

**ARTICLE 1
PURPOSE AND AUTHORITY**

Section 101 Title

This Ordinance shall be known, and may be cited as, the **Borough of Grove City Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the Borough of Grove City Zoning Map.

Section 102 Authority

In accordance with the authority granted to Borough of Grove City through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

Regulate the density of population;

Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;

Regulate the height, bulk, number of stories, size and placement of buildings and structures;

Divide the Borough into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and

Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

Section 103 Purpose

These regulations are deemed necessary in order to encourage beneficial growth in the Borough while keeping the density of development consistent with existing Borough facilities and the Borough's ability to develop new facilities needed. These regulations are expected to:

Promote the public health, safety, morals and general welfare;

Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;

Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;

Preserve forests, agricultural lands, and recreation areas in their natural state, or from conflict with urban development;

Protect floodplains and manage the release of stormwater to minimize downstream flooding;

Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;

Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;

Reduce the cost of building roads and installing utilities, and the subsequent cost of Borough operations; and

Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

Section 104 Compliance

No structure shall be located, erected, demolished, constructed, moved, externally altered, converted or enlarged nor shall any structure or land use be used or designed to be used except in full compliance with this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

Section 105 Schedule of Fees

The Borough Council shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for building permits, appeals and other matters pertaining to this Ordinance. The schedule of fees may be posted in the Borough Offices, and may be amended only by official action by the Borough Council.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

A zoning certificate or building permit shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Borough Council, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

Section 106 Municipally Owned Properties

This Ordinance shall not apply to property owned by Borough of Grove City in the exercise of its municipal functions, including, but not limited to traffic and safety signs, non-building essential service structures, and utilities. The Borough will adhere to all use regulations by district and all dimensional and setback regulations in the placement of any municipal building.

Section 107 Interpretation of Regulations

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance or any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

Section 108 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 109 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 110 Other Government Property

110.1 Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or any other public or governmental body or agency, shall be subject to the requirements of this Ordinance as follows:

- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
- B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.

110.2 Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Borough has no power to apply its zoning regulations to the particular use of land.

ARTICLE 2 COMMUNITY DEVELOPMENT OBJECTIVES

In addition to the general purposes listing in Section 103, the following specific community development objectives, created as result of the **Wolf Creek Slippery Rock Creek Council of Governments Multimunicipal Comprehensive Plan** adopted in 2005, have been considered as a basis upon which the regulations and controls of this Ordinance are derived. This ordinance implements that plan and has been determined to be generally consistent with said plan by a Mercer County Regional Planning Commission review:

Land Use – To provide and perpetrate a land use pattern, which includes a wide variety of uses appropriate in a small urban area.

Environmental – To preserve natural features in a manner consistent with a small urban area.

Aesthetic – To enrich the lives of all residents by striving to improve the aesthetic quality and visual impact of the built environment and preserving elements of the natural environment that enhance the small-town setting.

Transportation, Traffic, and Circulation – To maintain safe and convenient circulation and movements of goods and people within the community and to points beyond by all means practical. The multi-modal functions of pedestrian, auto, rail, and air available through the borough shall be continued as possible.

Economy – To establish areas for all forms of economic endeavor at various scales, including small businesses, highway commercial areas, information and services, manufacturing and industry as infrastructure is available and within an appropriate geographic context.

Housing – To support the continuation of the borough's many high-quality residential neighborhoods, as well as provide a variety of housing choices to borough residents within the appropriate settings.

Community Facilities and Services – To provide for facilities, services, and utilities of the quantity and quality necessary to meet the physical, social, cultural, recreational, and aesthetic needs of the community and to do so in a timely and fiscally responsible manner. Within this context, the borough will strive to provide these facilities, services, and utilities outside its jurisdictional boundaries in a mutually cooperative and fair manner.

Energy Conservation – To promote the conservation of energy in every way possible as a matter of serious public concern.

Historic Preservation – To preserve Grove City's historical heritage for the enjoyment, enrichment, and education of future generations, and to engender and perpetuate an appreciation and respect for Grove City's early efforts and achievements.

Citizen Participation – Provide a mechanism for continual discussion among residents concerning the development of Grove City and for their participation in regional affairs.

Intergovernmental Cooperation – To participate fully in matters of regional importance, and provide for the continued development of a healthy community with the neighboring municipalities, school district, and greater region.

ARTICLE 3 DISTRICT DESCRIPTIONS

Section 301

A map entitled the Grove City Borough Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the Borough offices.

Annexed Areas. Any territory hereafter annexed or gained by discovery by the Borough of Grove City will be automatically zoned R-1A Residential District until otherwise classified.

District Boundaries. District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line the Officer shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this chapter.

Zoning District Changes. All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

Permitted Uses, Conditional Uses and Special Exceptions. The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Borough Council with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Borough Council may attach reasonable conditions, as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 7.

If the zoning officer cannot determine that any proposed use of land is provided for within any district or is not substantially similar to any defined use he shall refuse action. The Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter or any provision permitting the same; provided, that the same shall comply and follow all regulations for such use.

Section 302 R-1A RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide a zoning district in which the dominant use of land will be single-family residential dwellings. Other uses will be permitted only to the extent they do not jeopardize the security of single family dwelling and residential neighborhoods

R-1A Residential District , Table of Uses	
Permitted Uses	Special Exceptions
Single Family Dwellings	Essential Service Structure (See Section 402)
Place of Worship	Family Day Care Home (See Section 403)
Public Parks and Playgrounds	
No Impact Home Based Business	
Essential Services as defined in Article 7	
Accessory Uses	
Private garages and horticulture (Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the limitations contained in Article 5	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	
Shelter for Household Pets see Article 5	
Other accessory uses, provided they shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**TABLE 302
R-1A DISTRICT
LOT, YARD, AND HEIGHT STANDARDS***

	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business	Place of Worship, Public Park
Minimum Lot Area	8,500 Square Feet	20,000 square feet
Minimum Lot Width	75 Feet	100 Feet
Minimum Front Yard	30 Feet*	30 Feet
Minimum Side Yard	12 Feet*	30 Feet
Minimum Rear Yard	30 Feet*	30 Feet
Maximum Height	28 Feet	28 Feet
Maximum Coverage	33 Percent	33 percent

*See also Section 501 H and 501 I for Alternative Standards

Section 303 R-1B RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide a zoning district in which the dominant use of land will be single-family residential dwellings, but lot sizes are smaller and there are more mixed uses than R1A. Other uses will be permitted only to the extent they support a traditional walkable neighborhood and foster homeownership and housing affordability.

R-1B Residential District , Table of Uses	
Permitted Uses	Special Exceptions
Single Family Dwellings	Essential Service Structure (See Section 402)
Place of Worship	Home Occupations (See Section 404)
Public Parks and Playgrounds	Group Day Care Home (See Section 403)
No Impact Home Based Business	One Accessory Apartment (See Section 405)
Family Day Care Home	Conditional Uses
Essential Services as defined in Article 7	Public and private elementary and secondary schools recognized by the Commonwealth (See Section 406)
Accessory Uses	Adaptive Re-use of Historic Buildings (See Section 407)
Private garages and horticulture (Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article 5	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	
Shelter for Household Pets see Article 5	
Other accessory uses, provided they shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**TABLE 303
R-1B DISTRICT
LOT, YARD, AND HEIGHT STANDARDS***

	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business	Place of Worship, Public Parks, Essential Service Structure, Cemetery
Minimum Lot Area	7,000 square feet	8,500 Square Feet
Minimum Lot Width	75 Feet	75 Feet
Minimum Front Yard	30 Feet*	30 Feet
Minimum Side Yard	12 Feet*	30 Feet
Minimum Rear Yard	30 Feet*	30 Feet
Maximum Height	28 Feet	28 Feet
Maximum Coverage	33 Percent	33 Percent

*See also Section 501 H and 501 I for Alternative Standards

Section 304 R-2 RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide a zoning district to provide for housing at various densities, and to encourage new construction of multiple family dwellings in appropriate places to meet the needs of area residents.

R-2 Residential District , Table of Uses	
Permitted Uses	Special Exceptions
Single Family Dwellings	Home Occupations (See Section 404)
Accessory Apartments/Multiple Family Dwellings	Group Day Care Home (See Section 403)
Duplex, when new construction	Conditional Uses
Place of Worship	Day Care Centers (See Section 403)
Public Parks and Playgrounds	Personal Care Homes (See Section 408)
No Impact Home Based Business	Adaptive Re-use of Historic Buildings (See Section 407)
Family Day Care Home	Conversion of Single Family Dwellings into Apartments (See Section 409)
Essential Services as defined in Article 7	Mobilehome Park (See Section 410)
Accessory Uses	Bed and Breakfast (See Section 411)
Private garages and horticulture(Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article 5	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	
Shelter for Household Pets see Article 5	
Other accessory uses, provided they shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**TABLE 304 R-2 DISTRICT
LOT, YARD, AND HEIGHT STANDARDS***

	Single-Family Dwellings	Duplex and Multiple Family Dwellings	Place of Worship, Public parks and Playgrounds, Essential Service Structure
Minimum Lot Area	6,000 Square Feet	8,500 Square feet for Duplex 10,000 Square feet for first three units in multiple family dwelling plus 1,500 square feet per each unit thereafter	8,500 Square Feet
Minimum Lot Width	75 Feet	75 Feet	75 Feet
Minimum Front Yard	30 Feet*	30 Feet	30 Feet
Minimum Side Yard	12 Feet*	30 Feet	30 Feet
Minimum Rear Yard	30 Feet*	30 Feet	30 Feet
Maximum Height	28 Feet	28 Feet	28 Feet
Maximum Coverage	33 Percent	33 Percent	30 Percent

*See also Section 501 H and 501 I for Alternative Standards

Section 305 RLC RESIDENTIAL LIMITED COMMERCIAL DISTRICT

PURPOSE

The purpose of this district is to provide a zoning district to provide for housing at various densities, and to encourage new construction of multiple family dwellings in appropriate places to meet the needs of area residents.

RLC Residential District , Table of Uses	
Permitted Uses	Special Exceptions
Single Family Dwellings	Home Occupations (See Section 404)
Home Occupations	Group Day Care Home (See Section 403)
Professional Offices	Duplex (See Section 412)
Place of Worship	Conditional Uses
Civic and Cultural Buildings	Adaptive Re-use of Historic Buildings (See Section 407)
Public Parks and Playgrounds	Conversion of Single Family Dwellings into Apartments (See Section 409)
No Impact Home Based Business	Neighborhood Businesses (See Section 413)
Family or Group Day Care home	Multiple Family Dwellings (See Section 412)
Funeral Homes	
Essential Services Structure	
Bed and Breakfast	
Accessory Uses	
Private garages and horticulture(Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article 5	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	
Shelter for Household Pets see Article 5	
Other accessory uses, provided they shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**TABLE 305
RLC DISTRICT
LOT, YARD, AND HEIGHT STANDARDS***

	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business, Essential Service Structure	Civic and Cultural Buildings Place of Worship Public Parks and Playgrounds, Funeral Homes
Minimum Lot Area	6,000 Square Feet	8,500 Square Feet
Minimum Lot Width	75 Feet	75 Feet
Minimum Front Yard	30 Feet*	30 Feet
Minimum Side Yard	12 Feet*	30 Feet
Minimum Rear Yard	30 Feet*	30 Feet
Maximum Height	28 Feet	28 Feet
Maximum Coverage	33 Percent	33 Percent

*See also Section 501 H and 501 I for Alternative Standards

Section 306 P-1 PUBLIC DISTRICT

PURPOSE

The purpose of the P-1 Public District is to create a zoning district to preserve and protect the unique and substantial investment made by generations in the Grove City College campus, which creates an atmosphere where learning, scholarship and research may flourish. It is also meant to recognize the unique needs of major areas owned by local government, including the Grove City Area School District. The district is also meant to protect neighboring areas of private residential uses from land use conflicts due to disparities of size and scale of development.

