9/1990, §2)

§403. HEIGHT REGULATIONS.

1. Principal Structures.

- A. Maximum Height for Dwellings. Twenty-eight feet or 2 stories, provided that on a lot between two existing dwellings, a dwelling may be erected to the average height of the existing dwellings.

2. Accessory Structures.

- A. Maximum Height for Residential Accessory Structure. Not to exceed the height of the principal structure.
- B. Maximum Height Per Solid Wall or Fence. Six feet along side and rear lot lines.
- C. Maximum Height for Open Fence. Eight feet.
- D. Signs subject to Part 10.

(Ord. 727, 5/4/1970, §402)

§404. AREA REGULATIONS.

1. Minimum Lot Area Per Dwelling Unit. Eight thousand square feet.
2. Minimum Lot Width. Eighty feet.
3. Maximum Percentage of Lot Coverage. Thirty percent including accessory structures.
4. Minimum Yards. Zoning Hearing Board may require larger yards on special permit uses.
- A. Front Yards. Thirty feet or, in the instance of blocks partially developed, the average depth of existing dwellings but no less than 20 feet.
- B. Rear Yard.
- (1) Principal Building. Thirty feet.
- (2) Accessory Building. Five feet.
- C. Side Yard.
- (1) Both Sides. Fifteen feet so distributed where possible to allow for

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driveways and 15 feet clearance between structures on adjacent lots except that on lots of less than 50 feet in width the combined width of both sides may be reduced to not less than 30% of the lot width.

(2) One Side.

- (a) Principal Use or Attached Accessory Use; Interior Lot Line. Ten percent of lot width provided that the width need not exceed 10 feet nor shall be less than 5 feet.
- (b) Street Side on Corner Lot. Twenty feet.
- (c) Accessory Use to the Rear of Principal Structure; Interior Lot Line. Five feet.
- (d) Street Side on Corner Lot. Twenty feet.

(Ord. 727, 5/4/1970, §403)

§405. GENERAL REGULATIONS.

Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or the operation of a junkyard. In addition, no rubbish or refuse may be stored outside a building unless in a container. The storage of junk or the operation of a junkyard or storage of rubbish or refuse outside a building except in a container is prohibited.

(Ord. 727, 5/4/1970, §404)

PART 5

R-2 GENERAL RESIDENTIAL ZONING DISTRICT

§501. PURPOSE OF THE ZONING DISTRICT.

To provide a zoning district in which the predominate use will be residential, with height and area regulations establishing an intensity of land use designed to encourage proper development of multiple-family dwellings.

(Ord. 727, 5/4/1970, §500)

§502. SPECIAL DEVELOPMENT REGULATIONS AND CONTROLS.

Part of this zoning district is included in the "Central Area Renewal Project" (see urban renewal area as delineated on the Sharpsville Zoning Map). As such, there are special development controls and regulations applicable to part of this zoning district which are more restrictive than the subsequent regulations contained herein. Copies of the urban renewal controls and regulations are on file at the Sharpsville Borough Building (Borough Manager's office) and the Mercer County Redevelopment Authority.

(Ord. 727, 5/4/1970, §501)

§503. USE REGULATIONS.

1. Principal Uses Permitted.

- A. One-family detached dwelling.
- B. One-family semidetached dwelling.
- C. Two-Family detached duplex dwelling.
- D. Multiple family dwellings.
- E. Apartment house.
- F. Boarding house, lodging house, rooming house and tourist homes.
- G. Church, church school, church use, cemetery; provided, a rescue mission or the occasional use for religious purposes of properties not so regularly used.
- H. College, preparatory school, boarding school, day-nursery school, included therewith dormitories for faculty and students, and fraternity or sorority houses.
- I. Professional offices and studios.

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J. Governmental or governmental authority facility, service structure or use, provided:

- (1) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
- (2) It shall be authorized by a governmental agency.

K. Public utility facility, service structure and/or use, provided:

- (1) It shall not include any type of equipment which will in any way interfere with local radio or television, or otherwise be detrimental to the surrounding area.
- (2) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
- (3) It shall be reasonably necessary to adequate distribution of service.

2. Special Exception Uses.

Special Exception Uses

Special Standards

- | | |
|--|---|
| A. Any special exceptional use in an R-1 Zone | Lot shall be landscaped and structures shall be designed in keeping with the character of the neighborhood and there shall not be storage of equipment. |
| B. Rental parking spaces to serve dwellings in the vicinity - only vacant lots - not on parts of lots occupied by other residential dwellings. | All structures shall be a distance from all property lines equal to the height of the building. |
| C. Charitable institutions | Any special standards necessary for the quiet enjoyment of the vicinity shall be imposed. |
| D. Hospitals, nursing homes or rest homes. | --- |
| E. Funeral homes or mortuary establishments. | No commercial vehicles, trucks or trailers shall be stored and there shall be no sale of products or services other than that which is directly associated with the operation of the special exception use. Design of structures shall be approved by the Zoning Hearing Board and landscaping in keeping with the character of the neighborhood shall be installed and maintained. |

3. Accessory Uses Permitted.

- A. Conversion apartments are permitted as conditional uses provided they meet the following requirements:
 - (1) Each living unit provides a minimum of not less than 500 square feet of habitable living area.
 - (2) Each living unit shall contain one bathroom and three habitable rooms, at least one of which shall be a bedroom.
 - (3) Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
 - (4) Fire and safety provisions are certified to be adequate with respect to the Borough Fire Prevention Code [Chapter 5, Part 4].
- B. Private garages.
- C. Private playhouse, private swimming pool, private tennis court, private tool or storage shed, private greenhouse.
- D. Private shelter for domestic pets, provided it shall not be used on commercial basis.
- E. Private incinerator, provided:
 - (1) It shall be located within the dwelling, or in the rear yard only.
 - (2) It shall be used only for burning refuse produced on the premises.
- F. Wall, fence, lamp post, similar accessory structures subject to height limitations outlined in §504.
- G. Parking of a commercially-licensed vehicle shall be limited to one such commercially-licensed vehicle of 1/2 ton capacity or less.
- H. Recreation vehicles to include travel trailers, campers, boats and boat trailers subject to the limitations outlined in §1103, "Supplementary Area Regulations."
- I. Any other accessory use, provided:
 - (1) It shall be customarily incident and subordinate to a permitted principal use.
 - (2) It shall be located on the same lot as the principal use.
 - (3) It shall be approved by the Zoning Hearing Board.

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4. Accessory Signs. Subject to provisions of Part 10.
5. Required Parking and/or Loading Facilities. Subject to provisions in Part 11.

(Ord. 727, 5/4/1970, §502)

§504. HEIGHT REGULATIONS.

1. Principal Structures.
 - A. Maximum Height per Dwelling Building. Sixty feet or five stories.
2. Accessory Structures.
 - A. Maximum height for residential accessory structures, not to exceed 2/3 of the height of the principal structures.
 - B. Maximum Height per Solid Wall or Fence. Six feet along side and rear lot lines.
 - C. Maximum Height for Open Fence. Eight feet.
 - D. Signs subject to Part 10.

(Ord. 727, 5/4/1970, §503)

§505. AREA REGULATIONS.

1. Minimum Lot Area Per Dwelling Unit.
 - A. Single Family Dwellings. Six thousand square feet.
 - B. Two Family or Multifamily Dwellings.
 - (1) Minimum Lot Area. Four thousand square feet for the first family, 2,000 square feet for each additional family in one, two and three-story construction. For high rise (over 3 story) construction, the minimum lot area per dwelling unit shall be 1,000 square feet.
 - C. Boarding House, Lodging House, Rooming House. Twelve thousand square feet plus 1,000 square feet per boarding, lodging or rooming unit.
 - D. Convalescent Home. Twenty thousand square feet plus 1,000 square feet per bed.
2. Minimum Lot Width Per Dwelling.
 - A. One-Family Detached Dwelling. Fifty feet.

- B. Two-Family Detached Duplex Dwelling. Eighty feet.
- C. Public Housing, Multiple Dwelling, Apartment House. One hundred twenty feet.
- D. Boarding House, Lodging House, Rooming House. One hundred twenty feet.
- 3. Maximum Percentage of Lot Area. Thirty percent, including necessary structures.
- 4. Minimum Yard Requirements.
 - A. Front Yard. Thirty feet or, in the instance of blocks partially developed, the average depth of existing building but not less than 20 feet.
 - B. Rear Yard.
 - (1) Principal Building. Thirty feet.
 - (2) Accessory Building. Five feet.
 - C. Side Yard.
 - (1) Both Sides. Twenty percent of lot width except that the total of residential side yards shall not be less than 10 feet, 5 feet on each side for single or two-family dwellings.
 - (2) One Side.
 - (a) Principal Use or Attached Accessory Use.
 - 1) Interior Lot Line. Ten percent of lot width provided that the minimum width shall not be less than 5 feet.
 - 2) Street Side on Corner Lot. Fifteen feet.
 - (b) Accessory Use to the Rear of Principal Structure.
 - 1) Interior Lot Line. Five feet.
 - 2) Street Side on Corner Lot. Twenty feet.

(Ord. 727, 5/4/1970, §504)

§506. GENERAL REGULATIONS.

Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or the operation of a junkyard. In addition, No rubbish or refuse may be stored outside a building unless in a container. The storage of junk or the operation of a

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junkyard or storage of rubbish or refuse outside a building except in a container is prohibited.

(Ord. 727, 5/4/1970, §505)

§507. HIGH-RISE BUILDING FOR ELDERLY.

1. Height Regulations.

A. Principal Structures.

- (1) Maximum height per dwelling building, 75 feet.

B. Accessory Structures.

- (1) Maximum height for residential accessory structures, not to exceed 2/3 of the height of the principal structures.
- (2) Maximum height per solid wall or fence, 6 feet along side and rear lot lines.
- (3) Maximum height for open fence, 8 feet.
- (4) Signs, subject to Part 10.

2. Area Regulations.

A. Minimum Lot Area per Dwelling. Six hundred square feet per dwelling unit.

B. Minimum Lot Width per Dwelling. One hundred twenty feet.

C. Maximum Percentage of Lot Area. Thirty percent of principal building.

D. Minimum Yard Requirements.

- (1) Front Yard. Thirty feet.
- (2) Rear Yard. Thirty feet.
- (3) Side Yards. Thirty feet.

3. Parking. One space for every three dwelling units.

A. Parking Space Size. Ten feet by twenty feet.

B. Loading Space Size. Twelve feet by thirty feet.

(Ord. 727, 5/4/1970; as added by Ord. 832, 12/29/1977, §1)

PART 6

C-1 CENTRAL COMMERCIAL DISTRICT

§601. PURPOSE OF ZONING DISTRICT.

The purpose of the Central Commercial District is to provide a zoning district which will encourage the development of an attractive and efficient central shopping district.

(Ord. 727, 5/4/1970, §600; as amended by Ord. 929, 7/8/1987, §3)

§602. USE REGULATIONS PROVIDED.

1. General Provisions.

- A. Any business, servicing, storage or processing shall be conducted within a completely enclosed building, except outdoor sales will be permitted on special promotion days, and for parking and loading facilities.
- B. Any business establishment shall deal directly with the consumer only.
- C. All work done shall be for sale on the premises.
- D. Any display of goods shall be in back of the setback building line.

2. Permitted Principal Uses.

A. Automotive Gasoline Service Station.

- (1) It shall not be located within 100 feet of any lot line in any residential zoning district.
- (2) Access drives shall not exceed 35 feet in width within 10 feet of the street right-of-way line.
- (3) Access drives shall not exceed two per lot on any one street frontage.

B. Automobile/truck sales and service agency.

C. Bakery, candy, pastry, confectionery or ice cream stores.

D. Car Wash Facilities (Automatic and Self-Service). Subject to the following provisions:

- (1) Provide sufficient off-street parking for waiting cars. The parking or standing area shall be situated on the property, outside the washing facilities and be of sufficient size to accommodate at least 1/3 the hourly

capacity (or hourly turn-over) of the car wash plus a reserve of 10% of the hourly capacity to accommodate peak demand periods. Hourly capacity in this instance shall mean the greatest number possible of automobile washes that can be provided in one hour.