P-1 Public District, Table of Uses	
Permitted Uses	Conditional Uses
Colleges and Universities, including classrooms, administrative and support buildings, but not including dormitories, college stadiums and sports fields, which are conditional uses.	Fraternities and Sororities (See Section 414)
Civic and Cultural Buildings, Public Parks and Playgrounds.	Stadiums and Sports Fields (See Section 415)
Essential Services.	Dormitories, private, college or university related(See Section 416)
Place of Worship	Adaptive Re-use of Historic Buildings (See Section 407)
Single Family Dwellings	Communication Towers (See Section 417)
Public and Private Schools Recognized by the Commonwealth	Cemetery (see section 418)
Communication Antenna	Oil and Gas Drilling (See Section 438)
Accessory Uses.	
Private or public garages and parking areas	
Signs	
Other accessory uses and structures customarily appurtenant to a principal permitted use	
No-impact home based business	
All uses accessory to a single family dwelling as detailed in Section 305	

Table 306 P-1 DISTRICT LOT, YARD, AND HEIGHT STANDARDS

	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business *	All Other Uses
Minimum Lot Area	6,000 Square Feet	1 acre
Minimum Lot Width	75 Feet	75 Feet
Minimum Front Yard	30 Feet	40 Feet
Minimum Side Yard	12 Feet	20 feet between all buildings
Minimum Rear Yard	30 Feet	20 feet between all buildings
Maximum Height	28 Feet	75 Feet
Maximum Coverage	33 Percent	50 Percent

*See also Section 501 H and 501 I for Alternative Standards

Section 307 C-1 CENTRAL COMMERCIAL DISTRICT

The purpose of the C-1 Central Commercial District is to create a zoning district to preserve and protect the unique pedestrian oriented downtown, which has historically been a focus of both private and public investments. This District is established in accordance with Article VII-A of the Pennsylvania Municipalities Planning Code as a Traditional Neighborhood Development District. Furthermore, pursuant to section 702 A this District is established as an outright designation for the purposes of urban infill. The Borough is utilizing the Traditional Neighborhood Development Designation in order for this designated district to meet the Commonwealth goals of:

1. To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
2. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
3. To minimize traffic congestion, infrastructure costs and environmental degradation.

In This District, **New Construction** of any building or an expansion of an existing building entailing greater than **10 percent** of the existing gross floor area is subject to all design and development standards as contained in the Grove City Borough Subdivision and Land Development Ordinance.

C-1 Central Commercial District, Table of Uses	
Permitted Uses	Conditional Uses
Retail Stores	Townhouse Development (See Section 412)
Personal Services	Drive Through Facilities Serving an Eating and Drinking Place, Retail or Business Service (See Section 419)
Professional Offices	Hotel/Motel(See Section 420)
Business Services including financial services such as banks	Upper Floor Dwelling Unit (See Section 421)
Eating and Drinking Places	Private Clubs and Lodges(See Section 422)
Place of Worship	Tattoos and Body Piercing(See Section 423)
Theatres	Conversion of Single Family Dwellings into Apartments (See Section 409)
Indoor Commercial Recreation	Indoor Commercial Recreation (See Section 424)
Civic and Cultural Buildings	
Commercial Printing	
Commercial Schools	
Accessory Uses (See Section 5)	

**TABLE 307
C-1 DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	All Uses
Minimum Lot Area	1000 Square Feet
Minimum Lot Width	25 Feet
Minimum Front Yard	0
Minimum Side Yard	0
Minimum Rear Yard	0
Maximum Height	60 Feet
Maximum Coverage	100%

Section 308 The C-2 Commercial District

The C-2 Commercial District is established to provide a full range of commercial opportunities in areas of the Borough with a goal toward establishing commercial cores that meet the needs of both highway and pedestrian access.

C-2 Commercial District Table of Uses	
Permitted Uses	Conditional Uses
Auto Service	Auto Sales (See Section 425)
Bed and Breakfast	Day Care Centers (See Section 403)
Eating/Drinking Places	Gas Station/Convenience Store (See Section 425)
Place of Worship	Indoor Commercial Recreation (See Section 424)
Professional Offices	Drive Through Facilities (See Section 419)
Civic and Cultural Buildings	Multiple-Family Dwelling (See Section 412)
Retail Sales	Office and Shopping Centers (See Section 426)
Personal Services	Auto Service and Repair (See Section 425)
Business Services including financial services such as banks	
Family and Group Day Care	
Personal Care Homes	
Nursing Homes and Personal Care Homes	
Funeral Homes	
Accessory Uses and Structures (See Article 5)	
Private or public garages and parking areas	
Signs	
Other accessory uses and structures customarily appurtenant to a principal permitted use	

**TABLE
308 C-2 DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	All Uses
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width	100 Feet
Minimum Front Yard	20 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	20 Feet
Maximum Height	45 Feet
Maximum Coverage	50 Percent

Section 309 HCLI Highway Commercial and Light Industrial District

The HCLI Highway Commercial District is established to provide for businesses that require significant infrastructure and access to major traffic arterials.

HCLI Highway Commercial District, Table of Uses	
Permitted Uses	Conditional Uses
Automobile and Equipment Sales and Service	Light Manufacturing (See Section 427)
Building Material/Supply Yards	Truck Terminals/Warehousing/Distribution (See Section 427)
Business Services including financial services such as banks	Multiple Family Dwellings (See Section 412)
Car Wash	Flea Markets (See Section 428)
Place of Worship	Outdoor Commercial Recreation (See Section 424)
Personal Care Homes	Retail Liquor Store (437)
Nursing Homes and Personal Care Homes	
Eating and Drinking Place (including Drive Through Facilities)	
Essential Services	
Hotel/Motel	
Indoor Commercial Recreation	
Landscaping and Nursery	
Nursing Homes and Hospital	
Veterinary Clinics	
Funeral Homes	
Personal Services	
Professional Offices	
Retail Businesses	
Self Service Storage Facility	
Service Station/Convenience Store	
Shopping Centers	
Theaters	
Accessory Uses and Structures (see Article 5)	
Private or Public Garages and Parking Areas	
Signs	
Other accessory uses and structures customarily appurtenant to a principal permitted use	

**TABLE 309
HCLI DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	All Uses
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	100 Feet
Minimum Front Yard	40 Feet
Minimum Side Yard	20 Feet
Minimum Rear Yard	45 Feet
Maximum Height	45 Feet
Maximum Coverage	50 Percent

Section 310 The I Industrial District

The I Industrial District is established to provide appropriate areas for forms of manufacturing and similar high-intensity uses that can have a higher impact upon surrounding properties.

I Industrial District, Table of Uses	
Permitted Uses	Conditional Uses
Communications Antennas	Sexually Oriented Business (See Section 429)
Light Manufacturing	Bottle Clubs (See Section 430)
Self Service Storage Buildings	Bulk Fuel Storage (See Section 431)
Professional Offices	Communications Towers (See Section 417)
Public Utility Structures	Correctional Facility/Halfway House and Treatment Center (See Section 432)
Research Lab	Heavy Industry (See Section 433)
Building Material and Supply Yard	Junk Yards, Salvage and Recycling Centers (See Section 434)
Truck Terminals and Warehousing	Mining and Mineral Excavation (See Section 435)
Business Services including financial services, such as banks	Day Care Centers (See Section 403)
Place of Worship	Retail Business (See Section 436)
Landscaping Supply and Nursery	Eating and Drinking Places (See Section 436)
Contractors' Office Garage and Storage Yard	Oil and Gas Drilling (See Section 438)
Auto Service and Repair	
Accessory Uses and Structures (see Article 5)	
Private or Public Garages and Parking Areas	
Signs	
Other accessory uses and structures customarily appurtenant to a principal permitted use	

**TABLE 310 I DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	All Uses
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width	100 Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	30 Feet
Minimum Rear Yard	45 Feet
Maximum Height	75 Feet
Maximum Coverage	75 Percent

ARTICLE 4
CONDITIONAL USES AND SPECIAL EXCEPTIONS

Section 401 Conditional Uses and Special Exceptions

The criteria for Conditional Uses and Special Exceptions are listed below. The Borough Council or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Borough Council or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Borough Council after the recommendation of the Borough Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

This article contains specific standards for Conditional Uses and Special Exceptions allowed in each zoning district. It shall be the responsibility of the applicant to illustrate compliance with these standards to the Borough. In granting a Conditional Use or Special Exception, the Borough Council or Zoning Hearing Board may also add reasonable additional conditions and safeguards beyond the specific criteria for each Conditional Use or Special Exception. The purpose of such additional conditions and safeguards is to further mitigate negative impacts of a development upon specific sites, and make the Conditional Use more compatible with the surrounding zoning district. Such reasonable additional conditions and safeguards may include, but are not limited to:

- A. Establishment of screening and buffering, or an increase in screening and buffering normally required.
- B. Limitations upon hours of operation.
- C. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
- D. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved Conditional Use.
- E. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
- F. Other conditions to ensure that the exterior appearance of a building or property is in harmony with surrounding development, including an agreement by the applicant to adhere to any design standards of the Borough Subdivision and Land Development Ordinance.

The developer will be notified in writing of any such reasonable additional conditions and safeguards imposed by the applicable board as part of an approval.

Section 402 Essential Service Structure

Essential Services such as underground piping, poles, wire, cable, and similar apparatus shall not require a permit. This Special Exception includes only buildings and structures used for the provision of essential services.

- A. The design and landscaping shall be compatible with and preserve the character of any adjoining residential uses.
- B. Screen planting or buffering may be required as a reasonable additional condition of approval. If the structure is fenced, screening shall be located on the outside of the fence.
- C. Any security fencing shall be set back at least six feet from any lot line containing a single family dwelling. Areas between the security fence and the property line shall be landscaped and maintained.
- D. Outdoor lighting shall be designed to prevent glare to adjoining properties through the use of full cutoff fixtures
- E. There shall be no permanent employee stationed at the structure, or use of any structure for a permanent office, workshop, or similar installation.

Section 403 Family and Group Day Care Homes and Day Care Centers

- A. Day Care Services for Children shall be defined as type consistent with Commonwealth of Pennsylvania licensing (see Article 7 for definitions). No day care home shall expand into another commonwealth defined class without zoning approval.
- B. Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.
- C. If the lot is located on a state highway route that does not provide on street parking, a turning place shall be provided on lot to assist drivers in avoiding backing on to a state highway.
- D. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

Section 404 Home Occupations

Home Occupations. Home occupations are a potential intrusion upon residential areas and are limited in size and scale to mitigate these impacts.

- A. Parking. In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- B. Employees. No more than one outside employee, other than a family member, shall participate or work in the home occupation.
- C. Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile body work and similar undertakings.
- D. Home occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, beauty shops and dressmakers.
- E. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- F. No more than 25% (in aggregate) of the home may be used for a home occupation.
- G. One sign no larger than two square feet in any other district may be used to announce the name or purpose of the home occupation.

- H. Home occupations shall not operate before 8:00 a.m. nor after 9:00 p.m.
- I. No more than one home occupation per dwelling shall be permitted.
- J. No exterior storage of materials shall be permitted.

Section 405 Accessory Apartments

- A. The purpose of this use is to facilitate affordable housing and encourage greater diversity of population with particular attention to young adults and senior citizens without altering the density of single family residential neighborhoods. The intent is that the accessory apartment shall be clearly incidental and subordinate to a single family dwelling.
- B. The accessory apartment must be located in a garage or another building separate from the principle dwelling unit.
- C. The owner of the property shall occupy either the principal dwelling unit or the accessory apartment. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes. The owner resident shall agree to inform the Borough upon any status change in residency, such as sale or vacation of the property.
- D. There shall be adequate off street parking space for one additional motor vehicle per apartment.
- E. The accessory apartment shall contain no more than one bedroom.

Section 406 Public and Private Elementary and Secondary Schools Recognized by the Commonwealth

- A. While a necessary public benefit, the intensity of traffic and activity at schools can create land use conflict with residential neighborhoods.
- B. The School shall be located on a lot abutting a state maintained road or highway.
- C. Shall provide all parking and loading/unloading requirements as required by this Ordinance. No parking or loading area for discharge of children shall be located on a public street cartway.
- D. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- E. Recreation/play areas that abut residential uses shall provide screen planting.
- F. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- G. No outdoor stadium or sports field shall be located within one hundred (100) feet of an adjoining single family dwelling.

Section 407 Adaptive Re-use of Historic Buildings

This Section derives its authority from Section 603(g)2 of the Pennsylvania Municipalities Planning Code and is adopted for the expressed purpose of encouraging the adaptive reuse of historic buildings within the Borough to both promote historic preservation and to return vacant non-taxable properties to the tax rolls.

- A. Applicability: This section shall apply only to former public buildings (including, but not limited to schools, churches, former commercial buildings, and armories).

- B. Structures which meet the criteria outlined in this section may be reused for the following purposes by Conditional Use:
1. Day care facilities of all types
 2. Personal Care Homes
 3. Professional Office
 4. Hospitals and Medical Clinics for Humans
 5. Civic or Cultural Building
 6. Studio of an Artist or Musician
 7. Personal Service Business limited to an Exercise Facility or Gymnasium,
 8. Barber or Beauty Salon
- C. Any expansion of a structure being approved as an adaptive re-use shall meet all applicable yard and coverage standards.
- D. All parking standards of this ordinance shall be met.
- E. To protect the scale of neighborhoods and integrity of historic structures, no building expansions shall result in a total gross floor area of greater than seven thousand (7,000) square feet.
- F. Design standards for alteration or expansion:
1. The Applicant may choose to employ the Secretary of the Interiors Standards for Historic Preservation in undertaking any alteration, in which case, evidence of compliance shall be furnished. Otherwise, the following design standard shall apply to any expansion, replacement or exterior alteration:
 - a. The original building footprint or a smaller area is adhered to for all yard lines. The principal entrance shall be located on the same street frontage as the original building.
 - b. Buildings shall generally relate in scale and design features to the surrounding buildings and the previous building on site.
 - c. Long monotonous uninterrupted walls or roof planes shall be avoided.
 - d. Window arrangement shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned whenever possible. Upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.
 - e. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Intensive landscaping may also be appropriate in certain cases.
 - f. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole, as shall the doors.
 - g. Any design manual adopted by the Borough shall be adhered to.

Section 408 Personal Care Homes

The purpose of this Conditional Use standard is to ensure that Personal Care Homes retain a setting consistent with a neighborhood's residential character and density and do not adversely impact other uses. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences.

- A. There shall be no sign or exterior display beyond the name of the home or its use.
- B. At least one (1) additional on lot parking space shall be provided for each two (2) guests.
- C. No home in the R-2 District may admit more than 25 residents, unless located at least 100 feet from any lot containing a single family dwelling.
- D. Required local, County and/or State certifications shall be presented to the Council. Especially included are to be applicable permits from the Pennsylvania Departments of Welfare and Labor and Industry.

Section 409 Conversion of Single Family Dwellings into Apartments

The purpose of this Conditional Use is to allow for the conversion of existing single-family homes into multiple-family units. To be allowed to convert from a single-family into a multiple-family unit, the following criteria must be met:

- A. No single family dwelling proposed for conversion to apartments shall have a lot size of less than that required for a conforming single family dwelling in the District.
- B. Off street parking shall be provided at a ratio of 1.5 spaces for every single bedroom or efficiency apartment and 2 spaces for every apartment of two bedrooms.
- C. No Parking area, except for a residential driveway of no greater than 28 feet in width, may be developed in any area between the principal street and the front of the dwelling. All parking areas shall be in the rear of the dwelling. Parking shall be arranged so that no vehicle shall be parked in a manner that would block a required parking space from access to a public street.
- D. All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- E. Each unit shall have a minimum size of six hundred (600) square feet exclusive of common spaces.
- F. All required parking shall be accommodated on lot. No parking in the front yard area shall be permitted.
- G. Conversion shall be limited to three (3) dwelling units or less.
- H. Each dwelling Unit shall have separate utility service connections and meters (as applicable) for natural gas, water, sewer and electric.

Section 410 Mobilehome Parks

Mobilehome Parks are also subject to the Borough Subdivision and Land Development Ordinance. Conditional Use approval shall precede approval of a plat under that ordinance and all standards below and any reasonable additional conditions and safeguards shall be a part of plat approval.

- A. No land area of less than five (5) contiguous acres shall be developed as a mobilehome park.
- B. Mobilehomes shall be arranged so that there is at least twenty feet between each mobilehome, a common driveway, other mobilehomes, and any other structure within the park.
- C. No Mobilehome shall be located within fifty (50) feet of any property line or public right of way line.

Section 411 Bed and Breakfast

Such uses are intended to provide overnight or short-term accommodations for transient guests in a homelike atmosphere. They must meet the following regulations:

- A. No signs in excess of four square feet shall be allowed. Only one such sign shall be permitted.

- B. No more than four (4) guest rooms will be permitted.
- C. One (1) off-street parking space for each guest room shall be required.

Section 412 Duplexes, Multiple Family Dwellings and Townhouse Development

- A. All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces. All units must have separately metered utilities.
- B. Each dwelling unit shall have a minimum size of six hundred (600) square feet exclusive of common spaces.
- C. All required parking shall be accommodated on lot or in leased or otherwise dedicated tenant spaces within one hundred feet of the proposed development.
- D. All area and yard requirements for multiple-family dwellings within the district must be met as follows:

	Duplex in RLC District	Multiple Family Dwelling in RLC District or C-1 District	Multiple Family Dwelling in C-2 District
Minimum Lot Area	12,000 square feet	10,000 square feet	40,000 square feet
Maximum Number of Dwelling Units per Acre*	Maximum of four (4) dwelling units per acre	Maximum of 18 dwelling units per acre	Maximum of twelve (12) dwelling units per acre
Minimum Lot Width	100 Feet	100 Feet	100 Feet
Minimum Front Yard	50 Feet	20 Feet	20 Feet
Minimum Side Yard	25 Feet	25 Feet	25 Feet
Minimum Rear Yard	25 Feet	50 Feet	35 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Coverage	50 percent	35 percent building 80 percent impervious area	35 percent building 80 percent impervious area

*includes proration for lots smaller than one acre.

- E. Screening may be required as a reasonable condition of approval.

Section 413 Neighborhood Business

The purpose of this Conditional Use is to allow very small retail businesses that would serve the neighborhood or potential tourists. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot unless it can be shown that on-street parking is adequate within 100 feet.
- B. Any compressors shall be so enclosed as to baffle their sound from surrounding uses.
- C. All dumpsters and or garbage/trash storage areas shall be enclosed.
- D. No sign for a neighborhood business may exceed sixteen (16) square feet.
- E. No building shall exceed five thousand (5,000) square feet gross floor area (GFA).

Section 414 Fraternities and Sororities

- A. State the maximum proposed number of residents. There shall be no more than one resident per each bedroom, and a maximum of ten (10) bedrooms.
- B. Meet all lot requirements of this district for multiple-family dwellings, substituting "residents" for "units," as both terms are defined by this ordinance.
- C. Meet the parking requirements of one space for every proposed resident, plus one visitor space for every two residents.
- D. Provide evidence that the sorority or fraternity is a duly chartered organization, recognized by an accredited school. Maintenance of such a charter will be a continual requirement of this approval.
- E. Provide evidence that solid waste will be removed by an approved hauler, and temporary storage of solid waste will occur in a fully enclosed facility, located in the rear yard (if physically feasible). At a minimum, one cubic yard of space must be provided for each two rooms.
- F. Rear yards and side yards shall be effectively screened from abutting properties.

Section 415 Stadiums and Sports Fields

Stadiums and Sports Fields can have a tremendous impact during events. The following minimum standards are meant to mitigate impacts.

- A. The developer shall present a means to ensure that the normal flow of traffic to stadium events will avoid the utilization of local streets and predominantly single family dwellings in residential districts.
- B. No stadium or sports field shall be located within 200 feet of an R-1A or R-1B District.
- C. Present a plan for management of noise through screening and buffering.

Section 416 Dormitories

- A. No Dormitory shall be permitted within 200 feet of an R-1A or R-1B District.
- B. Solid Waste Disposal shall be located in a manner that does not create excessive noise.

Section 417 Communication Towers

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.

- A. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- B. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation Regulations. Towers must comply with the Borough Subdivision and Land Development Ordinance as a subdivision for lease.
- C. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antenna on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (¼) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of the structure.
- D. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
 - E. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
 - F. The maximum height of any communications tower shall be three hundred (300) feet.
 - G. The foundation and base of any communications tower shall be set back from a property line (not lease line) at least one foot for every foot in tower height.
 - H. To encourage co-location and minimize the use of land for these facilities, all towers shall be secured only at the tower base. Towers secured by guide or support wires shall not be permitted unless they are the only form that is technically feasible at the site. If guide or support wires are employed, fencing and screening shall enclose the entire area (including all support apparatus) within a single compound.
 - I. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
 - J. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
 - K. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Tele-communications Industry Association.
 - L. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.
 - M. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
 - N. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
 - O. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency that has jurisdiction.