- (2) Provide separate entrance and exit facilities with paved driveways. Minimum width of driveways and stacking lanes for waiting cars shall be 10 feet.
 - (3) No entrance or exit shall be located closer than 50 feet to an existing street intersection.
 - (4) Provide an area of at least 800 square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.
 - (5) Car washes may not be located less than 100 feet from the nearest residential zone.
 - (6) Provide separate off-street parking area for the owner and employees at a rate of one space for the owner and one space for every two employees.
 - (7) The owner shall provide a site plan of the proposed car wash operation showing the location of entrances and exits, the building housing and washing equipment, the parking areas for waiting vehicles and employees, the distance to nearest street intersection, property lines and required setback, side yard and rear yard lines, plus type of screening to be used.
 - (8) A permanent screening fence or wall of not less than 5 feet in height shall be constructed along any property line which abuts property zoned for residential use.
 - (9) All off-street parking areas shall be hard-surfaced and dust-free.
 - (10) Side yard and rear yard requirements shall be in accordance with §603.
 - (11) Signs. In accordance with applicable Sections of this Chapter.
- E. Commercial recreation centers such as, but not limited to, electronic game centers and athletic clubs.
- F. Drive-in uses including, but not limited to, retail food, beverage centers or distributors, amusement centers and automated banking centers.
- G. Dry cleaning establishments including processing and self-service laundromats.
- H. Eating and drinking establishments, including outdoor facilities for the serving and/or processing of food and drink.

- I. Financial institutions, such as banks, savings and loan associations and the like.
- J. Governmental or Governmental Authority Facility, Service Structure and/or Use.
 - (1) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
 - (2) It shall be authorized by a governmental agency.
- K. Home, garden and business equipment rental establishments, including car and truck rentals.
- L. Parking lots and parking garages.
- M. Planned Shopping Centers or Plazas. In accordance with the following provisions:
 - (1) Establishment. A planned or integrated shopping center may hereafter be established upon a tract of land in single or separate ownership or under unified control in accordance with the following basic provisions:
 - (a) The Council determines, after receiving the recommendation of the Planning Commission and after adequate time to study, that it will properly serve the needs of the area for which it is proposed and conform to the requirements of sound planning.
 - (b) That the plan conforms to the requirements established herein and such other rules and regulations which the Council may adopt to properly effectuate the purposes of this Section.
 - (2) General Requirements.
 - (a) Application shall be made directly to the Borough Zoning Officer, but before taking action, the Zoning Officer shall refer the matter to the Planning Commission and Council for recommendation. The procedure and requirements for the submission of plans and the information required shall be the same as though the application had been made directly to the Planning Commission and which is provided for in this Section.
 - (b) When the matter has been referred to the Planning Commission by the Zoning Officer and action has been taken by the Commission, the plan, together with the recommendation of the Planning Commission, shall be submitted to the Borough Council.
 - (c) The proponents of a planned shopping center shall prepare and submit a schedule of construction, which construction shall begin within a period of 1 year following the approval of the final development plan by the Borough Council and the issuance of a

building permit. Failure to begin the construction as scheduled shall void the plan as approved, unless a request for an extension of time is made by the proponents to the Council approved by said group. No fee shall be charged for this.

- (d) After the final development plan has been approved and the building permit issued, and when, in the course of carrying out this plan, adjustments or rearrangement of buildings, parking areas, entrances, heights or yards are requested by the approved final development plan for area to be covered by buildings, parking spaces, entrances, height setback and lot area requirements, such adjustments may be approved by the Zoning Hearing Board upon application, without fee, and after receiving the recommendations of the Borough Planning Commission.
- (3) Plan Requirements. The request for a building permit shall be accompanied by a plan of the proposed development which shall show the layout of the total area to be included in the shopping center and which shall include, among other things, the information required below. If, however, portions of the project are to be completed in successive stages, a less detailed sketch or layout of the areas not scheduled for immediate development will suffice initially; provided, that as further development occurs, a plan showing all of the required details shall then be submitted prior to the construction of any portion. Information to be shown on a plan shall include:
- (a) A contour map of the site as required in the County subdivision regulations. [Ord. 1020]
 - (b) The location, dimensions and proposed use of all buildings or structures.
 - (c) The location, size, arrangement and capacity of all areas to be used for automobile access, parking, loading and unloading.
 - (d) The locations and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - (e) The locations, dimensions and arrangements of areas to be devoted to planting lawns, trees or any other purpose.
 - (f) Sufficient data, in all instances, to enable the Borough Council and the Planning Commission to judge the effectiveness of the design and character of the entire shopping center area and its relationship to the surrounding area.
 - (g) All plans shall be drafted in accordance with requirements in the County subdivision regulations. [Ord. 1020]

- N. Plumbing, heating and electrical business establishments, provided that any outside storage or equipment or supplies be within a fenced area.
- O. Professional and business offices.
- P. Public utility facility service structure and/or use.
- Q. Retail businesses.
- R. Service establishments including, but not limited to, barber and beauty shops, custom tailor shops and shoe repair.
- S. Theaters.
- T. Trailer, boat and camper sales/storage and repair facilities.
- U. Uses Permitted Within Structures With Two or More Stories.
 - (1) Apartments.
 - (2) Artist and music studio.
 - (3) Radio and television studio.
 - (4) Storage or inventory for first floor uses.

[Ord. 929]

(Ord. 727, 5/4/1970, §602; as amended by Ord. 929, 7/8/1987, §§5,6; as amended by Ord. 1020, 12/10/1997)

§603. HEIGHT REGULATIONS.¹

- 1. Principal Structures.
 - A. Maximum Height. Sixty feet.
- 2. Accessory Structures.
 - A. Maximum Height. Thirty feet.

(Ord. 727, 5/4/1970, §603; as amended by Ord. 929, 7/8/1987, §7)

¹ Signs subject to the provisions in Part 9.

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§604. AREA REGULATIONS.¹

1. Principal Structures.

- A. Minimum Lot Area. Five thousand square feet.
- B. Minimum Lot Width. Fifty feet.
- C. Maximum Percentage of Lot Coverage. Fifty percent.
- D. Minimum Setback Distance From Street Centerline. Fifty feet.
- E. Side Yard Width. None.
- F. Rear Yard Depth. Twelve feet.
- G. Minimum distance to a lot line of any "R" zoning district or property line of any existing church shall be 50 feet.

2. Accessory Structures.

- A. Maximum Sum of Ground Floor Area. Forty percent of the gross floor area of the principal structure.
- B. Minimum Setback Distance. Behind principal structure.
- C. Minimum Distance to Fuel Pump Islands. Sixty feet from center of pavement.

(Ord. 727, 5/4/1970, §604; as amended by Ord. 929, 7/8/1987, §8)

§605. GENERAL REGULATIONS.

Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or the operation of a junkyard. In addition, no rubbish or refuse may be stored outside a building unless in a container. The storage of junk or the operation of a junkyard or storage of rubbish or refuse outside a building except in a container is prohibited.

(Ord. 727, 5/4/1970, §605; as amended by Ord. 929, 7/8/1987, §9)

PART 7

I-1 RESTRICTED INDUSTRIAL ZONING DISTRICT

§701. PURPOSE OF ZONING DISTRICT.

To provide a zoning district which will:

- A. Serve as a transitional zone between the general industrial district north of High Street and the residential area south of Cedar Street.
- B. To provide a zoning district that will accommodate the existing industrial uses and permit the expansion of same and/or the complete utilization of the district bounded by Cedar Street, Mercer Avenue, High Street and Bridge Street.

(Ord. 727, 5/4/1970, §800)

§702. SPECIAL DEVELOPMENT REGULATIONS AND CONTROLS.

All of this zoning district is included In the "Central Area Renewal Project" (see urban renewal area as delineated on the Sharpsville Borough Zoning Map). As such, there are special development controls and regulations applicable to all of this zoning district which are more restrictive than the subsequent regulations contained herein. Copies of the urban renewal controls and regulations are on file at the Sharpsville Borough Building (Borough Manager's office) and the Mercer County Redevelopment Authority.

(Ord. 727, 5/4/1970, §801)

§703. USE REGULATIONS.

1. Principal Uses Permitted.

- A. Wholesale or warehousing operations conducted entirely within buildings.
- B. Manufacturing, processing or assembling of goods providing that no noise, odor, dust, fumes or vibration is produced that exceeds the general level of such potential nuisances within the zone.
- C. Carpenter, electrical, plumbing, heating or sheet metal shop, furniture upholstering shop and laundry and clothes cleaning or dyeing facilities.
- D. Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- E. Automotive repair facilities to include general repair shops and auto body repair shops provided all operations are conducted within the confines of a building

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established for such purposes.

F. Governmental or governmental authority facility, service structure and/or use, provided:

(1) It shall not include a public school, playground or other outside recreational use.

G. Office establishment, provided:

(1) It shall serve an industrial establishment located in the "I-1" Zoning District.

H. Parking lot and/or parking structure, provided:

(1) There shall not be any vehicle parked within 25 feet of any residential zoning district.

(2) There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.

(3) There shall not be any storage of material, junk or any equipment on the lot.

(4) There shall not be any vehicle parked in front of the front or side street setback building line.

I. Public utility facility, service structure and/or use.

J. Any other principal use equivalent to the above permitted principal uses, provided:

(1) It will further the welfare and best interests of the Borough.

(2) It shall be subject to the provisions of use prescribed in Part 11.

(3) It shall not include any church, church use or cemetery.

(4) It shall not include any school, dwelling unit, hospital or other institutional use for human care or service (except as an accessory use to a particular permitted principal use).

(5) It shall be approved by the Zoning Hearing Board.

2. Permitted Accessory Uses.

A. Structure or service facility on a lot occupied by an automotive gasoline service station or automotive garage for the service of gasoline, oil, air or water, provided:

- (1) Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any "R" Zoning District, not less than 100 feet from any hospital, church, playground or public building.
 - B. Any other accessory use, provided:
 - (1) It will further the welfare and best interests of the Borough.
 - (2) It shall be subject to the provisions of use prescribed in Part 11.
 - (3) It shall not include any use specifically prohibited in this Part.
 - (4) It shall be approved by the Zoning Hearing Board.
 - C. Uses Specifically Prohibited.
 - (1) Junkyards and the storage of junk except as provided in subsection (3)(A).
3. Provisions of Use. Any permitted principal and/or accessory use shall be subject to the following use regulations:
 - A. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure.
 - B. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to any adjacent property.
 - C. It shall not emit any noxious, toxic or corrosive fumes or gases.
 - D. It shall not emit any offensive odors.
 - E. It shall not exhaust or waste into the air any dust or smoke created by an industrial operation in excess of any density described as No. 2 on a Ringleman Chart, except for a period of not in excess of 4 minutes in any 30 minute period.
 - F. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters - both natural and artificial.
 - G. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
4. Permitted Principal and/or Accessory Signs. Subject to provisions in Part 9.
5. Required Parking and/or Loading Facilities. Subject to provisions in Part 10.

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(Ord. 727, 5/4/1970, §802)

§704. HEIGHT REGULATIONS.

Signs subject to provisions prescribed in Part 9.

- A. Principal Structures and/or Accessory Structures. Thirty feet.

(Ord. 727, 5/4/1970, §803)

§705. AREA REGULATIONS.²

1. Principal Structures and/or Accessory Structures. Thirty feet.
 - A. Minimum Lot Area. Seven thousand five hundred square feet.
 - B. Minimum Lot Width. Seventy-five feet.
 - C. Maximum Percentage of Lot Coverage. Fifty percent.
 - D. Minimum Front Yard Depth. Twenty feet.
 - E. Minimum Side Yard. Twenty feet total, 5 foot minimum on one side.
 - F. Minimum Rear Yard. None, except where necessary to provide off-street parking and/or loading facilities.
 - G. Minimum distance to a lot line of any "R" Zoning District shall be 50 feet.