- P. The Owner shall notify the Borough if the tower is no longer being used. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve- (12) month period.
- Q. One (1) off-street parking space shall be provided within the fenced area.

Section 418 Cemeteries

- A. The purpose of cemeteries is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Funeral homes are a separate use, and crematoriums are considered an industrial use.
- B. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan and the location of accessory building.
- C. Connections to existing Borough streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- D. Shall demonstrate compliance with applicable State laws.
- E. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- F. All new facilities shall have a size of at least two (2) acres.

Section 419 Drive Through Facilities

- A. All drive-through lanes shall be designed to minimize conflict with pedestrian traffic. Drive-through lanes may not be placed where they conflict with a pedestrian building entrance.
- B. A total stacking area suitable for six (6) cars shall be provided for every point of service.
- C. Under no circumstances shall a public street or alley serve as a drive-through lane.
- D. A solid wall of at least 24 inches in height shall be placed along all parking/drive-through areas which abut sidewalks, with the exception of designated vehicular access lanes.

Section 420 Hotel/Motel

- A. Motel buildings or accessory structures shall be placed no closer than 30 feet to any lot line containing a single family dwelling.
- B. Any swimming pools shall comply with the safety requirements of the Uniform Construction Code
- C. Yard areas shall be permanently landscaped and maintained in good condition.
- D. Rooms shall not be rented for a period of less than 12 hours.

Section 421 Upper Floor Dwelling Unit

- A. Shall only be permitted where the ground floor, or majority thereof, shall be used or dedicated for a use other than residential, and a use allowed in the zoning district in which the building is located.
- B. The dwelling units shall have no more than four bedrooms.

C. Each dwelling unit shall provide the following minimum usable living space:

- (a) Minimum of 600 square feet of usable space for one-bedroom units, for occupancy of no more than two persons.
- (b) Minimum of 800 square feet of usable space for two-bedroom units, for occupancy by no more than four persons.
- (c) Minimum of 910 square feet of usable space for three-bedroom units, for occupancy by no more than six persons.
- (d) Minimum of 1,095 square feet of usable space for four-bedroom units, for occupancy by no more than eight persons.

D. Any structure in which a residential use is permitted shall comply with all requirements of this ordinance applicable to the permitted principal use of the ground floor conducted therein. All otherwise complying above ground floor residential uses shall be exempt from lot size, lot coverage, lot width and setback requirements.

E. There shall be provided at least one leased or otherwise dedicated off-street parking space for every one or two bedroom dwelling unit and 1.5 spaces for each three or four bedroom dwelling unit.

Section 422 Private Clubs and Lodges

- A. No private club shall function as a bottle club, as defined by the Pennsylvania code.
- B. Live entertainment shall not be of a sexually oriented nature, or any other entertainment qualifying the performance as a sexually oriented business.
- C. All music, entertainment or sound systems shall be confined to the hours of 10:00 am. to 9:00 pm., if such music is either outdoors or audible from outside the building.

Section 423 Tattoo and Body Piercing

- A. Hours of operation shall be limited from 8:00 am to 10:00 pm.
- B. No tattoo or piercing operation shall be visible from the outside of the building.
- C. No advertising material or flyers are permitted except a lawful sign for the zoning district.

Section 424 Commercial Recreation

These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Standards shall be based upon the type of activities.

Indoor uses shall:

- A. Have no outdoor speakers.
- B. Comply with all Uniform Construction Code building regulations.

Outdoor uses shall:

- A. Present a plan for the use, time, and duration of any outdoor speakers. Outdoor speakers may not be employed for musical performances. Outdoor speakers may not be employed for non-emergency use between the hours of 10:00 pm and 7:00 am.

- B. Safety fencing of at least four (4) feet in height shall be provided to enclose all spaces utilized for outdoor activities that abut a public road or street or commercial parking lot.
- C. All yards that abut a Residential district shall employ an opaque fence or screen of at least eight (8) feet in height.
- D. All side and rear yard setbacks shall be increased by ten (10) feet on any property line abutting a R-1A, R-1B or R-2 district.
- E. Present evidence of compliance with PA Bureau of Labor and Industry regulations.
- F. Outdoor lighting shall be shielded to prevent glare to neighboring properties.
- G. Hours of operation may be limited by reasonable additional conditions.

Section 425 Gas Station, Convenience Store, Motor Vehicle Sales, Service and Repair

- A. Any fuel pumps shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.
- B. No vehicles will be parked or stored in a manner which would encroach upon a free sight triangle, or safe line of sight for any nearby street or driveway.
- C. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- D. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- E. All compressors shall be enclosed to minimize noise to neighboring properties.
- F. All underground storage tanks shall be in compliance with all Federal or State regulations.
- G. Autos Sales in the C-2 Commercial District must be located with principal frontage on a state highway.

Section 426 Office and Shopping Centers

This section facilitates large or multiple-building developments which may include a mix of retail, eating and drinking places, professional offices, and service shops.

- A. The center shall either be planned around a central green or quadrangle area or existing street, with consideration given to the relationship of various buildings and uses to each other. A minimum of ten percent (10%) of the total developed area shall be devoted to such greens or common passive recreational areas. This shall be in addition to any normal required yard and setback areas or limitations upon coverage.
- B. The developer shall submit a sketch plan that generally identifies proposed areas for various permitted and conditional uses within the center. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed uses to each other and the surrounding neighborhood. If areas are specifically identified for conditional uses, and meet all performance standards, their subsequent development may proceed by right at a later date without additional Conditional Use approval.
- C. The developer shall submit plans for any architectural guidelines or covenants proposed to ensure a harmonious development of the center as an integral whole.

- D. The developer shall submit a sketch landscaping plan that illustrates how landscaping will be used to buffer the proposed center from any abutting residential areas. The Borough may increase standards for buffering and landscaping as a reasonable additional condition and safeguard.

Section 427 Light Manufacturing, Warehousing, Truck Terminals, and Distribution Centers

- A. Describe any and all industrial processing and product lines in such detail to ensure the Borough that they meet the definition of light manufacturing.
- B. The developer shall submit a sketch plan. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed building and parking areas to each other and the surrounding neighborhood, overall building design, and any landscaping, screening and buffering proposed.
- C. All industrial activities shall be contained indoors and **any outdoor storage shall be screened from view.**
- D. Show a plan for minimizing the effect of any truck traffic on congested areas.

Section 428 Flea Markets

To conform to conditional use standards, all flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls. The plan shall detail areas to allow vendors selling from cars to enter and exit while avoiding pedestrian areas.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one (1) fifty- (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers. The operator shall agree to dispose of all unsold items left on site by vendors.

Section 429 Sexually Oriented Business

These businesses have potential negative secondary impacts upon the community, including:

Frequent use for unlawful sexual activities, including prostitution and public sexual liaisons of a casual nature.

The concern over sexually transmitted diseases is a legitimate health concern of the Borough, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens.

There is convincing documented evidence of a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

Serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that the operators of sexually oriented businesses comply with reasonable regulations and to ensure that the operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Borough to condone or legitimize the distribution of obscene material.

Sexually Oriented Business, as defined, herein shall be permitted as a Conditional Use, provided:

- A. The proposed business does not lie within five hundred (500) feet of:
 - 1. A Place of Worship;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any residential district;
 - 6. A child-oriented business.
- B. The proposed business does not lie within five hundred (500) feet of another adult entertainment business.
- C. Compliance with all other applicable local codes and licenses is presented to the Borough Council.
- D. Visibility from the street: No Sexually Oriented Business shall permit, or cause to be permitted, any stock in trade or sign which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined under any Borough ordinance, to be viewed from the street, sidewalk or highway.

Section 430 Bottle Clubs

- A. Shall be located at least five hundred (500) feet from the nearest property line of any other bottle club, place of worship, school or other institution of learning or education, hospital, library, park, or playground.
- B. Shall be located at least two hundred (200) feet from any land zoned residential.
- C. Shall be located at least two hundred (200) feet from any property line of any single or multi-family dwelling.

Section 431 Bulk Fuel Storage

- A. Liquid storage tanks shall be completely surrounded by a dike capable of containing the maximum contents of all the tanks within the dike. Any openings in the dike shall be leak-proof when closed and shall close automatically in the event of tank rupture. As needed, tanks shall be registered with DEP, comply with their regulations, and show evidence of same.
- B. No tank shall be located closer than 100 feet to any property or street line or 500 feet to any residence.
- C. The area within the dike shall be drained by an underground system capable of closing automatically in the event of a tank rupture.
- D. An emergency management plan shall be prepared and approved by the Borough with consultation with the local fire department and the consent of DEP shall be secured by the developer as conditions of issuing a zoning permit or certificate.

Section 432 Correctional Facility, Halfway House, or Treatment Center

- A. Shall present the Borough with a security plan that takes into account the safety of Borough residents.
- B. Does not lie within one thousand five hundred (500) feet of:
 - 1. A place of worship;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any village or rural development district;
 - 6. A child-oriented business.

No Correctional facility, halfway house or treatment center may be located where any adjacent property contains a pre-existing single family home in separate ownership from the proposed facility.

Section 433 Heavy Industry

The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations;
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under Article Five of this Ordinance; and,
- D. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies established by the Borough.
- E. The Borough may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.

Section 434 Junk and Salvage Yards and Recycling Centers

Shall comply with the following requirements:

- A. All lots shall be at least two (2) acres in size.
- B. There shall be no storage of scrap, machinery or equipment of any kind in the setback areas. The facility shall be enclosed by an opaque fence of at least eight (8) feet in height which may be placed at the setback line. All areas outside the fence shall be kept as a landscaped buffer or mowed grass area.
- C. The processing or storage of hazardous materials, as defined by the Department of Environmental Protection, shall not be permitted, unless all standards for heavy industry under this ordinance are also met.

Section 435 Mining and Mineral Extraction

Planning and Geologic Studies, including the Wolf Creek Slippery Rock Creek Multi-municipal Comprehensive Plan have shown that there are few, if any, solid mineral resources within Borough limits that could be reasonably accessed by surface mining. Longwall or other subsurface mining shall be a Conditional Use provided that the locations of any air shafts or other mine openings are screened from access.

Section 436 Eating and Drinking Places and Retail in Industrial Districts

Retail and Eating and Drinking places are permitted by right as an accessory to industrial uses (such as a retail area for an item manufactured on site. This Conditional Use is for such uses where they are proposed as a principle use. The Borough seeks to regulate these to prevent negative impacts upon pre-existing industrial uses. Screening or fencing may be required, along with other reasonable additional conditions and safeguards, in order to prevent negative impacts upon neighboring industrial uses.