(Ord. 727, 5/4/1970, §804)

² Signs subject to the provisions in Part 9.

PART 8

I-2 GENERAL INDUSTRIAL ZONING DISTRICT

§801. PURPOSE OF ZONING DISTRICT.

To provide a zoning district which will:

- A. Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.
- B. Prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
- C. Not permit residential uses for the purpose both of preserving the area for its appropriate use and for preventing the location of dwelling units in an area inappropriate for residential use.

(Ord. 727, 5/4/1970, §900)

§802. USE REGULATIONS.

1. Principal Uses Permitted:

- A. Building material supplies, including stone crushing or concrete mixing.
- B. Distributing plant, beverage bottling and/or distribution.
- C. Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- D. Carpenter, electrical, plumbing, heating, or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing.
- E. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products.
- F. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wax, wood and yarn.
- G. The manufacture of ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

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- H. The manufacture of musical instruments, toys, novelties, rubber or metal
- I. The manufacture or assembly of electrical appliances, electronic instruments and devices.
- J. Utility operations (electric and gas company operations).
- K. Highway freight, transportation and warehousing.
- L. Manufacturing, compounding, processing, packing or treatment excluding such uses or processes which produce or emit dust, smoke, refuse matter, toxic or noxious odors, gases and fumes, excessive noise or vibration, similar substances and conditions.
- M. Governmental or governmental authority facility, service structure and/or use, provided:
 - (1) It shall not include a public school, playground or other outside recreational use.
- N. Office establishment, provided:
 - (1) It shall serve an industrial establishment located in an "I" Zoning District.
- N. Parking lot and/or parking structure, provided:
 - (1) There shall not be any vehicle parked within 50 feet of any residential zoning district.
 - (2) There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.
 - (3) There shall not be any storage of material, junk or any equipment on the lot.
 - (4) There shall not be any vehicle parked in front of the front or side street setback building line.
- P. Public utility facility, service structure and/or use.
- Q. Any other industrial use, provided:
 - (1) It shall meet all of the requirements of this Section or any other Section of this Chapter.
- R. Inflammable liquid storage, provided:
 - (1) It shall comply with the Borough Fire Code [Chapter 5, Part 3] and the laws of the Commonwealth of Pennsylvania.

- (2) It shall not be located within 150 feet of any lot line in any "R" Zoning District or within 25 feet of any adjoining lot line.
 - (3) The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.
- S. Any other principal use equivalent to the above permitted principal uses, provided:
 - (1) It will further the welfare and best interests of the Borough.
 - (2) It shall be subject to the provisions of use prescribed in Part 11.
 - (3) It shall not include any church, church use or cemetery.
 - (4) It shall not include any school, dwelling unit, hospital or other institutional use for human care or service (except as an accessory use to a particular permitted principal use).
 - (5) It shall be approved by the Zoning Hearing Board.
- 2. Permitted Accessory Uses.
 - A. Automotive storage and repair facility.
 - B. Loading area, provided:
 - (1) There shall not be any storage of material, junk or any equipment on the area.
 - (2) There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
 - (3) There shall not be any vehicle loading or unloading within 10 feet from any front or side street setback building line.
 - C. Office, restaurant, recreation use, museum and/or hospital use, provided:
 - (1) It shall be clearly incidental to a particular industry.
 - (2) It shall be on the same lot as the industrial use or establishment it serves.
 - D. Structure or service facility on a lot occupied by an automotive gasoline service station or automotive garage for the service of gasoline, oil, air or water, provided:
 - (1) Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any "R" Zoning District, nor less than 100 feet from any hospital, church, playground or public building.

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- E. Any other accessory use, provided:
 - (1) It will further the welfare and best interests of the Borough.
 - (2) It shall be subject to the provisions of use prescribed in Part 11.
 - (3) It shall not include any use specifically prohibited in this Part.
 - (4) It shall be approved by the Zoning Hearing Board.
- F. Uses Specifically Prohibited.
 - (1) Abattoirs or slaughterhouses.
 - (2) Dead animal or offal reduction.
 - (3) Fertilizer manufacture.
 - (4) Other similar noise, odor, dust or nuisance bearing manufacturing process.
 - (5) Junkyards.
- 3. Provisions of Use. Any permitted principal and/or accessory use shall be subject to the following use regulations:
 - A. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure.
 - B. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
 - C. It shall not emit any noxious, toxic or corrosive fumes or gases.
 - D. It shall not emit any offensive odors.
 - E. It shall not exhaust or waste into the air any dust, or smoke created by an industrial operation in excess of any density described as No. 2 on a Ringleman Chart, except for a period of not in excess of 4 minutes in any 30 minute period.
 - F. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters - both natural and artificial.
 - G. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

4. Permitted Principal and/or Accessory Signs. Subject to provisions in Part 9.
5. Required Parking and/or Loading Facilities. Subject to provisions in Part 10.

(Ord. 727, 5/4/1970, §901)

§803. HEIGHT REGULATIONS.

Signs subject to provisions prescribed in Part 9.

- A. Principal Structures and/or Accessory Structures. None.

(Ord. 727, 5/4/1970, §902)

§804. AREA REGULATIONS.³

1. Principal Structures and/or Accessory Structures.
 - A. Minimum Lot Area. Fifteen thousand square feet.
 - B. Minimum Lot Width. One hundred feet.
 - C. Maximum Percentage of Lot Coverage. Fifty percent.
 - D. Minimum Distance to a Street Lot Line. Fifty feet.
 - E. Minimum Distance to Any Other Lot Line. Fifteen feet.
 - F. Minimum Distance to a Lot Line of any "R" Zoning District. One hundred feet.

(Ord. 727, 5/4/1970, §903)

³ Signs subject to the provisions in Part 9.

PART 9
SIGN REGULATIONS

§901. GENERAL PROVISIONS AND EXCEPTIONS.

1. Projection. A sign shall not project over a street or other public space.
2. Direct or Reflected Light. A sign shall not be so placed so as to cast direct or reflected light upon a window of any dwelling in any "R" Zoning District, or on any street.
3. Vision Obstruction. A sign shall not be so placed that it will cause danger to traffic on a street by obscuring the view or otherwise interfere with traffic.
4. Limitation of or Resemblance to Official Traffic Control Signs. A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within 50 feet of any intersection shall not contain any visible green, yellow or red colored lights which might be confused with official traffic control devices.
5. Distance to a Church, Playground, School or Other Public Building. A ground sign or billboard over 30 square feet in surface area shall not be within 100 feet of a church, hospital, park, playground, school or other public building.
6. Posting of Sign. A sign shall not be affixed to, painted on or otherwise posted on certain roadside features, such as fence posts, utility poles, trees, bridges or barricades, that are within 25 feet of any right-of-way.
7. Signs Not Requiring a Permit. In any Zoning District where permitted, the following accessory signs shall be exempted and shall not require a permit as required in Part 13.
 - A. Special Display. Special decorative display used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, when authorized by the Council.
 - B. Permitted real estate sign.
 - C. Permitted temporary sign or banner.
 - D. Permitted Identification Sign. An accessory identification less than 12 square feet in surface area.
 - E. Semipublic Use Sign. A directional sign showing the location of churches, service clubs or other public uses.

(Ord. 727, 5/4/1970, §1000)

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§902. PERMITTED PRINCIPAL AND ACCESSORY SIGNS.

1. "R" Zoning Districts.

A. Name Plate. One lighted or unlighted name plate for each dwelling unit or other permitted use, provided:

- (1) It shall not exceed 8 inches by 24 inches in surface area.
- (2) If lighted, it shall be illuminated with white light by reflector method only.
- (3) It shall not be used other than for identifying the name of the occupant.

B. Identification Sign. One unlighted sign for each lot in any "R" Zoning District wherein rooms are rented and/or meals served, provided:

- (1) It shall not exceed 8 square feet in surface area.
- (2) It shall setback at least 1/2 the depth of the existing front yard.
- (3) It shall appertain only to the renting of rooms or serving of meals.

C. Other Identification Sign. Two lighted or unlighted signs for each lot used as a permitted use for church, college, convalescent home, hospital, institutional home, park, sanatorium, sanitarium or school provided:

- (1) It shall not exceed 20 square feet in surface area.
- (2) If lighted, it shall be illuminated with white light by reflector method only.
- (3) It shall be only for the purpose of displaying the name and activities thereof or the services therein offered.

D. Real Estate Signs.

(1) Sale, Rent or Development Sign. A single sign publicizing the sale, rental or development of the premises upon which they are erected, provided:

- (a) It shall not exceed 6 square feet in surface area.
- (b) Such sign shall be setback at least 1/2 the depth of the existing front yard.

E. General Provisions.

- (1) A sign shall not be on the roof of a building.

- (2) A sign attached to the wall of a building shall not extend above the roof line.
- (3) A sign shall not project over a public sidewalk.
- (4) Advertising painted upon building shall be subject to the above provisions.

2. "C" Zoning Districts.

A. Name plate, accessory identification sign and/or real estate sign for any lot used for a principal business use, provided:

- (1) It shall not exceed 50 square feet in surface area.
- (2) It shall not include a flashing or animated illuminated sign.
- (3) It shall be limited to the business on that premises.

B. Wall Sign. One illuminated wall sign (excluding a flashing or animated illuminated sign) or unilluminated sign for each street frontage of a principal business use, provided:

- (1) It shall be attached to the main wall of a building and shall not project horizontally more than 12 inches therefrom.
- (2) It shall be erected at a height not less than 10 feet, nor more than 20 feet above the ground or sidewalk.
- (3) It shall be limited to use as a business sign.

C. Projecting Sign. One illuminated projecting sign (excluding a flashing or animated illuminated sign) or unilluminated sign for each street frontage of a principal business use, provided:

- (1) It shall not project more than 10 feet from the face of the building or structure.
- (2) It shall not, in any case, be beyond a vertical plane 25 feet inside the curb line.
- (3) Its innermost edge shall not be placed more than 12 inches from the setback building line.
- (4) It shall be limited to use as a business sign.

D. Pole Sign in Business Districts. One illuminated sign (excluding flashing or animated illuminated sign) and one nonilluminated sign for each street frontage of an automotive gasoline service station, or automotive garage, provided:

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- (1) The illuminated pole sign shall not exceed 50 square feet in surface area, one side, in C-2 Districts.
- (2) The nonilluminated signs shall not exceed 50 square feet in surface area, one side.
- (3) One high rise sign in C-2 District, visible to highway traffic may be erected per station, not to exceed 400 square feet in area, one side.
- (4) Any portion of the pole signs shall setback at least 75 feet from any street centerline.
- (5) There shall be no less than 10 feet clearance below the sign.
- (6) It shall be limited to use as a business sign.

E. Marquee Signs. One illuminated marquee sign (excluding a flashing or animated illuminated sign) or unilluminated sign for each side of a marquee located on a lot used as a motion picture theater, provided:

- (1) It shall not exceed 7 feet in height.
- (2) It shall not project below the fascia of the marquee.
- (3) It shall not be lower than 10 feet above the sidewalk.
- (4) It may extend the full length of the marquee but in no case, shall it project beyond the ends of the marquee.
- (5) It shall be limited to use as a business sign.

F. Temporary Signs and Banners. Provided:

- (1) They shall be removed as soon as torn or damaged and in no case later than 60 days after erection, except that temporary signs suspended from or attached to a canopy or marquee shall be limited to a period of 10 days.
- (2) They shall be limited in size to 10 feet in one dimension.
- (3) They shall not exceed 500 square feet in surface area.

3. "I" Zoning Districts.

A. Principal Identification, Business and/or Advertising Signs. Provided:

- (1) Its surface area shall not exceed 150 square feet.
- (2) It shall not be erected so that any part of it is over 50 feet above the

ground.

- (3) It shall not be a flashing or animated sign.
- (4) Any portion of it shall be a minimum of 25 feet from the street lot line.

(Ord. 727, 5/4/1970, §1001)

PART 10

PARKING AND LOADING REGULATIONS

§1001. OFF-STREET PARKING AND/OR LOADING FACILITY REQUIREMENTS.

1. New Use of a Structure and/or Land. For the use of any structure constructed and any use of land established after the effective date of this Chapter, parking and/or loading facilities shall be provided in accordance with the following schedules.
2. Increase in Intensity of Use of a Structure and/or Land. The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area or other units of measurement prescribed in the following schedules unless accessory parking and/or loading facilities shall be provided in accordance with said schedules.
3. Change in Use of Structure and/or Land. An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use. However, if said use of a structure and/or land was established prior to the effective date of this Chapter, additional parking and/or loading facilities shall be required only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the following schedule and space requirements.

PARKING SPACE

Minimum parking space	10 feet by 20 feet
Minimum loading space	12 feet by 30 feet
Minimum loading space for wholesale or industrial use	12 feet by 50 feet
Space shall not include aisles or turnaround areas	

Uses

Parking Spaces

Residential

- | | |
|---|--|
| (1) Apartment hotel, apartment house | 1 for each dwelling apartment or rooming unit or any combination unit, plus one additional space if over 5 units |
| (2) Board unit, convalescent unit, lodging unit or rooming unit | 1 for each unit, plus one additional space if over 5 units |
| (3) Convalescent home, hospital, sanatorium, sanitarium, institutional home | 1 for each 400 square feet of gross floor area |

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Uses

- (4) Cottage or tent camp
- (5) Dwelling, public housing
- (6) Professional office

Parking Spaces

- 1 for each cottage or tent
- 1 for each dwelling unit
- 1 for each 100 square feet of gross floor area devoted to such use plus 1 per dwelling unit
- 1 for each trailer lot

Community Facilities

- (8) Governmental or governmental authority facility, service structure and/or use (other than a place of public assembly) 1 for each 200 square feet of gross floor area
- (9) Church, church school, church use 1 for each 500 square feet of gross floor area
- (10) Dormitory, fraternity house, sorority house, nurses home, hospital, similar institution 1 for each sleeping room or for each 500 square feet of gross floor area, whichever requires the greater number of spaces.
- (11) School, college, day nursery school 1 for each classroom plus in a high school or college 1 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity house, sorority house and/or office establishment
- (12) Place of public assembly (other than a church, funeral home, mortuary or amusement establishment) 1 for each 200 square feet of gross floor area

Public Utility Facilities

- (13) Public utility facility, service structure and/or use (other than an office establishment) 1 for each 500 square feet of gross floor area.
- (14) Amusement establishment 1 for each 200 square feet of gross floor area
- (15) Boarding house, rooming house, lodging house 1 for each rooming unit plus one additional space if over 5 units
- (16) Business school or college 1 for each 200 square feet of gross floor area
- (17) Club 1 for each 200 square feet of gross floor area

Uses

- (18) Eating establishment, drinking establishment
- (19) Mixed use
- (20) Mortuary
- (21) Office establishment
- (22) Retail establishment
- (23) Service establishment
- (24) Car washes (automatic and self-service)

Parking Spaces

- 1 for each 200 square feet of gross floor area
- Sum of various uses computed separately
- 8 for each viewing parlor of any mortuary [Ord. 756]
- 1 for each 200 square feet of gross floor area
- 1 for each 200 square feet of gross floor area
- 1 for each 200 square feet of gross floor area
- See §602(2)(D).

Transportation Uses

- (25) Automatic service establishment
- (26) Transportation terminal establishment

- 1 for each 500 square feet of gross lot or 1 for each 200 square feet of gross floor area whichever requires the greater number of spaces
- 1 for each 500 square feet of gross floor area

Wholesale Uses

- (27) Warehouse establishment, wholesale establishment

- 1 for each 500 square feet of gross floor area

Industrial Uses

- (28) Industrial plant, manufacturing establishment
- (29) Any apartment hotel, apartment house, multiple family dwelling, community facility, public utility house, business use, transportation use, agricultural products processing use, wholesale use or industrial use which has an aggregate gross floor area of 10,000 square feet or more
- (30) Mixed use

- 1 for each 2 employees on largest shift
- 1 plus 1 additional space for each 20,000 square feet of aggregate gross floor area, provided: (a) not more than 2 such spaces shall be required unless the structure has an aggregate gross floor area of more than 80,000 square feet in which case there shall be 1 additional space for each additional 40,000 square feet in excess of 20,000 square feet
- Sum of various uses computed separately

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(Ord. 727, 5/4/1970, §1100; as amended by Ord. 756, 4/17/1972, §1)

§1002. GENERAL PROVISIONS.

1. Location of Required Parking Facilities. The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve.
2. Location of Required Loading Facilities. The loading spaces required for the uses listed in the above schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of this Chapter.
3. Use of Required Parking and/or Loading Facilities by Another Use. Any part of parking and/or loading facilities required for any use for the purpose of complying with the regulations of this Chapter shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicates that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Hearing Board.
4. Encroachment and Reduction. A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use nor shall the number of spaces be reduced.

(Ord. 727, 5/4/1970, §1001)

PART 11

SUPPLEMENTARY REGULATIONS

§1101. SUPPLEMENTARY USE REGULATIONS.

1. Other Uses Permitted by the Zoning Hearing Board. Where the terms "any other principal" or "any other accessory use" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Zoning Hearing Board, as evidenced by a written decision from the Zoning Hearing Board, are similar to and not more objectionable to the general welfare than the uses listed in the same Section. "Any other use" so determined by the Zoning Hearing Board shall be regarded as a permitted use.
2. Essential Services. "Essential services," as defined in this Chapter shall be permitted in any zoning district.

(Ord. 727, 5/4/1970, §1200)

§1102. SUPPLEMENTARY HEIGHT REGULATIONS.

1. Height Regulations Not Apply. The maximum height limitations for this Section shall not apply to:
 - A. Principal Structures. Church, college, governmental, governmental authority, hospital, radio, or television tower, sanitarium or public utility structure which is a permitted use and which is located in any zoning district, provided:
 - (1) If over 2 1/2 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.
 - B. Appurtenant Structures. Church spire, belfry, cupola, dome, monument, smokestack, derrick, conveyor, flag pole, radio tower, television tower, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
 - (1) Any such structure shall setback from the vertical plane of the permitted building line 1 foot horizontally for each 2 feet of height which exceeds the maximum height permitted in the zoning district in which it is located.
 - C. Special Industrial Structures. Cooling tower, grain elevator, sugar refinery, gas holder or other structure where the industrial process requires a greater height. Any such structure except a grain elevator, where above the maximum height permitted in a zoning district in which any such structure is to be located shall not occupy more than 25% of the lot area, it shall not be less than 25 feet from any lot line, not a street lot line and it shall not be less than 1 foot from the opposite side of each abutting street for each 2 feet of vertical height.

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D. Existing Designed Structures. The vertical extension of a structure existing at the effective date of this Chapter may be erected to such height as the original drawings of said building indicated, provided:

- (1) The building was actually designed and constructed to carry the additional stories necessary for such height.

(Ord. 727, 5/4/1970, §1201)

§1103. SUPPLEMENTARY AREA REGULATIONS.

1. Number of Principal Structures on a Lot. Not more than one principal structure shall be located on a zoning lot, nor shall a principal dwelling building be located on the same zoning lot with any other principal building.
2. Lot Width and Area Exceptions for Lot of Record. A one-family detached dwelling may be constructed on any lot of record at the effective date of this Chapter.
3. Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots. When any main wall of a structure located on an irregularly shaped lot shall not parallel the lot line which the wall faces, the yard or minimum distance to lot line dimension at every point shall be at least equal to the minimum dimension required for the yard or distance to lot line, whichever is applicable.
4. Projections Into and Occupancy of Yards, Courts or Other Open Spaces. The following projections into and the occupancy of required yards, courts or other open space, except a porch and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions:
 - A. Steps, Stoop, Window Sill, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney. Provided:
 - (1) It shall not project more than 4 feet beyond the face of the wall.
 - B. Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress. Provided:
 - (1) It shall not project more than 4 feet beyond the face of the wall.
 - C. Tree, Shrub, Lawn, Flowers, All Other Vegetation. Provided:
 - (1) Any vegetation shall not obstruct visual clearance at intersecting streets by being over 3 feet in height within the triangular area formed by the intersection of the curb lines and a straight line adjoining said curb lines at points which are 15 feet distant from the point of intersection, measured along said intersecting curb lines. If a corner is already obstructed, any vegetation shall not further obstruct it.

(Ord. 727, 5/4/1970, §1202)

§1104. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT.

1. "Major recreational equipment," as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a garage or carport or to the rear of the principal building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading.
2. Occupancy. No such equipment shall be used for living, sleeping or housekeeping purposes except as provided for under the following conditions:
 - A. Travel trailers, pickup campers or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only, by visitors and house guests, in accordance with the following provisions:
 - (1) The temporary parking and occupancy period shall not exceed 48 hours.
 - (2) Such vehicles and/or trailers shall have adequate off-street parking area to the rear of the principal building.
3. Permanent Parking and Storing of Camping and Recreational Equipment. Permanent storage of such equipment shall be limited to the interior of automobile garages or other available on lot accessory buildings or to that portion of the lot behind the principal building.
4. Spacing. Major recreational equipment 6 feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.
5. Lot Coverage. Major recreational equipment 6 feet or more in average height above the ground shall be included on the same basis as buildings for regulation of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.
6. Derelicts. No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than 6 months if not in condition for safe and efficient performance of the function for which it is intended.

(Ord. 727, 5/4/1970, §1203)

PART 12

NONCONFORMING USES, STRUCTURES AND LOTS

§1201. INTENT AND STANDARDS.

1. Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited under the terms of this Chapter or future amendment.
2. It is the intent of this Chapter to permit these nonconformities to continue until they are removed. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. Nonconformities may be enlarged and expanded as determined by the Zoning Hearing Board to be in conformity with existing law.
3. A nonconforming use of a structure, a nonconforming use of land or nonconforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.
4. Nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. "Actual construction" is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

(Ord. 727, 5/4/1970, §1300)

§1202. NONCONFORMING LOTS OF RECORD.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and

yard requirements shall be obtained only through action of the Zoning Hearing Board.

2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this Chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Chapter.

(Ord. 727, 5/4/1970, §1301)

§1203. NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter, except as specified by §1201 of this Chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than 3 days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

(Ord. 727, 5/4/1970, §1301)

§1204. NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A structure may be enlarged or altered in a reasonable amount as approved by the Zoning Hearing Board.
- B. Should such structure be destroyed by any means to an extent of more than 50%

of its replacement cost at the time of destruction it shall not be reconstructed except in conformity with the provisions of this Chapter unless a variance is granted by the Zoning Hearing Board.

- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

(Ord. 727, 5/4/1970, §1303)

§1205. NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter, that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this Chapter in the district in which it is located may be enlarged, extended, constructed, reconstructed or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or 18 months during a 3 year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the

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nonconforming status of the land.

(Ord. 727, 5/4/1970, §1304)

§1206. REPAIRS AND MAINTENANCE.

On any building, devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing without the requirement of a permit. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 727, 5/4/1970, §1305)

§1207. USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.

Any use for which a special exception is permitted as provided in this Chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

(Ord. 727, 5/4/1970, §1306)

§1208. REGISTRATION OF NONCONFORMING USES, STRUCTURES AND LOTS.

The Zoning Officer shall be required to identify and register nonconforming uses, structures and lots, together with the reason why he identifies them as nonconformities.

(Ord. 727, 5/4/1970; as added by Ord. 956, 10/9/1990, §3)

PART 13

ADMINISTRATION AND ENFORCEMENT

§1301. OFFICE OF ZONING ADMINISTRATOR.