Section 437 Retail Liquor Store

- A. No Retail Liquor Store shall be located within Three Hundred (300) feet of another Retail Liquor Store.
- B. The Borough may limit the hours of operation of the Retail Liquor store as a reasonable additional condition and safeguard.

Section 438 Oil and Gas Drilling

- A. The applicant shall identify the entry lane for any drilling rigs and present a traffic management plan that will minimize congestion and ensure safety for Borough residents. All entry lanes shall be on a state road. Accepted professional standards pertaining to minimum traffic sight distances for all street or road access points shall be adhered to.
- B. Drilling Rigs are exempted from height requirements of the zoning district, provided that a period of drilling does not exceed six continuous months (6) months in any nine month period. It is the responsibility of the developer to inform the Borough when drilling rigs are emplaced upon the site to determine the period of exemption. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- C. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
- D. When drilling is being conducted with 500 feet of a dwelling in separate ownership from the property upon which the drilling proposed, the developer shall mitigate light and noise through the following standards:
- E. Lighting at the oil or gas well drilling site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings.
- F. Prior to drilling of an oil or gas well the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. The noise generated during the oil and gas operations not exceed the average ambient noise level established by more than 10 decibels.
- G. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- H. Areas of active drilling shall be secured by a fence or other means to restrict access. Warning signs shall be placed on the fencing or surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. Emergency Responders shall be given means to access oil or gas well site in case of an emergency. The Borough may require the installation of landscaping or some form of vegetative screening or buffer as a reasonable additional condition and safeguard within six (6) months of the initiation of drilling.
- I. Additional Regulations for Temporary Housing: If mobilehomes are proposed as temporary worker housing during Oil and Gas Drilling, the following standards shall be met:
 - 1. The number of mobilehomes proposed shall be clearly identified and their location approved by the Borough.
 - 2. Mobilehomes for temporary housing shall be emplaced on a site for a period of no greater than six (6) months.
 - 3. All mobilehomes shall be removed within thirty days of completion of drilling.
 - 4. No temporary mobilehome shall be placed within two hundred (200) feet of a property line.
- J. The Applicant shall show compliance with all applicable State and/or Federal regulations, including setbacks from streams and public water supplies. Specifically, all needed permits from the Pennsylvania Department of Environmental Protection and copies of approved Erosion and Sedimentation Control Plans shall be presented to the Borough.
- K. The applicant shall agree that if materials from trucks are spilled upon a public street, all such materials shall be removed immediately.

**ARTICLE 5
SUPPLEMENTARY REGULATIONS**

Section 501 Nonconforming Uses and Structures

- A. The following provisions shall apply to all nonconforming uses and structures. It is the intention of The Borough that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as in compliance in this Article.
- B. Any nonconforming use may be changed to a use of the same or a more restrictive classification (Such as a conversion from industrial use to commercial use. Such conversion of a nonconforming use to another nonconforming use shall be regarded as a Conditional Use. In considering this Conditional Use, the Borough Council may add reasonable additional conditions and safeguards.
- C. Any nonconforming structure or use which has been damaged or destroyed by fire, or any other means, may be reconstructed and used as before, if intent to rebuild is expressed within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Borough Council, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located. The process for reviewing such an expansion shall be consistent with that for land developments under Article IV of the PA Municipalities Planning Code and the Borough of Grove City Subdivision regulations.
- D. In the event that any nonconforming use voluntarily ceases, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. A nonconforming use that is converted to a conforming one may not revert to the previous nonconformity.
- E. With approval of the zoning officer, the nonconforming use of a portion of a building may be extended throughout those parts of the building which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- F. A nonconforming use or structure may, with the approval of Borough Council, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty (50%) percent more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located. The expansion of a nonconforming use under this section shall be regarded as a Conditional Use meeting section 401 and standards of this subsection. In considering this Conditional Use, the Borough Council may add reasonable additional conditions and safeguards. Conditional Use standards for change, conversion, or expansion of nonconforming uses:
 - 1. If the nonconforming use is a residential nonconformity, no expansion will result in a greater number of dwelling units.
 - 2. The nonconformity may not extend to any property beyond the original lot, parcel or tract upon which it is located.
 - 3. The nonconformity may not extend to any property beyond the original lot, parcel or tract upon which it is located.
 - 4. The Council may limit the hours of operation as a reasonable condition and safeguard.
 - 5. The expansion will not increase any unscreened outdoor storage area.
 - 6. The Council may require screening to mitigate any effect upon surrounding properties.

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

- G. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification or the allowed uses of any district change, this Article shall also apply to any uses which thereby become nonconforming.
- H. Expansion and construction of Nonconforming Single Family Dwellings: In any District in which single family dwellings are permitted, notwithstanding other limitation imposed upon such by other provision of this ordinance, a single family dwelling and permitted accessory uses may be erected upon a lot of record. Likewise single family dwellings on lots or record may be extended or expanded to an extent that encroaches on the established side yards for the district, provided
 - 1. The applicant demonstrates to the Zoning Officer that the dwelling and lot predate the zoning classification.
 - 2. The applicant presents the Zoning Officer with a sketch of the proposed extension or expansion that shows that all improvements are upon the applicant's property.
 - 3. The applicant does not own sufficient land on the lot or a separate abutting lot to expand and remain within the standards for the District as expressed in Article Three.
 - 4. In such cases, the alternative side or rear yard standard shall be equal to the distance that the principle structure on the abutting lot is from the applicant's property line. However, the alternative standard shall not result in any improvement that places a dwelling closer than Four (4) feet from the property line.
- I. Front Yard Averaging: where a structure exists on an adjacent lot and/or is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures. However, this shall not result in a setback of less than four (4) feet.

Section 502 Existing Lots of Record

Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. If two (2) or more contiguous lots, combination of lots or portions of lots with continuous frontage are in single ownership, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered an undivided parcel for the purpose of this chapter, and no portion of said parcel shall be sold in a manner which diminishes compliance with lot width and/or area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a zoning or construction permit shall be referred to the Planning Commission. The Commission may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

Section 503 Accessory Structures and Uses

All accessory buildings or structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section.

- A. Handicap ramps may be constructed within two (2) feet of any lot line.
- B. A private, noncommercial garage, accessory to a single family dwelling, and not exceeding 900 square feet in size, may be erected within five (5) feet of any side or rear lot line.
- C. A wall or fence under 49 inches in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard provided they do not impinge on the required free sight triangle at intersections. Fences in residential districts may be erected to a maximum height of six (6) feet in a side or rear yard area only. Fences required for public safety or screening by nonresidential uses are exempt from height restrictions, but may not block a vehicular line of site for any intersection or neighboring driveway.

- D. An at-grade masonry retaining wall may be erected within the limits of any yard, and does not require a zoning permit. Such wall shall not exceed one (1) foot above grade.
- E. Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than six (6) feet from any lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height, or as required by the Uniform Construction Code. Above-ground pools may use a combination of sides and screen to reach the required height.
- F. Small garden sheds, storage sheds and similar structures smaller than 144 square feet may be permitted in yard areas, provided such lies no closer than two (2) feet to an abutting lot line.
- G. Lighting: Lighting may be emplaced in setback areas, subject to the following standards:
 - 1. All lighting fixtures shall be full "cut off."
 - 2. No lighting fixture shall be mounted higher than six feet above grade in R-1A, R-1B, R-2 and RLC Districts, and twenty (20) feet above grade in all other districts.
 - 3. All lighting shall be aimed away from residential uses or districts.
- H. Structures which are not buildings, such as play sets, bird feeders, garden arbors and trellises, clothes drying lines, and lawn furniture may be erected within the limits of any yard, and do not require a zoning permit, but shall be at least two (2) feet from a property line.
- I. Horticulture may occur within the limits of any yard and does not require a zoning permit.
- J. Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

Section 504 Temporary Structures and Uses

- A. Temporary Trailers: Temporary construction trailers placed in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for such temporary structures shall be issued for a six (6) month period and may be renewed while construction is in progress. Temporary structures are subject to all use and setback requirements.
- B. Portable Storage Units and Portable Roll-Off Dumpsters: These units are intended for the temporary storage of household goods during moving or remodeling. Units may not be placed within any public right-of-way. Units may remain in place for up to sixty (60) days.
- C. Parking, Major Recreational Equipment and Licensed Commercial Vehicles: The outdoor storage of major recreational equipment including, but not limited to, travel trailers, motor homes, tent trailers, pickup campers (designed to be mounted on automobile vehicles), boats and boat trailers, and commercial vehicles with a gross weight greater than 26,000 pounds or three (3) or more axles, as an accessory activity to a dwelling shall be permitted subject to the following requirements: Equipment must be registered to the owner or resident of the dwelling unless kept for a period of thirty days or less. Such equipment shall be stored in compliance with the following yard or setback requirements:
 - 1. Front Yard – Not permitted, except within a paved driveway and emplaced so that no right of way, sidewalk or line of sight is blocked.
 - 2. Side Yard – 6 feet.
 - 3. Rear Yard – 5 feet.
 - 4. On a corner lot (reverse frontage lot), the front yard requirement of 25 feet shall be applicable on two (2) lot faces.
 - 5. No permit is required for keeping major recreational equipment or licensed commercial vehicles on a lot when accessory to a dwelling and compliant with setbacks.

504.1 Tent, Truck, Temporary Retail Sales, Garage and Yard Sales

- A. Tents erected for community or family events, auctions or residential yard and garage sales are exempt from this section provided that temporary structures are removed within five (5) days of erection. However, no such exempt tent or truck shall block any vehicular line of site on a public street.
- B. Retail Tent Sales. Sales of new retail goods within tents are only permitted in the HCLI District. Where the proposed tent, truck used for retail sales, or other temporary sales event will remain in place for more than five (5) days, a zoning certificate for a temporary use must be obtained.
1. The applicant shall show the location of all temporary signs emplaced in conjunction with the sale, and pay a deposit in an amount established by the Borough fee resolution to ensure all signs are removed upon conclusion of the sale.
 2. If the property owner is not the sponsor of the sales event, the applicant shall have written permission of the property owner.
 3. No part of any operation shall be located within any required yard or setback.
 4. Mud and dust free parking shall be provided, adequate to the proposed size and use of the tent, truck, or other temporary sales structure.
 5. The event shall not impede or adversely affect vehicular or pedestrian traffic sight distance, flow or parking maneuver. The driveway shall be clearly delineated and if necessary, show any PennDOT approval and/or adequate site distance.
 6. Unless clearly accessory to another retail operation, the maximum duration of any tent or other temporary retail sale shall be fourteen (14) calendar days. No tent sale shall be held upon the same property for thirty (30) days after said event, unless Conditional Use approval as a flea market is obtained.
 7. The applicant shall have sufficient secure trash receptacles on site for all waste generated by the retailer or anticipated customer use.
 8. All signs, merchandise, equipment used in such sales, and all debris and waste resulting from a temporary sale shall be removed from the premises within three (3) days of the termination date of the permit.
- C. Garage and Yard Sales. Garage sales are a permitted temporary accessory use to a single family dwelling, provided that no such sales shall exceed seven (7) days in duration, and no more than thirty (30) days of such sales occur within any calendar year upon the premises.
- D. Mobile Food Vendors. Licensed commercial vehicles or licensed trailers selling food are exempt from this ordinance provided they are making local deliveries, catering special events of less than 48 hour duration, or are operating in a zone district where similar uses are otherwise permitted. All mobile food vendors must have written permission of the property owner.