1. Creation of Office. The Office of Zoning Administrator of Sharpstown Borough, Pennsylvania, is hereby created and the official in charge thereof shall be known as the Zoning Officer.
2. Appointment. The Zoning Officer shall be appointed by the Borough Council.
3. Official Records. An official record shall be kept of all business and activities of the office of Zoning Administrator specified by provisions of this Chapter and all such records shall be open to public inspection at all appropriate times.
4. Compensation of Zoning Officer. The compensation of the Zoning Officer shall be as determined by the Borough Council.

(Ord. 727, 5/4/1970, §1400)

§1302. DUTIES AND POWERS OF THE ZONING OFFICER.

The Zoning Officer shall interpret and enforce all the regulations and provisions of this Chapter, and shall have such duties and powers as are conferred on him by this Chapter and are reasonably implied for that purpose.

- A. Applications, Permits and Certificates of Use and Occupancy. He shall receive applications for and issue permits and certificates of use and occupancy in accordance with the provisions of this Chapter.
- B. Annual Report. At least annually, he shall submit to the Council a written statement of all permits and certificates of use and occupancy, notices issued and orders promulgated.

(Ord. 727, 5/4/1970, §1401)

§1303. INSPECTION.

1. Preliminary Inspection. Before issuing a permit, the Zoning Officer shall examine, or cause to be examined, all structures and/or land for which an application has been filed for a permit and he shall conduct such inspections from time to time during and at completion of the work for which a permit has been issued.
2. Final Inspection. Upon completion of the structure and/or change or increase in intensity of use of a structure and/or land, and before issuance of the certificate of use

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and occupancy as required herein, a final inspection shall be made and all violations of the approved plans and/or permit shall be noted and the holder of the permit shall be notified of the discrepancies in writing.

3. Right of Entry. The Zoning Officer shall have the authority to enter at any reasonable hour any structure and/or land in the Borough to enforce the provisions of this Chapter. A letter of his authority shall be provided by the Borough Council.
4. Official Badge. He may adopt a badge of office for himself which shall be displayed for the purpose of identification.

(Ord. 727, 5/4/1970, §1402)

§1304. APPLICATION FOR PERMIT AND CERTIFICATE OF USE AND OCCUPANCY.

1. When Permit is Required. It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure (except a sign as prescribed in §901(7) or an accessory structure or any building less than 100 square feet in floor area) or change the use, intensity of use or extend or displace the use of any building, other structure and/or land in the Borough without first filing an application with the office of the Zoning Officer in writing and obtaining the required permit therefor.
2. When a Certificate of Use and Occupancy is Required. It shall be unlawful to use and/or occupy any building, other structure and/or land for which a permit is required herein until a certificate of use and occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the office of the Zoning Officer as required therein.
3. Forms of Application. The application for a permit and a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in the fee schedule in §1305.
4. Plot Diagram. All applications shall be accompanied by a plot plan diagram (in duplicate) drawn to suitable scale showing all dimensions of lands or buildings satisfactory to the Zoning Officer to provide accurate means of review of the material presented in the application. One copy shall be returned to the applicant indicating approval or disapproval, one copy to be retained by the Zoning Officer.
5. Amendments to Application. Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.
6. Expiration of Permits.

- A. If work described in any permit has not begun within 90 days from the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected.
 - B. If work described in any permit has not been substantially completed within 1 year of the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special permit has been obtained.
 - C. At the discretion of the Zoning Officer, such special permit may be based on the original application or he may require submission of a new application. The special permit may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to insure completion within the time limit set.
7. Action on Application. The Zoning Officer shall examine all applications for permits and amendments thereto within 10 working days after filing. If the requirements of this Chapter are satisfied, a permit shall be issued. Disapproval of a permit shall be in writing to the party involved.
8. Action on Completion. The Zoning Officer shall inspect any building, other structure and/or land within 10 days upon notification that the proposed work that was listed under the permit has been completed. If he is satisfied that the completed work is in conformity with and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original or amended application.
9. Revocation of a Permit. The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(Ord. 727, 5/4/1970, §1403)

§1305. CONDITIONS OF PERMIT AND CERTIFICATE OF USE AND OCCUPANCY.

The fees for permits, certificates and other matters established in or required by this Chapter shall be in such amounts as established from time to time by resolution of Borough Council.

(Ord. 727, 5/4/1970, §1404; as amended by Ord. 1020, 12/10/1997)

§1306. ENFORCEMENT NOTICE.

1. If the Zoning Officer finds that any provision of this Chapter is being violated, the Borough shall initiate enforcement proceedings by sending an enforcement notice as

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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 other person who has filed a written request to receive enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record.
3. The 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 question.
 - 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 action necessary to correct the violation and to insure compliance with the applicable provisions of this Chapter including, discontinuance of illegal use of land, buildings and/or structures; removal of illegal buildings or structures, or additions, alterations or structural changes to them; discontinuance of illegal work being done; or any other work authorized by this Chapter to insure compliance with or to prevent violations of any provision of this Chapter.
 - E. The date before which the steps for compliance as prescribed under subsection (D), directly above, must be commenced, and the date before which those steps must be completed.
 - F. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
 - G. 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. 727, 5/4/1970, §1405; as amended by Ord. 956, 10/9/1990, §4)

§1307. ENFORCEMENT PROCEEDINGS.

If the enforcement notice is not complied with within the time limits prescribed therein, the Borough shall institute an appropriate proceeding at law or in equity to restrain, to correct or to abate the violation or to require the removal of, or termination of, the unlawful use and/or occupancy of the building, other structure and/or land in violation of the regulations or provisions of this Chapter or of any order or direction made under it.

(Ord. 727, 5/4/1970, §1406; as amended by Ord. 956, 10/9/1990, §5)

§1308. ENFORCEMENT REMEDIES.

1. Any person, partnership or corporation who or which violates or permits the violation of any provision of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgement 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 determination of a 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. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over the Borough.
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 any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 727, 5/4/1970, §1407; as amended by Ord. 956, 10/9/1990, §6)

§1309. ABATEMENT OF VIOLATION.

The imposition of the penalties herein prescribed shall not preclude the Borough from instituting appropriate action or proceedings to prevent unlawful construction or to restrain, to correct or to abate a violation or to prevent illegal use of or occupancy of any building, other structure and/or land or to prevent any illegal act, conduct, trade, industry, residence use or occupancy of any building, other structure and/or land.

(Ord. 727, 5/4/1970, §1408)

§1310. STOP WORK ORDER.

1. Notice to Owner. Upon notice from the Zoning Officer that work on or use or occupancy of any building, other structure and/or land is preceding contrary to the regulations or provisions of this Chapter, such work shall be immediately stopped. The stop-work order shall be by written notice to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions

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under which work may be resumed.

2. Condition of Discontinued Work. Any person, firm or corporation who having been served with a stop work order or discontinues or abandons work shall not leave any building, other structure and/or land in such condition as to be hazard or menace to the public safety, health, moral or general welfare. The Zoning Officer shall have the power to require that such building or other structure and/or land shall be put in such condition as he directs, the work on it shall be at the full expense of the person, firm or corporation who has been served with a stop-work order.

(Ord. 727, 5/4/1970, §1409)

PART 14

ZONING HEARING BOARD

§1401. CREATION; MEMBERSHIP.

1. Creation of Board. A Zoning Hearing Board is hereby created.
2. Membership of Board. The membership of the board shall consist of three residents of the Borough, appointed by resolution of Council. Their terms of office shall be three years, so fixed that the term of office of one member expires on the first day of January of each year. Their successors shall be appointed in similar manner, on the expiration of their respective terms. The board shall promptly notify Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, appointive or elective. [Ord. 956]
3. Alternate Members. Council shall have authority, at its discretion, by resolution, to appoint at least one, but not more than three residents of the Borough, to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. The powers, duties and functions of alternate members shall be as set out in subsection (B) of §903 of the Pennsylvania Municipalities Planning Code, as added by the Act of 1988, P.L. 1329, No. 170. [Ord. 956]

(Ord. 727, 5/4/1970, §1500; as amended by Ord. 956, 10/9/1990, §§7,8)

§1402. ORGANIZATION AND MEETINGS.

1. Organization of Board. The Board shall annually select one of its members as chairman, who shall serve a term of one calendar year in that capacity and be eligible to succeed himself for one or more additional terms as chairman. [Ord. 956]
2. Rules of the Board. The Board shall adopt, and make available for the public, rules in accordance with this Chapter for the exercise of its functions.

(Ord. 727, 5/4/1970, §1501; as amended by Ord. 956, 10/9/1990, §9)

§1403. HEARINGS.

1. Procedure. The 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 Borough Planning Commission, the Zoning Officer, the County Planning Commission and to any other person who has made timely request for notice. Public notice shall conform to the provisions pertaining to that subject in §1601.

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Written notice shall be given in such manner as prescribed by rules of the board. In addition to the written notice prescribed herein, written notice of the hearing shall be conspicuously posted on the affected land at least 1 week prior to the hearing. Council may establish reasonable fees, in connection with giving of notice, based on cost, to be paid by the applicant, and by persons requiring any notice not required by this Chapter. Those fees shall be in addition to fees with respect to hearings before the Board, authorized by subsection (1.1) of §908 of the Pennsylvania Municipalities Planning Code, as added by the Act of 1988 P.L. 1329 No. 170. [Ord. 956]

- B. Hearings 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. The hearings shall be conducted by the Board, or the Board may appoint any member as hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; 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. [Ord. 956]
- C. 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. [Ord. 956]
- D. 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 parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. 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 other copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof. [Ord. 956]

- H. 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. [Ord. 956]
- I. 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 provision of the Planning Code or of any 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 parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of finds, 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 require hearing within 60 days from the date of the applicant's request for a hearing, the decisions 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 said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (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. [Ord. 956]
- J. 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 on which the full decision or findings may be examined.

(Ord. 727, 5/4/1970, §1502; as amended by Ord. 956, 10/9/1990, §10)

§1404. COMPENSATION OF BOARD MEMBERS.

The members of the board shall receive such compensation, if any, not to exceed \$6 for each meeting, as shall be fixed by Council.

(Ord. 727, 5/4/1970, §1503; as amended by Ord. 956, 10/9/1990, §11)

§1405. BOARD'S FUNCTIONS.

1. Final Adjudications. The Board shall have exclusive jurisdiction to hear and render final adjudications in the matters set out in subsection (a) of §909.1 of the Planning Code, as added by the Act of 1988 P.L. 1329 No. 170, while Council or the Borough Planning Commission, as the case may be, shall have exclusive jurisdiction to hear and render final adjudications in the matters set out in subsection (b) of §909.1 of the Planning Code.
2. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance; provided, that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions including, irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions as it may deem necessary to implement the purposes of the Planning Code and this Chapter.

[Ord. 956]

3. Special Exceptions. Where this Chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Planning Code and this Chapter.

A. Special Exceptions in Uses.

- (1) For the reasonable extension of use regulations in any zoning district into another zoning district over a lot divided by a zoning district boundary line, provided:
 - (a) Such extension shall not be more than 50 feet beyond the boundary line of the zoning district, when all parts of such lot are held under the same ownership at the effective date of this Chapter.
- (2) For the use of land for, and for the erection, alteration or enlargement and use of any building and/or other structure in any "I" Zoning District which shall conform to the height regulations and area regulations of the "I" Zoning District for any use prohibited in the "I" Zoning District by the use regulations and use provisions of this Chapter, provided:
 - (a) The Board determines in each instance, such use shall be essential to the general welfare of the community.
 - (b) The proposed location shall be such as to offer a reasonable protection to the immediate area against possible detrimental effects of such use taking into consideration the physical relationship to surrounding properties and access to the site including any nearby residential streets that must not be traversed in bringing the material to the site.
 - (c) It shall not be in conflict with any other law or ordinance of any governmental agency having pertinent jurisdiction.
 - (d) That such building, other structure or use shall not occupy more than 50% of the buildable area of the lot.
 - (e) It shall be convincingly demonstrated to the Board by competent technical experts that such prohibited use can and shall make such use of advanced technical equipment and processes as it shall no longer justify prohibition of such use.