Section 505 Height Limitations:

When the following conditions are met, height limits may be increased:

- A. Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.
- B. The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

- C. However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will be first referred to the Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Borough as part of a land development application pursuant to the Subdivision and Land Development Ordinance.

1. Section 506 Performance Standards

No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person in the Borough. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

506.1 Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

506.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

506.3 Noise: Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

506.4 Odors: In any district, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

506.5 Air Pollution: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.

506.6 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

506.7 Erosion: No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.

506.8 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

506.9 Burning: To further protect property from noxious and malodorous nuisances, and provide for protection of property from fire, outdoor open burning of any paper, brush, refuse, or similar material is prohibited in the all districts. This prohibition does not include outdoor commercial or recreational barbeques, or small campfires burning natural firewood.

Section 507 Off-Street Loading and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged. However, any new development in the C-1 Commercial District shall not be subject to parking **or loading** standards, unless **specifically** required by Conditional Use or Special Exception.

507.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size:

Use	First Berth	Additional Berth(s) Per Each Additional Increment
Institutional Uses		
Schools	10,000	50,000
Hospitals, Nursing Homes, Personal Care Homes, Auditoriums and Arenas	50,000	100,000
Commercial Uses		
Convenience Store/ Service Station	5,000	40,000
Eating and Drinking Place	40,000	50,000
Retail Sales/Shopping Centers	40,000	50,000
Hotel	50,000	100,000
Industrial Uses		
Light Manufacturing	10,000	50,000
Heavy Manufacturing, Wholesale, Warehouses Truck Terminals	5,000	10,000

Note: All figures given in the above table are the gross feet of floor area for each listed use.

507.1(a) Size and Access: Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading berths may be combined with parking areas if it can be shown that peak loading hours will not conflict with the parking of other vehicles.

507.2 Off-Street Parking:

A. **Size and Access:** Off-street parking spaces shall have an area determined by their use. In the case of multi-family dwellings, mobile home parks, industrial and manufacturing establishments, warehouses, wholesale, and truck terminals, each space shall be not less than one hundred forty-four (144) square feet, being at least eight (8) feet wide and eighteen (18) feet long. For all other uses, each space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Subdivision and Land Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

B. **Off-Street Parking Lot Design:** All off street parking lots shall be designed in accordance with standards within the Subdivision and Land Development Ordinance.

C. **Number of Parking Spaces Required:** The number of off-street parking spaces required is set forth in Table 507.2(C). Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

Table 507.2 C
Parking Spaces Required

Use	Parking Spaces Required
Residential	
Single-Family Dwelling	2 per dwelling unit
Family and Group Day Care	2 spaces for the dwelling and at least 1 additional space
Multi-Family Dwelling	2.0 per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.25 spaces per dwelling unit
Mobile Home Parks	2 per dwelling unit
Institutional Uses	
Churches, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor Assembly	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff plus 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 4 beds
Hospitals	1 per each staff on the largest shift plus 1 per each bed
Commercial Uses	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 5,000 square feet developed lot area for vehicle display and 1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces
Day Care Centers	One space for every eight (8) children under care and one space for each employee on shift
Convenience Store/Service Stations	1 per 200 square feet gross floor area
Hotels/Motels	1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation	One per each 3 persons in maximum occupancy
Outdoor Commercial Recreation	1 per each 2,500 square feet of lot area developed and used for the recreational activity
Medical and Dental Office	8 spaces per doctor
Professional Office and Banks	1 per each 250 square feet of gross floor area
Furniture Stores, Building Material and Supply Yards	1 per each 800 square feet of gross floor area
Eating and Drinking Places	1 per each 2.5 patron seats
Retail Stores/Shopping Centers	1 per each 400 square feet of gross floor area
Fast Food, Drive Through Eating and Drinking	1 per each 2 patron seats
Industrial Uses	
Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses	1 per each employee on largest shift plus 1 visitor space per each 10,000 square feet gross floor area

- D. Location and Parking: Required parking spaces shall be located on the same lot with the principal use. The Borough may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and either a sufficiency of public spaces can be proven, or the developer has leased or owns adequate spaces. In such cases, the application shall be reviewed as a land development plan under the subdivision and land development ordinance as it involves more than one lot.
- E. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
- F. Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.
- G. Surfacing: With the exception of Single Family Dwellings, all parking and loading areas and access drives shall have a paved surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Lots shall be designed to provide for orderly and safe loading and parking.
- H. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

Section 508 Group Residences

The Borough supports housing choice for persons with disabilities, and group residences that meet the definition under Article Seven shall be permitted by right in all districts where single family dwellings are permitted. However, it shall be the applicant's responsibility to ensure to the Borough that:

- A. All applicable standards of the Pennsylvania Department of Public Welfare and other licensing entities are met.
- B. All Standards of the Uniform Construction Code are met prior to occupancy.
- C. The applicant shall certify that it will provide no group housing on the site for persons who:
1. Have been adjudicated a juvenile delinquent.
 2. Have a criminal record.
 3. Have a legal status as a sex offender.
 4. Are persons who currently use illegal drugs.
 5. Are persons who have been convicted of the manufacture or sale of illegal drugs.
 6. Are persons with or without disabilities who present a direct threat to the persons or property of others.
- D. The Borough will make reasonable accommodation for the need of resident caregivers and disabled persons in applying its definition of family, but the applicant shall show that the number of persons and caregivers proposed to reside in the group residence will be generally consistent with the density of dwellings in the proposed zoning district.

Section 509 Forestry

Forestry: The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. It is subject to the following conditions:

- A. Any harvesting shall be preceded by presenting an approved erosion and sediment control plan prior to the issuance of a zoning permit, as needed. The harvester shall also confer with the owner of any above ground utilities on the property to ensure lines will not be damaged.

B. In all districts, to avoid traffic congestion and sound disturbance, all activities must start after 8:00 a.m. and end by 6:00 p.m. during the week. No Sunday work shall be permitted.

C. No harvesting of timber shall be permitted within any setback area except for necessary removal from storm damage, disease prevention, utility protection, or pursuant to land development.

Section 510 Screening and Screen Planting

- A. Fences utilized for screening shall be of permanent opaque construction, such as wood or vinyl, and kept in repair and maintenance to ensure their continued function. Unless permitted as a boundary fence, the developer shall ensure a maintenance area of at least three feet in width between any screen fence and a property line. The area outside the screen fence shall be mowed grass or landscaped vegetation.
- B. If screen planting is used, it shall be comprised of an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees.

Article Six Signs

The following sign regulations shall be observed in all districts: It is not the purpose of this section to abridge commercial or non-commercial free speech. The purpose of these regulations is to ensure that the time, place, and manner of sign emplacement within the Borough is conducted with regard to the safety of motorists and pedestrians (especially in avoiding distractions or confusion in high traffic areas), access to light and air by neighboring properties, and avoidance of negative impact upon neighboring properties, including unnecessary glare.

Section 600 Exempt Signs

- A. The following types of signs are permitted in all zoning districts, and exempt from permitting requirements, but not from performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.
- B. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed sixteen (16) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
- C. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all zoning, subdivision and land development approvals have been obtained.
- D. Political signs announcing candidates seeking public office, a referendum, or similar political speech, provided that such sign shall not exceed 16 feet in area.
- E. Religious or holiday displays or messages with no commercial content.
- F. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- G. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed ten (10) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- H. Auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet and are removed as soon as the event or activity has occurred.
- I. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- J. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed sixteen (16) square feet in any Residential District, and thirty two (32) square feet in all other districts; provided that such sign shall be removed upon completion of the work.
- K. Any signs not visible from outside a lot or building.
- L. Displays of time and temperature, including electronic displays.
- M. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- N. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of such sign shall not exceed two (2) square feet.

- O. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- P. Memorial signs or tablets denoting the date of erection of a building.
- Q. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed thirty-two (32) square feet.
- R. Any sign warning of a hazard that contains no other information or commercial content.
- S. Signs erected by the Borough or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of businesses or individuals who have sponsored a public improvement or general support of said facility.
- T. Traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- U. Signs erected for the purpose of scoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.

Section 601 Performance Standards

Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 600 of this Ordinance, a permit must be obtained from the Borough for the erection or alteration of all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT-approved traffic signs and devices; signs and banners specially approved by the Borough for decoration or promotion of community events and activities; signs not exceeding nine square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine (9) square feet placed temporarily to provide notice of or direction to a civic, philanthropic, political, educational, or religious event or activity, or other signs specifically permitted under section 503.7 of this Ordinance (projecting business signs). The Borough may require proof of insurance for any sign within a Borough right-of-way.
- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant, or a person with the express written consent of the property owner.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees, fire hydrants, traffic signposts, light posts, or any Borough owned structure.

- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- H. Any electronic sign within the Borough whether nonconforming, or conforming, shall meet compliance with Sections 607B1, 607B2, 607B3, 607B4 and 607B5 regarding performance standards for public safety and welfare.

Section 602 Illumination

- A. Except as specifically provided for electronic signs, no sign shall employ intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or abutting homeowners.
- B. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- C. Except as specifically provided for electronic signs by Special Exception, or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.
- D. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- E. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes. No temporary signs shall be illuminated by direct means.

Section 603 Sign Permit Application.

All applications for signs, as required under this section, shall be submitted to the Zoning Officer. The application shall contain:

- A. Type, area and number of signs proposed
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting. This shall also be depicted upon a map that illustrates the distance to any R-1, R-2 or R-3 zoning districts.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, property lines and cartways. The developer shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- E. The Borough must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this Ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Borough Council, who may refer the application for advice to the Planning Commission or any similar advisory committee.
- F. The information required by this section may be integrated into the Borough's land development plan application and approval process where applicable.

Section 604 Signs Permitted in the R-1A, R-1B Residential, R-2 Residential Districts

- A. Subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Such signs may not be illuminated.

- B. Signs for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Such signs may not be illuminated.
- C. Institutional uses may have one (1) changeable copy sign of no greater than thirty two (32) square feet, either permanently attached to a building or as a freestanding sign. Illumination of any such non-electronic changeable copy sign shall be from external sources only, and shielded to prevent unnecessary glare to neighboring properties. Luminance shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign.
- D. No freestanding signs within these districts may be erected within ten (10) feet of a side or rear lot line, or **ten (10) feet from a public right of way.**
- E. No freestanding signs within these districts may exceed six (6) feet in height

Section 605 Signs Permitted in the P-1 Public District

- A. All signs permitted in the R-1A, R-1B, and R-2 Districts.
- B. Signs for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed sixty four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Such signs may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign.
- C. In multi-building institutional developments, each building may include one (1) freestanding or wall sign of up to thirty two (32) square feet. Such signs may be illuminated by direct or indirect means.
- D. No freestanding signs within this district may be erected within ten (10) feet of a side or rear lot line, **or ten (10) feet from a public right of way.** All freestanding signs shall be set back from a property line or right of way by the height of the sign.
- E. Institutional Uses in the P-1 District may have one (1) Electronic sign of no greater than sixteen (16) square feet per each road frontage, either permanently attached to a building or as a freestanding monument sign. Illumination of any such electronic signs shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign. Signs shall not be illuminated before dawn or after 10 PM except for emergency or public safety use, such as school closing information or Amber Alerts.
- F. No freestanding signs within this district may exceed eight (8) feet in height.

Section 606 Signs Permitted in the RLC, C-1, C-2, HCLI and I-1 Zoning Districts

- A. **All signs permitted in the R-1A, R1B, and R-2 Districts.**
- B. Unless limited by special exception or Traditional Neighborhood Development design standards, the number of signs permitted shall be consistent with the following table:
 1. RLC,C-1,C-2: two (2) permanent signs per street frontage.
 2. HCLI, I-1: three (3) permanent signs per street frontage and one (1) additional sign per each street frontage of more than one hundred (100) feet in width.
- C. Buildings or properties with multiple businesses may have one (1) additional sign per each additional business located within the building or property. However, all signs must remain within any dimensional limits of Table 606.1.
- D. **No freestanding signs within these districts may be erected within ten (10) feet of a side or rear lot line, or ten (10) feet from a public right of way. Any freestanding signs in excess of ten (10) feet in height shall be set back from a**

property line or right of way by the height of the sign. The dimensions of signs shall be consistent with the following table:

Table 606.1 Business Sign Regulations

District	RLC Residential Limited Commercial	C-1/C-2 Commercial	HCLI Highway Commercial Light Industrial	I-1 Industrial
Sign Type				
Freestanding Pole Signs	Not Permitted	Not Permitted	Not Permitted	16 square feet only one (1) freestanding pole sign per property
Freestanding Monument Signs	Maximum Area: 32 Square Feet Maximum Height: 8 feet	Maximum Area: 32 Square Feet Maximum Height: 10 feet	Maximum Area: 40 Square Feet Maximum Height: 8 feet	Maximum Area: 40 Square Feet Maximum Height: 10 feet
Projecting Signs	Maximum Size: 9 square feet Maximum Height: The lowest part of the sign shall be no more than 12 feet above grade	Maximum Size: 9 square feet Maximum Height: The lowest part of the sign shall be no more than 15 feet above grade	Maximum Size: 16 square feet Maximum Height: The lowest part of the sign shall be no more than 15 feet above grade	Maximum Size: 16 square feet Maximum Height: The lowest part of the sign shall be no more than 15 feet above grade
Facade Wall Signs	Maximum Size: 10 percent of one surface per street front	Maximum Size: 15 percent of one surface per street front	Maximum Size: 20 percent of one surface per street front	Maximum Size: 20 percent of one surface per street front
Roof Signs	Not Permitted	Not Permitted	Not Permitted	Maximum Area: 100 Square Feet Maximum Height: 10 feet above building

*sf means square feet

606.2 Signs may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed one hundred (100) luxes (10 foot candles) measured at a distance of ten (10) feet from the sign, unless any portion of the illuminated sign face is within one hundred (100) feet of an R-1, R-2, or R-3 Residential District and visible from an occupied dwelling in said district. In such cases, illumination shall be reduced to ten (10) luxes (1 foot candle) measured at a distance of ten (10) feet from the sign.

606.3 Temporary Signs: Temporary signs shall be permitted in building windows, and shall not require a permit.

- A. In The C-1 District, temporary sandwich board signs of up to four (4) square feet in area are permitted on sidewalks during the hours the business is open.
- B. Permanent Window Signs, Banners and Temporary Business Signs:
 - 1. Permanent window signs are permitted in the C-1, C-2, and HCLI Districts by right without a permit provided no more than fifty percent (50%) of each window surface and twenty-five percent (25%) of all building windows include such signs. Such permanent window signs do not count towards the allowed number of signs per district.
 - 2. Temporary business signs, such as vinyl banner signs or manual changeable copy signs, are also permitted as accessory to all business uses, and do not require a permit. However, such signs remain subject to all setback requirements for business signs, and may not exceed 32 square feet in size. No temporary banner sign or changeable copy sign may be lighted except by indirect means. No temporary banner sign or changeable copy sign shall remain in place for more than 30 continuous days or 120 total days per calendar year.

Section 606.4 Projection of Permanent Signs into Rights-of-Way.

- A. Within the C-1 District, a sign attached to a building, otherwise lawful under 606.1, may project into the public right-of-way up to six (6) feet, provided:
 - 1. No structural support or portion of the signs is within eight (8) feet of grade as measured vertically from the right-of-way line for a pedestrian right-of-way, and fourteen (14) feet of grade for a vehicular right of way.
 - 2. Under no circumstances shall any portion of such projecting signs be placed nearer than two (2) feet from a vehicular cartway, loading zone, or on-street parking lane.
- B. Awning and canopy signs may project into rights of way in areas served by sidewalks only in the C-1 and C-2 Zoning Districts, and shall be subject to the following regulations:
 - 1. No portion of an awning or canopy shall be less than eight (8) feet above the level of the public sidewalk.
 - 2. The awning or canopy shall be set back at least four (4) feet from the curb or a public street.
 - 3. Awnings and canopies shall be constructed of canvas, vinyl or similar flexible, cloth-like material. Backlit or metal awnings or canopies are prohibited for signs within rights-of-way.
 - 4. Awnings and canopies shall be securely attached to the building. All frames and supports shall be made of metal or other rigid material.
 - 5. The name of the business or logo may be printed on the portion of the awning or canopy above the valance provided that such name or logo does not comprise more than twenty five (25%) percent of the total canopy area.

Section 607 Electronic Signs

The inherent characteristic of electronic signs is their flexibility. This creates the potential for such signs to create an undue distraction to motorists if poorly placed or poorly programmed. These regulations are designed to encourage evolving methods of advertising, while preventing light pollution, and driver distraction hazards.

- A. A single LED window sign of up to two (2) square feet in size is permitted in the C-1, C-2 and HCLI Commercial Districts for any business use. LED window signs shall not be included as part of calculations of total signage permitted.
- B. An electronic sign is permitted in the Highway Commercial Light Industrial District as an accessory portion of a freestanding monument sign, provided that the LED sign is no greater than fifteen (15) feet in surface area, and

mounted on the same frame as a static freestanding sign. The area of the LED shall be included in total sign area calculations. The Electronic Sign shall also meet all the following design and performance standards:

1. Electronic sign content: Electronic signs may contain permanent content about any business located on the premises upon which the sign is placed. They may also contain temporary messages with content about such businesses, or temporary messages announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided that such message is changed upon the cessation of such a campaign, drive or event. Electronic signs may also contain messages permitted for temporary signs as authorized under sections 600 B and 600 D of this chapter. Electronic Signs may function as directional signs to guide drivers to other businesses within two thousand (2,000) feet of the sign's location.
2. Message display shall remain static for a minimum of seven (7) seconds. There shall be no strobe, flashing effect or other animation during the display. Any transitions or change of the display between messages shall not be more than two (2) seconds. Transitions that involve fading, scrolling, or other animations shall not be permitted.
3. Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 footcandles at night. A letter certifying compliance shall be provided to the zoning officer.
4. Dimming Capabilities All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
5. Electronic signs which malfunction shall be turned off except for testing during any correction or repair.

C. Pole Signs with video or multicolored LED displays are permitted only as a Conditional Use I-1 industrial District. In such cases:

1. The developer shall submit a programming plan that shows any proposed use of animations, length of exposure for any message, and transition time or proposed effects between individual messages. This shall include estimated motorist reaction time to proposed messages and symbols, based upon the United States Sign Council's On-Premise Signs Guideline Standards, 2003 edition. For planning purposes, the developer should assume all driving environments in the Borough are complex, as defined in the guideline standards, except for multi-lane streets (such as West Main Street), which should be considered as such. The Borough Council may establish limits upon use of any special effects, transitions, or length of message exposure as a reasonable additional condition and safeguard to the Special Exception.
2. Electronic signs may function as billboards in the I-1 Zoning District.
3. Electronic signs may be freestanding or a façade or wall sign type. Such signs shall meet all size, area, and setback limitations for the district in which it is proposed. The size of an electronic sign shall be calculated based upon the surface dimensions that have the ability to display a symbol or message.
4. Additional setback from residential districts: All portions of the sign structure must be a minimum distance of one hundred (100) feet from an abutting R-1A, R-1B, R-2, P-1 or RLC district boundary.

5. Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted per each property, regardless of how many tenants occupy that lot.
6. Orientation. When located within one hundred fifty (150) feet of a residentially-used lot in an R-1, R-2 or R-3 Residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
7. Audio or Pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
8. The developer shall show compliance with all applicable regulations of the Pennsylvania Department of Transportation for any proposed sign abutting a State Highway.
9. The developer shall show the ability to meet illumination standards under Section 602 of this ordinance. Developer shall present material detailing any differences in proposed LED light as compared to standard light measurement.

Section 608 Billboards and Multi-Vision Signs:

Billboards as defined by this ordinance are a Conditional Use in the I-1 Zoning District.

Such signs shall not exceed any dimensional or illumination requirement for the District in which they are proposed, as stated in Table 606.1.

No billboard shall be located within thirty five (35) feet of a public street intersection.

No Billboard shall be placed within seventy five (75) feet of another billboard on the same side of the street.

All Multi-Vision signs shall have a transition time between sign faces of no more than two (2) seconds.

ARTICLE 7 DEFINITIONS

Section 701 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 702 Specific Terms

The following words and phrases shall have the meaning given in this section.

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use - a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Area - area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Assisted Living Facility - any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration, and licensed and regulated as such by the Pennsylvania Department of Public Welfare. For the purpose of this Ordinance, assisted living facilities shall be considered as nursing homes.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast - an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Bottle Club - an establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

Building - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Set-Back Line - The line to which a building or structure may encroach towards a yard or setback.

Building Material/Supply Yards - The storage of material in outdoor yards for retail sale, including lumber, pipe, culverts and block.

Business Service - any business activity that renders service to other commercial or industrial enterprises, including banks, credit unions and other financial services.

Car Wash - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Commercial Recreation, Indoor - a facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video or computer games, other electronic simulation games, and similar pursuits.

Commercial Recreation, Outdoor - a facility which offers outdoor recreational or spectator opportunities for its patrons including such games as: miniature golf, driving ranges, tennis, team sports such as soccer or baseball, camps and clinics for sport instruction and similar pursuits. This category does not include recreation fields accessory to schools, churches or community based non-profit organizations.