B. Special Exceptions in Off-Street Parking Facility Requirements.

- (1) For the modification of off-street parking facility requirements in any zoning district, provided:

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- (a) Such modification shall be consistent with the purpose and intent of such requirements.
- (b) It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.
- (c) If after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has such peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of this Chapter as herein specified.

(Ord. 727, 5/4/1970, §1504; as amended by Ord. 956, 10/9/1990, §§12,13)

§1406. PARTIES APPELLANT BEFORE BOARD.

Appeals under §909.1 (a-1 through a-4) and (a-7 through a-9) of the Planning Code may be filed before the Board by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Request for a variance under §910.2 of the Planning Code and for special exception under §912.2 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 727, 5/4/1970, §1505; as amended by Ord. 956, 10/9/1990, §14)

§1407. TERMINATION AND MODIFICATION OF PERMIT.

1. Termination of Permit. If after a permit has been authorized by the Board, such permit is not for and not lifted within a period of 6 months from the date of authorization, then such authorization shall be null and void and no permit be issued thereunder.
2. Modification of Permit. Any permit so issued shall not be modified except by action of the Board.

(Ord. 727, 5/4/1970, §1506)

§1408. ZONING APPEALS TO THE COURT.

Zoning appeals to the court shall be as governed by Article X-A of the Planning Code, as added by the Act of 1988 P.L. 1329 No. 170.

(Ord. 727, 5/4/1970, §1507; as amended by Ord. 956, 10/9/1990, §15)

PART 15

AMENDMENT, SUPPLEMENT OR CHANGE

§1501. PROCEDURE FOR AMENDMENTS.

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed by enactment of one or more amending ordinances, in accordance with the provisions of the Planning Code and with the following general procedures:

- A. Any amendment, supplement, change, modification or repeal may be initiated by:
 - (1) The Borough Planning Commission.
 - (2) Council.
 - (3) A notarized petition to Council.
- B. Such proposed amendments shall be submitted to Council at a regular or special meeting of Council.
- C. Before voting on the enactment of an amending ordinance, Council shall hold a public meeting on the matter, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of the 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 areas shall be posted at least 1 week prior to the date of the hearing.
- D. In the case of an amendment other than one prepared by the Planning Commission, Council shall submit every such proposed amendment to the Planning Commission at least 30 days prior to the hearing on that proposed amendment, to provide the Planning Commission an opportunity to submit recommendations.
- E. At least 30 days prior to the public hearing on a proposed amendment by Council, the Borough shall submit a copy of the proposed amendment to the Mercer County Planning Commission for recommendations.
- F. If, after any public hearing held upon a proposed amendment, that proposed amendment is changed substantially, or is revised to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the proposed amendment.

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- G. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow procedure set forth in Article IX of the Planning Code.
- H. Prior to enacting an amendment, notice of the proposed enactment shall be given in strict conformity to the provisions of §610 (a) and (b) of the Planning Code, being the same requirements that apply to the proposed enactment.
- I. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.
- J. When an amendment is initiated by petition, the petitioner or petitioners shall pay all advertising costs incident to the hearing thereon and the passage of the amending ordinance.
- K. For landowner curative amendments and municipal curative amendments, the procedures set out in §609.1 and 609.2, respectively, of the Planning Code shall be followed.

(Ord. 727, 5/4/1970, §1600; as amended by Ord. 956, 10/9/1990, §17)

PART 16

DEFINITIONS

§1601. DEFINITIONS.

For the purposes of this Chapter, certain terms, phrases and words shall have the meanings given in this Section; words used in this Chapter and not specifically defined in this Section shall have the definitions given in the Pennsylvania Municipalities Planning Code, as last amended by Act 170 of 1988, and if not defined in this Section or in the Planning Code, shall have the same meaning as in a standard dictionary: [Ord. 956]

ALLEY - The space or area between the rear or side lot lines of lots which has a minor right-of-way less than 20 feet in width which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

ALTERATION - as applied to a building or structure, is a change or rearrangement in the structural parts of or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATION, STRUCTURAL - a change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.

APARTMENT HOUSE - a dwelling comprising three or more apartments which are reached through a common entrance and stairway.

APARTMENT UNIT - one or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

AUTOMOTIVE GARAGE - a premises used for repair of automotive vehicles but not including automotive wrecking (included therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer).

AUTOMOTIVE GASOLINE SERVICE STATION - any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as; spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan, repairs of radiator requiring removal thereof, or complete recapping or retreading of tires.

AUTOMOTIVE AND/OR TRAILER SALES AREA - an open space, other than a public or private street, used for the display or sale of new or used automobiles, trailers, trucks or farm equipment and where no repair work is done except that which is minor and incidental (not including body and fender work).

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BASEMENT - a portion of the building partly underground, having 1/2 or more than 1/2 of its clear story below the average grade of adjoining ground. A basement is not included in computing the number of stories for the purpose of maximum height regulations.

BLOCK - the length of a street between two street intersections. A block shall be considered to have a maximum length of 1,600 feet.

BLOCK FRONTAGE - the sum of the lot frontage of the lots in a block upon which principal buildings are situated.

BOARD - the Zoning Hearing Board of Sharpsville Borough, Mercer County, Pennsylvania.

BOARDING HOUSE - a building or portion thereof, arranged or used for sheltering and feeding for compensation more than five and not more than 20 individuals who are not members of the proprietor's family.

BOROUGH COUNCIL - the Borough Council of Sharpsville Borough, Mercer County, Pennsylvania.

BREEZEWAY - any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

BUILDING - an enclosed structure or edifice, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and structural support of persons, animals or property of any kind.

BUILDING, ACCESSORY - a detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING, ATTACHED - a building which has one party wall in common with an adjacent building.

BUILDING, DETACHED - a building which has no party wall.

BUILDING, PRINCIPAL - a building in which is conducted the principal use of the lot on which it is situated.

CAR WASHES -

- A. Automatic, where cars are driven or towed through.
- B. Self-service or do-it-yourself, coin-operated car washes.

CERTIFICATE OF USE AND OCCUPANCY - a statement, based on an inspection signed by the Zoning Officer, setting forth either that a building, other structure and/or land conforms with the provisions prescribed in this Chapter, or that a

building, other structure and/or land may lawfully be occupied or used for a specified use or uses.

CLUB, MEMBERSHIP - a building to house the activities of a club or social organization, not including one conducted for profit and which is not an adjunct to or operated for or in connection with a public tavern, cafe or other place of business.

COMMISSION - the Sharpsville Borough Planning and Zoning Commission.

COMPREHENSIVE PLAN - the comprehensive, long-range plan for the desirable use of land in Sharpsville Borough; the purpose of such plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings.

CONDITIONAL USE - a use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in this Chapter and any additional safeguards deemed necessary by Borough Council. [Ord. 899]

CONVERSION APARTMENT - the remodeling of a single-family dwelling unit into two or more separate living units, each having a minimum of 500 square feet of habitable area, exclusive of basement and/or cellar dwellings, one bathroom and three habitable rooms, separate and private sanitary, cooking and dining facilities and a minimum of two off-street parking spaces per living unit.

CONVALESCENT HOME - a dwelling converted into quarters or constructed with quarters for the care of sick, aged or infirmed persons.

COUNTY PLANNING COMMISSION - the Mercer County Planning Commission. [Ord. 956]

COURT - a portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure.

COURT, INNER - a court surrounded on all sides by the exterior walls of a structure or by such walls and a lot line.

COURT, OUTER - a court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

CURB LEVEL - the elevation of the street grade as established in accordance with law or when a curb level has not been established, the grade of the center of the street.

CURB LINE - the line establishing the width of a cartway in a right-of-way.

DAY NURSERY SCHOOL - a school for the education of children under 6 years of age, not including therewith rooming, boarding or lodging accommodations.

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DRIVE-IN BUSINESS - any use where the predominant customer approach is by automobile, such as a gas station, refreshment stand, drive-in restaurant, etc.

DRIVEWAY, SERVICE - an open space located on a private lot built for access to a private garage or to any structure located on the lot.

DWELLING (DWELLING BUILDING) - a building arranged for, containing dwelling unit or units, and used exclusively for residential occupancy, including a one-family, two-family, row and a multiple-family dwelling, but not including a boarding house, convalescent home, hospital, institutional home, lodging house, motel, rooming house, tourist court or a tourist home.

DWELLING UNIT - one or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

DWELLING, MULTIPLE-FAMILY - a building having three or more dwelling units and designed to be used or occupied as a residence by three or more families living independently of each other and each with its own exterior entrance door.

DWELLING, TWO-FAMILY - a building having two dwelling units and containing but two families and may be either semidetached with one family living on either side of a common party wall, or with one family living over the other, each with its own exterior entrance door (single-duplex).

ENLARGEMENT - a construction activity which increases the size of a building or other structure.

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance by public utilities or Borough departments or Borough authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, standpipes, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, and including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or municipal authorities for the public health, safety or general welfare.

FAMILY - a single individual, doing his/her own cooking, and living upon the lot as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit.

FLOOR AREA (GROSS FLOOR AREA) - the sum of the gross horizontal areas of the several floors of a building devoted solely to residential use, excluding cellar and basement floor areas not devoted to residential use. All dimensions shall be measured between exterior faces of walls.

GARAGE, PRIVATE - a structure or any portion thereof accessory to a dwelling used for the housing of not more than three private motor vehicles. This shall not include

a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

GRADE - the mean curb level, or when the curb level has not been established or all the walls of the building are more than 15 feet from street lot lines, "grade" means the mean elevation of the ground adjoining the principal structure on all sides.

HEIGHT OF BUILDING - the vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

HEIGHT OF STORY - the vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

HEIGHT OF WALL - the vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

HIGHWAY - a road or highway of the State highway system.

HOSPITAL - a private or public institution for the reception and care of sick or wounded, infirmed or aged persons.

HOSPITAL, VETERINARY - a structure designed or converted for the care of and/or treatment of sick or wounded domestic animals.

HOTEL - a building containing rooms for more than 20 persons, intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOUSEKEEPING UNIT - a building or a portion of a building arranged for the use of one or more individuals, each with its own cooking, living, sanitary and sleeping facilities.

INSTITUTIONAL HOME - a building used for health or welfare purposes by a nonprofit organization.

JUNK - any worn, cast off or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. The term "junk" shall include abandoned and/or nonoperating vehicles as defined below:

ABANDONED VEHICLE - a vehicle, the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose and without the intention of returning to reclaim or appropriate such vehicle.

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NONOPERATING VEHICLE - any vehicle which does not display thereon a current Pennsylvania registration plate and inspection sticker, or if such current registration plate and inspection sticker are displayed thereon, does not presently meet the requirements of the Pennsylvania Motor Vehicle Code concerning the condition of vehicles and the necessary equipment to be attached to vehicles in order to pass current State inspection standards.

JUNKYARD - the use of more than 200 square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junkyard" shall include an automotive wrecking yard.

LAND - a portion of the earth's surface which is capable of being used or occupied.

LINE, FRONT LOT: A street lot line upon which the principal structure on the lot front, or in the case of a vacant lot or a lot occupied only by an accessory structure, the narrowest street lot line.

LINE, LOT - a line forming the front, rear or side of a lot as described in the recorded title. Any lot line which abuts a street or other public way shall be measured from the right-of-way.

LINE, REAR LOT - a lot line which is opposite and most distant from the front lot line. But in the case of corner lots, the owner shall have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear lot line, provided: (a) such choice, in the opinion of the Zoning Officer, shall not be injurious to the existing or to the desirable future development of adjacent lots. The rear lot line of any irregular or triangular lot shall be a line entirely within the lot and at least 10 feet in length.

LINE, SETBACK BUILDING - a building line which determines the location of a building or structure with respect to any street lot line.

LINE, STREET LOT - the lot line dividing a lot from a street right-of-way.

LOADING AREA - an off-street open space located on the same lot as the principal use and used exclusively for the loading or unloading of motor vehicles.

LOADING SPACE - an off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access and which is not less than 12 feet in width, 50 feet in length and 14 feet in height.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The lot shall not include any portion of the street right-of-way. [Ord. 956]

LOT AREA - the area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

LOT AREA, PERCENTAGE OF - the maximum exterior horizontally projected areas of any principal building(s) or principal structure(s) on a lot measured at grade and including permissible yard and court encroachments and street projections as herein provided.

LOT, CORNER - a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of which is not more than 135 degrees.

LOT DEPTH - the mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE - the horizontal distance measured along the front lot line between the side lot lines.

LOT, INTERIOR - a lot other than a corner lot, the sides of which do not abut a street.

LOT, NONCONFORMING - a lot, the area or dimension of which was lawful prior to the effective date of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment, as the case may be. [Ord. 956]

LOT OF RECORD - an area of land which constitutes a separate lot as duly recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

LOT, THROUGH - an interior lot the front and rear lot lines of which abut streets, or a corner lot two opposite lines of which abut streets.

LOT WIDTH - the mean horizontal distance between the side lot lines measured at right angles to its depth at the building line.

MORTUARY - a building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as an incidental use.

MOTOR FREIGHT TERMINAL - a lot maintained by a motor freight company which is the origin and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

OPEN SPACE - an area of land unoccupied by a building and/or other structure.

OWNER - the duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot in question.

PARKING AREA - an open space on a lot used as an accessory use for the parking of automotive vehicles.

PARKING SPACE - an off-street space having an area of not less than 200 square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one

motor vehicle.

PERMIT - a license issued by the Zoning Officer which permits the applicant to proceed with the work certified by the Zoning Officer in the permit application.

PERSON - an individual, association, copartner or corporation.

PLANNING CODE - the Pennsylvania Municipalities Planning Code, as amended to date, being the Act of 1968, P.L. 805, No. 247, as last amended by the Act of 1988, P.L. 1329, No. 170. [Ord. 956]

PLANNING COMMISSION - the Planning Commission of the Borough of Sharpville. [Ord. 956]

PLAT - the map or plan of a subdivision or development in the Borough, whether preliminary or final, and indicating the location and boundaries of individual lots. [Ord. 956]

PLOT - a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

PORCH - a roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

PUBLIC HEARING - a formal meeting held pursuant to public notice by Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Planning Code and/or this Chapter. [Ord. 956]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Law." [Ord. 956]

PUBLIC NOTICE - a notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 956]

RECREATION EQUIPMENT - major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

BOAT - a vessel designed to travel on water.

BOAT TRAILER - a trailer designed to haul a boat as defined above.

CAMPING TRAILER - usually consists of a fold-out tent mounted compactly on a low trailer.

MOTORIZED HOME - a portable dwelling designed and constructed as an integral part of a self-propelled vehicle. They can be either converted trucks or busses or custom-built units.

PICKUP COACH - a structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation purposes.

TRAVEL TRAILER - a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

SIGN - a principal or accessory structure which is arranged, intended, designed or used as an advertisement, announcement or direction; and which includes a sign screen, billboard, poster panel and advertising, business and identification devices of any kind.

SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment, conducted or sold or offered only elsewhere than upon the premises where the sign is displayed.

SIGN, BUSINESS - a sign which directs attention to a business, profession or industry conducted, or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

SIGN, IDENTIFICATION - a sign used to display and identify only the name of the individual, business, profession, organization or institution occupying the premises upon which it is displayed.

SIGN, SURFACE AREA - the entire show area of a sign within a single continuous perimeter.

SIGN, WALL - a sign which is painted on or attached directly to the building wall and which extends not more than 12 inches from the face of the wall.

STORY - a part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

STORY, HALF - a story with at least two of its opposite sides situated on sloping roof, the floor area of which does not exceed 2/3 of the floor area immediately below it.

STREET - a roadway or public way which is dedicated or deeded to public use by legal mapping by the user or by another lawful procedure, and includes streets, avenues, boulevards, roads, highways, freeways, parkways, lanes, alleys, viaducts and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 956]

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STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land; a combination of materials forming a construction for occupancy and/or use including, among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging observation, tower, radio tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall and a sign. [Ord. 956]

STRUCTURE, ACCESSORY - an attached, semidetached or detached, subordinate structure, the use of which is customarily incidental and subordinate to that of the principal structure and which is located on the same lot as that occupied by the principal structure.

STRUCTURE, NONCONFORMING - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter or amendment heretofore or hereafter enacted, where that structure lawfully existed prior to the enactment of this Chapter or the amendment, as the case may be. Nonconforming structures include nonconforming signs. [Ord. 956]

STRUCTURE, PRINCIPAL - a structure in which is conducted the principal use of the lot on which it is located.

TERRACE - a natural or artificial embankment which is higher than the curb level.

TERRACE, HEIGHT OF - the difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

TOURIST HOME - a dwelling originally designed for single-family occupancy which is now identified as supplying overnight accommodations for not more than 20 transient guests, not including a lodging, rooming or boarding house or a tourist court.

TOWNHOUSE - a unique residential structure containing four or more attached dwelling units. Each dwelling unit has a recorded lot in addition to a vested interest in the common open space. The structure may be one or two stories in height.

TRADE SCHOOL (INDUSTRIAL SCHOOL) - a school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

TRAILER - any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

TRAILER (CAMPING AND RECREATIONAL EQUIPMENT) - includes travel trailers, pickup coaches, motorized homes and recreational equipment as defined under "recreation equipment."

TRANSIENT - any individual residing or stopping in the Borough for less than 30 days at any one time.

USE, ACCESSORY - a use customarily incidental and subordinate to the principal use of a building, other structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

USE, NONCONFORMING - a use of a building, other structure and/or land lawfully existing at the effective date of this Chapter, or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the zoning district in which it is located.

USE, PRINCIPAL - the main or primary purpose, for which a building, other structure and/or land is designed, arranged or intended, or for which it may be used, occupied or maintained under this Chapter. All other structures or uses on the same lot and incidental or supplemental thereto and permitted under this Chapter shall be considered accessory uses.

VARIANCE - relief granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Planning Code and §1504(b) of this Chapter.

WRITTEN NOTICE - shall be considered to have been served if delivered in person to the individual, person or to the parties intended, or if delivered or sent by certified mail to the last address known to the party giving the notice.

YARD - an open unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

YARD, FRONT - a yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

YARD, MINIMUM DIMENSION - the least horizontal distance at any point, measured at grade from and parallel to a lot line to a main wall of a principal building exclusive of permissible yard encroachments and occupancy and street projections as herein provided.

YARD, REAR - a yard across the full width of the lot, extending from the main wall of a principal building to the rear lot line of the lot.

YARD, SIDE - a yard between the main wall of a principal building and the adjacent side lot lines of the lot, extending from the front yard to the rear yard.

ZONING - the legal and administrative process of dividing the community into districts or zones and regulating within such districts the use of land and the use, height and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that part of the comprehensive plan or master plan which is concerned with the private uses of and the private developments on, privately owned land as distinguished from that part which is concerned with

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public uses and facilities. [Ord. 1020]

ZONING HEARING BOARD - a group of individuals, created officially by the adoption of this Chapter and appointed by the Borough Council, whose purpose and function is to review applications for variances or exceptions and to decide whether there is legitimate reason for granting the applicant the relief which he desires or the exception which he has requested.

ZONING OFFICER - the agent or official designated by the Borough Council and charged by law with the administration and enforcement of this Chapter.

ZONING MAP - Sharpsville Borough Zoning Plan Map.

ZONING ORDINANCE - Sharpsville Borough Zoning Ordinance.

(Ord. 727, 5/4/1970, Art. XIX; as amended by Ord. 899, 8/8/1984, §2; by Ord. 956, 10/9/1990, §17; and by Ord. 1020, 12/10/1997)

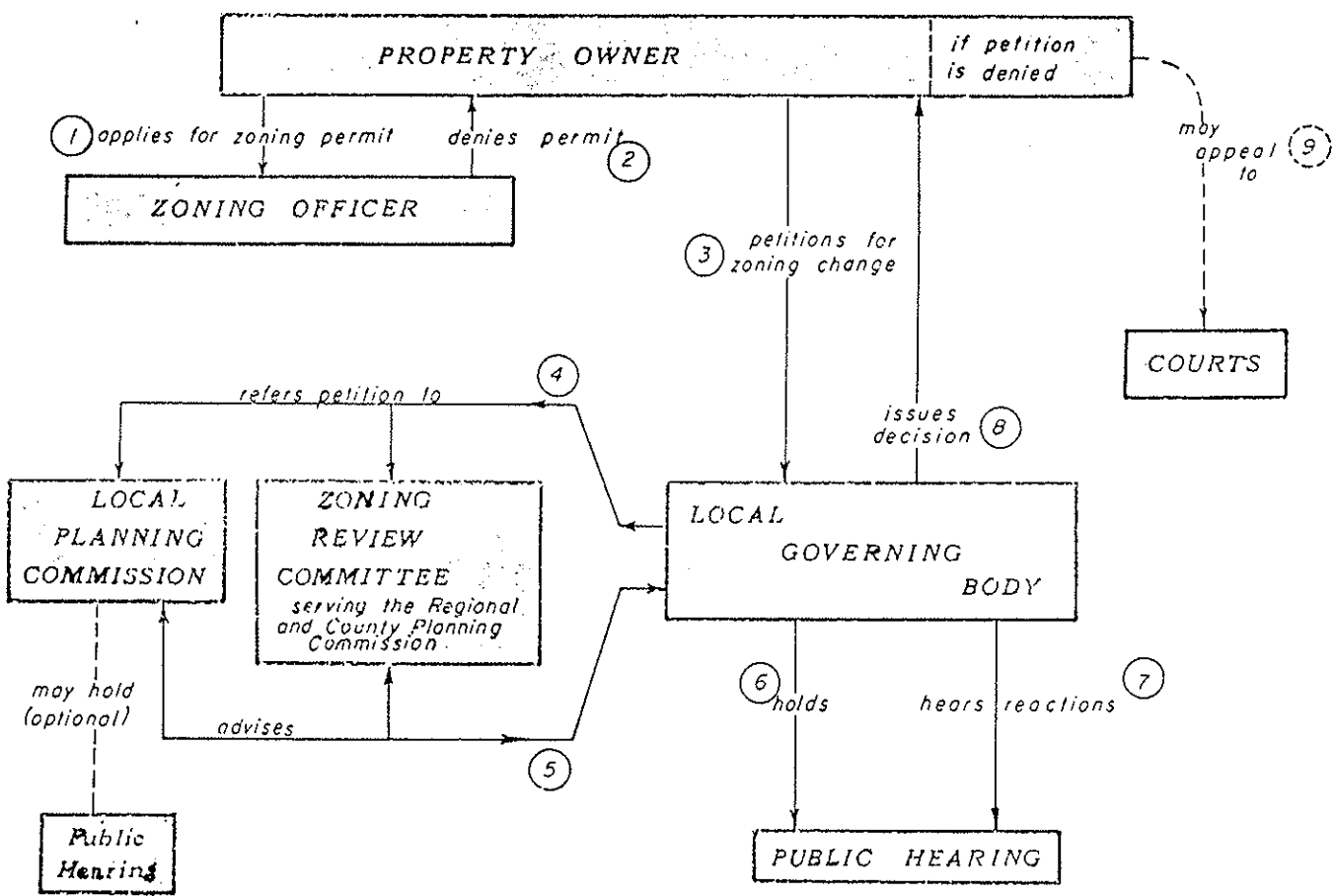
PART 17

ZONING MAP

<u>Ordinance</u>	<u>Date</u>	<u>Subject</u>
908	6/12/1985	Changing the zoning classification from General Residential to Central Commercial of the land north of Main Street lying between North First Street and North Fourth Street in the Borough.
915	2/12/1986	Changing the zoning classification of certain land located on West Main Street and South Walnut Street from R-2 General Residential to C-2 Restricted Commercial.
918	8/13/1986	Changing the zoning classification of certain land located on Walnut Street, Main Street, North First Street and the lot which abut the County Fair property on the east from R-2 General Residential to C-2 Restricted Commercial and adding as principal permitted uses in the latter district office and professional buildings.
929	7/8/1986	Changing the zoning classification of land currently zoned as C-2 Restricted Commercial to C-1 Central Commercial District.

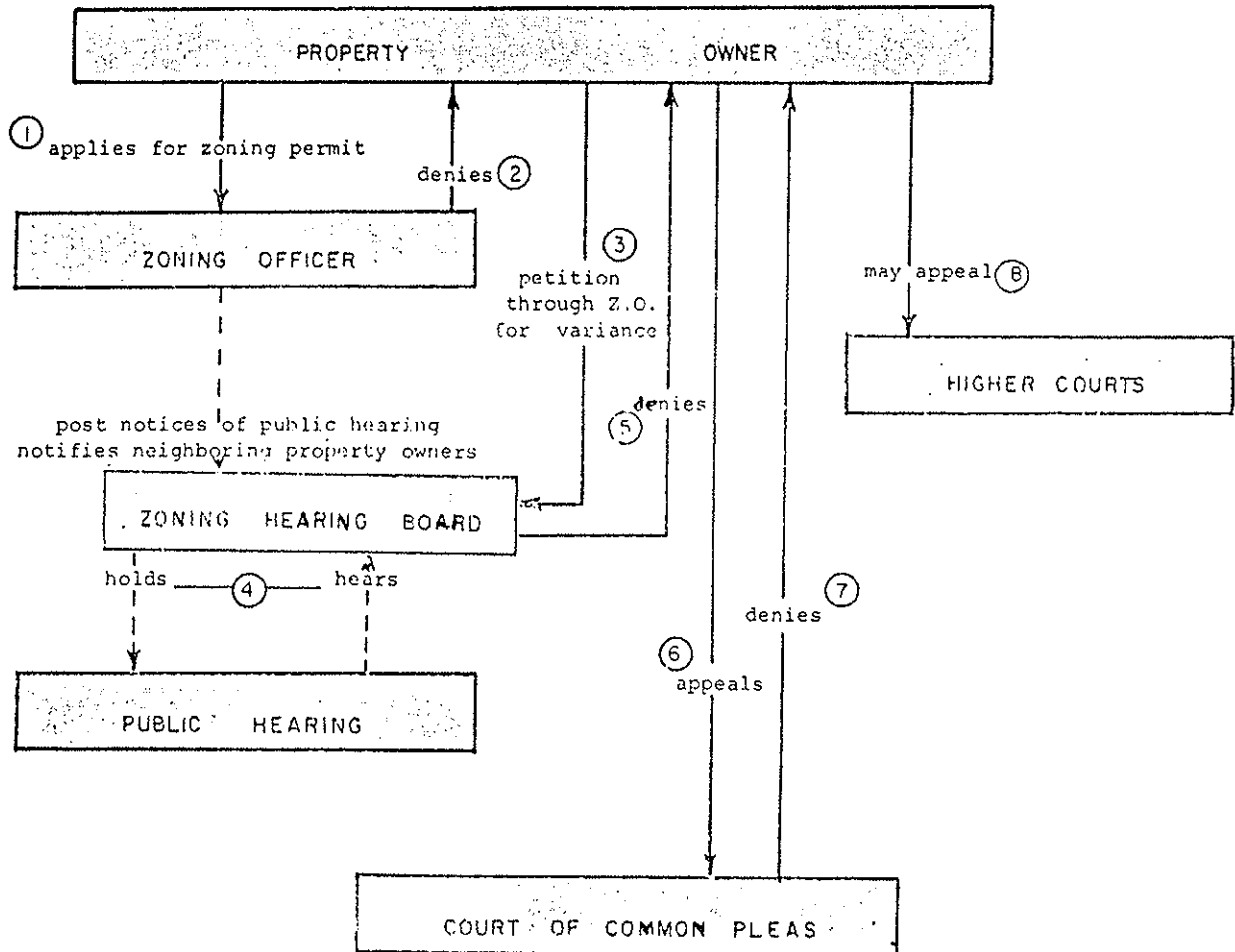
APPENDIX A

AMENDMENT PROCEDURE
(for making changes to the zoning ordinance or map)



APPENDIX B

APPEAL PROCEDURE
(for requesting variances to the zoning ordinance)



APPENDIX C

ZONING HEARING BOARD; FUNCTIONS AND DUTIES

The Zoning Hearing Board has probably the most important function in the whole zoning process, after zoning is once adopted in the community. It is probably the single group which, by nature of its duties, will be required to know as much or more, about the zoning ordinance than any other group involved in zoning, with the one exception of possibly the Zoning Officer. It is to this Board that people will bring their complaints, ask for "adjustments" and in general, attempt to see that the ordinance is not presenting undue problems to their way of living or working in the community. [Ord. 1020]

This Board must know the entire zoning ordinance, understand the meaning and intent of the ordinance, and be in a position to fairly interpret any provision that might be questioned. They will not be able to slide by this understanding, because the people are often represented by an attorney (presenting their questions and appeals to you will often note the particular provisions that apply to their problem better than you.) You must not let this happen.

The Zoning Hearing Board is literally in a position to ruin the best-written zoning ordinance by the lack of attention to the zoning process and lack of understanding of their function. A lot of time and effort by many people have gone into the preparation of this ordinance. It is therefore imperative that the Board understand and administer their duties in the best possible fashion, otherwise the whole process may become weakened to the point where it is almost useless.

There are two basic and distinct functions which the Zoning Hearing Board has powers to do. They are: [Ord. 1020]

- A. Grant special exceptions when they are provided for in this Chapter and under such conditions as specified in this Chapter. No other.
- B. Grant Variances. There are no other functions which the Board has to concern itself with in the zoning process.

There are a few guiding points which I think are worth mentioning in respect to your operation as an official-appointed body of a community. Most of the duties are spelled out in the particular Sections of this Chapter pertaining to the Zoning Hearing Board. Some things should be elaborated upon, however, a bit more.

- A. The Zoning Hearing Board cannot be dictated to by any other community official. You are independent and your thinking and work must remain as must so as possible.
- B. While this Chapter provides that you may be compensated if the elected officials so desire, it is better in most instances, that you do not receive any pay for your meetings as a matter of policy.

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- C. Adopt rules and regulations for your Board after you have had one or two hearings to see exactly what is needed. Such things as meeting dates, time of the meeting, the place, policies pertaining to official actions, etc., should be among many of the things included in your official rules and regulations.
- D. The hearing itself is most important. A few pertinent points should be brought out in conducting the official hearing. These are most important in seeing that your hearing runs properly and that the community and the individual is fairly represented.
 - (1) It takes a quorum of two of three members to have an official meeting. Any actions must be by majority of the Board present.
 - (2) A record of attendance at the meetings as far as the Board members or any persons present at the hearing should be kept as part of your minutes.
 - (3) Minutes of your meetings in themselves are most important. They should be as thorough and complete as possible. These minutes of the Board may be reviewed by court if the person appeals the Board's decision. Therefore, the minutes must be accurate and businesslike. They should be preferably typed and accessible to the general public. At least one copy should be carefully kept where they will not be lost.
 - (4) The meeting itself must be conducted with maximum control. The Chairman must run the meeting, not the meeting run the Board's hearing. No one should be allowed to speak unless officially recognized by the Chairman. The Secretary of the Board should take notes of what is said, names and addresses of persons speaking, and if necessary, in critical cases that might have possibility of appeal to the courts, it would even be worthwhile to hire a public stenographer to have a complete record of the hearing. People speaking or testifying should direct their remarks to the topic at hand and not something that has nothing to do with the hearing.
 - (5) Some of the legal qualifications of the hearing itself:
 - (a) The Board should consider the nature and quality of objections that are raised by individuals at the hearing, not the number of objections. It is not a public debating session. There are no moves by people present and the number of people there objecting to a particular problem should not be considered. Keep in mind that most of the people there will have a strong position or they would have no reason for being there. Once again, the quality of the objections and their content of their discussion is what you are concerned with as a Board.
 - (b) You must grant the person a full and complete hearing. Don't go into the hearing with any preconceived notions as to what you are going to decide and give the appellant a chance to explain his views

to you.

- (c) Again, the majority of the Board must be present at the hearing.
- (d) Do not agree or disagree with the appellant, or persons making particular points at the hearing. You are there to listen to them, not engage in a debate. Any opinions you may express at the hearing may put the appellant in a difficult position or the Board in either case.
- (e) Do not base your findings on the opinions of legal counsel representing the appellant. They are paid to look at one side only, that of their client. You are there to evaluate not only their opinion, but the ordinance provisions in themselves as it applies to the entire community.
- (f) You must summarize in your minutes the testimony taken at the hearing as accurately as possible.
- (g) Reasons for actions of the Board must be in the records, i.e., your minutes, not that you just approved or disapproved the appeal, but why you took the actions that you did.
- (h) Do not take a vote at the time of the hearing itself, even though you are fairly well decided as to what your decision will be after listening to the discussion. It is better to have your official vote at a succeeding meeting after you have had chance to evaluate all of the points brought out at the hearing. That is exactly the purpose of the hearing. Give yourself a chance to evaluate all of the material presented to you.
- (i) If any Board member has a conflict of interest on a matter being considered, so state and remove yourself from any discussion, decision or vote.

One final thing that bears some more emphasis and discussion is the matter of the variance and the special exception.

A. The variance as it might imply, simply means that the Board can vary the ordinance if there are good and substantial reasons. A few points in emphasizing the use of a variance:

- (1) It must be sparingly used. As a general rule, if a lot of variances to the ordinance are being given, then something may be wrong with the ordinance itself or the Board may not truly understand their function.
- (2) There must be peculiar circumstances present in order to vary a particular part of this Chapter.

ZONING

- (3) Hardships. There must be a very substantial and compelling force. This means "hardship" in the use of the land or buildings for purposes permitted in a particular district in which the person is located. Financial hardship is not a just consideration to vary the ordinance. The fact that the person can make more money by having a variance is not a justification for granting it.
 - (4) The appellant must prove to you:
 - (a) That the variance being requested will not be contrary to the public interest. You as a Board, representing the public, must at all times keep the public interest in mind. This is the basic purpose for which zoning was adopted, to provide the public at large protection. Anything contrary to that in respect to a variance that is applied, should be denied.
 - (b) Unnecessary hardship will result if the variance is not granted. Again, financial gain is not a type of hardship to consider.
 - (b) Rezoning from residential to commercial or commercial to industrial, etc. is a power of the elected officials only. This is not a power of the Zoning Hearing Board. At times some of the appeals brought before you will be of this very nature and they should be denied. The person in such cases has ample methods to amend the zoning map in the proper fashion.
- B The special exception involves an unusual type of use that may, upon certain conditions, be permitted in a given district subject to two very basic and important considerations:
- (1) That the use is listed as a special exception in this Chapter.
 - (2) That conditions for such use are specified in this Chapter. If adequate conditions are not listed in this Chapter for granting of a special exception, then the Board should use extreme caution in specifying additional conditions unless in some instances the Board has developed formal written policies for certain peculiar situations pertaining to uses listed as special exceptions to this Chapter.

The special exception cannot be used to permit the uses in a zone otherwise - specified in this Chapter. At times the Board will be asked to do this very thing. If the Board grants such requests, you are exercising a legislative power and in a technical sense, amending the zoning map. This is not within the realm of the Zoning Hearing Board. The Board cannot rezone land to another classification.

(Ord. 727, 5/4/1970, Appendix C; as amended by Ord. 1020, 12/10/1997)