Conditional Use - a use to be allowed or denied by the Borough Council pursuant to public notice and hearing and recommendations by the Borough Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a Conditional Use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

Convenience Store - a small store, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation. Convenience stores may also sell gasoline or other motor vehicle fuels.

Coverage - the percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

Correctional Facility - A facility that provides lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals, with security to confine said persons. This definition includes community corrections centers as well as other similar transitional housing for offenders.

Day Care Services for Children (Day Care) - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- (a) Family Day Care Homes - facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver, or any facility defined as such by the PA Department of Public Welfare.
- (b) Group Day Care Homes - facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence, or any facility defined as such by the PA Department of Public Welfare. [Care of one (1) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.]
- (c) Day Care Centers - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services. The definition of day care services shall be subject to licensing changes by the Pennsylvania Department of Public Welfare.

Dwelling - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," or "motel."

- (a) Single-family dwelling - a building containing only one (1) dwelling unit.
- (b) Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- (c) Multi-family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- (d) Detached dwelling - a dwelling with yards on all four (4) sides.

Dwelling Unit - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Equipment Sales and Service – businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Family - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a Group Residence with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Halfway House, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act, or persons who constitute a direct threat to others or their physical property.

Flea Market – a business which leases outdoor, tent or partially enclosed space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers' markets, which sell produce, flowers, and similar agricultural products.

Forestry – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, Pursuant to Section 603f of the PA Municipalities Planning Code, forestry shall be a permitted use by right in all zoning districts wherein harvesting of timber is not conducted pursuant to any land development. While permitted, forestry is subject to the standards of Article Five.

Floor Area - the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two (2) buildings.

Group Residence – A permanent, family-like living arrangement for persons who may have a disability or other limitation that requires additional care or supervision in daily living. This definition does not include group housing for persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

Service Station - an area of land, together with any structure thereon, used for the retail sale and dispensing of motor fuel, and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

Garage or Yard Sale – A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area.

Gross Floor Area (GFA) - the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use.

Halfway House – a transitional residential facility licensed and operated by a government or social service agency that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Heavy Industry – the manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy Industry characteristically employs some of such equipment such as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, natural gas distillation, natural gas processing plants, and natural gas compression and/or bulk storage, and chemical plants such as petrochemical complexes. An incinerator structure or facility which, including the incinerator, contains five thousand (5,000) square feet or more, whether public or private, is "heavy industry" for purpose of this Ordinance, as is any electric power production plant which is a principal use, whether said power is generated by coal, natural gas, cogeneration or more than three (3) wind turbines (unless such turbines are clearly accessory and incidental to a dwelling or other business).

Height of Building - the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home Occupation - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations. (See Professional Office.)

Hospital - an institution providing health services primarily for human medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Junk - any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard - any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and vehicles lacking current inspection or registration except for storage in within a building. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Light Manufacturing - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal

products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

Lot - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

Lot, Corner - a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot, Line - any line dividing a lot from another lot or from an abutting street or other right-of-way.

Mineral Extraction - Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

Mobile Home - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers. The definition includes hotels, motor lodges, cottages with full bath and toilet, and similar uses.

"Natural Gas Compressor Station" -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field. The term includes one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment (See Heavy Industry).

"Natural Gas Processing Plant" -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.(See Heavy Industry)

Neighborhood Business – small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size less than five thousand (5,000) square feet gross floor area and confining all commercial activities indoors.

No Impact Home-Based Business – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.

- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- H. The business may not involve any illegal activity.

If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable dimensional or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania. For the purposes of this Zoning Ordinance, a nursing home, as licensed by the Commonwealth of Pennsylvania may also include personal care or assisted living options.

Oil or Gas Drilling—The Act of creating a pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or Gas Well Site -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for the preparation, construction, drilling, production or operation of an oil or gas wells occur, pursuant to drilling. This definition also includes exploratory wells.

Parking Space - an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet for the storage of one (1) automobile and accessible from a public way.

Personal Care Home - a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Personal Services - any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

Place of Worship - a place of religious instruction or public gathering and worship, which may include incidental instruction and charitable activities but not including a public school, university, college, trade or commercial school, day care services, or any form of group residence or halfway house.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Private Clubs – buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. For the purposes of this Ordinance, this definition does not include miniature golf,

golf driving ranges, paintball, or other uses defined by this Ordinance as various forms of commercial recreation. It also may not include any sexually oriented business or bottle club.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Parks and Playgrounds - parks and playgrounds that are owned and operated by the Borough or by an authority created for such purposes by the Borough or any government agency.

Retail Liquor Store – A private enterprise that sells distilled spirits. This definition does not include a state owned and operated liquor store, wholesaler, licensed bar or tavern, stores selling only malted beverages, or a licensed limited winery (or retail outlet thereof) or brewery.

Self Service Storage Facilities – a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service and Repair Business – a form of equipment service or repair which may include woodworking enterprises, repair services such as welding, vehicle or machinery repair, and incidental fabrication or retail sales of items.

Screening - screening shall mean an opaque fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight.

Sexually Oriented Business – businesses which require a license and meet the definitions contained in the Grove City Borough Sexually Oriented Business Licensing Ordinance.

Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign- any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The actual area of any sign shall be measured in square feet and determined by the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on the background.

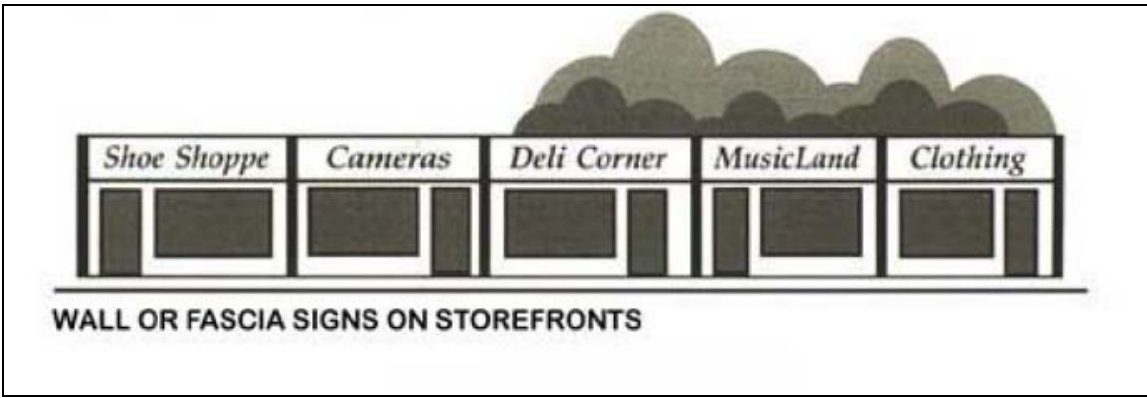
Sign, Business - a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Sign, Changeable Copy – a sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

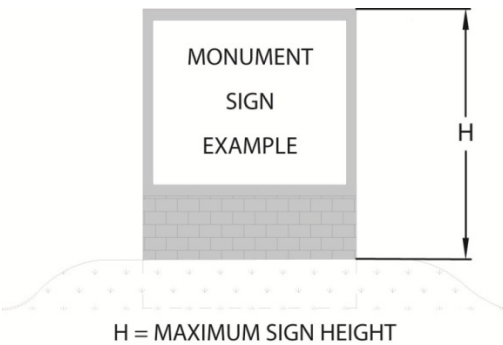
Sign, Electronic – a sign or portion thereof that displays electronic alphanumeric, video or graphic information using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and capable of changeable copy or images. Electronic signs include computer programmable, microprocessor or other remotely controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs with no other content. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, Multi-Vision – any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows, on a single sign structure, the display at any given time, one of two or more images.

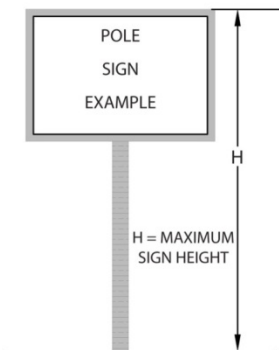
Sign, Façade, Fascia, or Wall - a sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.



Sign, Freestanding - a sign principally supported by one or more columns, poles, or braces placed in or upon the ground.



Sign, Freestanding Monument – a freestanding sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign and the base of supporting structure is often embellished to conceal all structural or support members. Either eighty percent (80%) of the base supporting structure shall be in contact with the ground, or the lowest portion of the sign face shall be no greater than three feet six (3'6") inches from the ground. The sign face should be solid and not intended to be a pole type design.

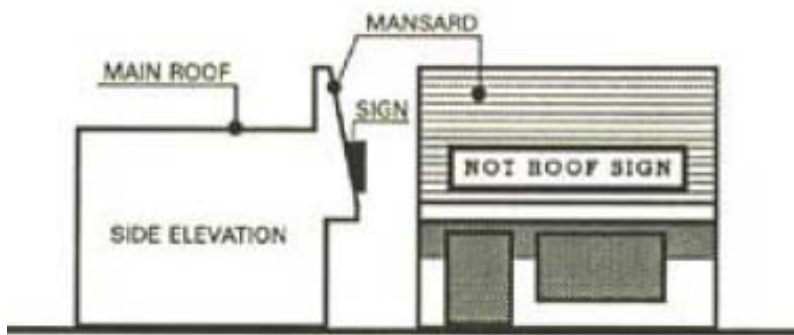
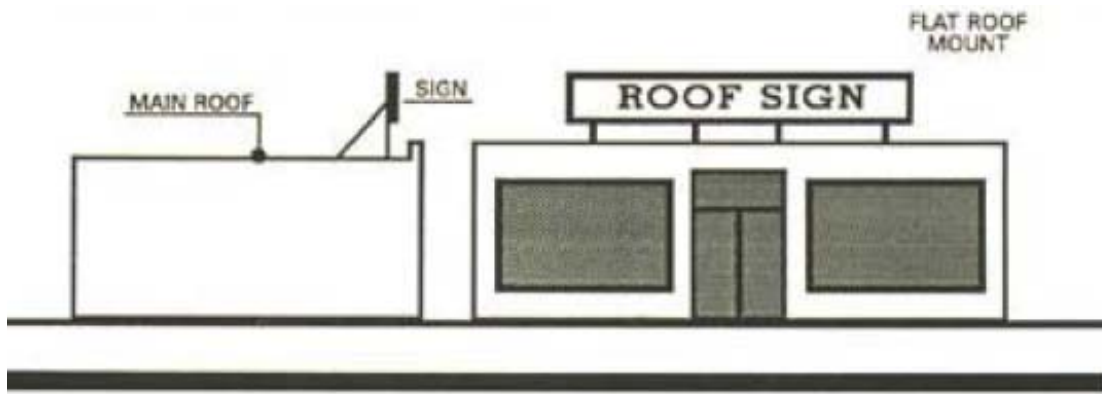


Sign, Freestanding Pole – a sign erected, supported, mounted on a pole or poles which is wholly independent of any building or other structure for support.

Sign, Projecting - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



Sign, Roof - a sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



Sign, Sandwich Board - a temporary sign created by attaching two sign faces at a single point, intended to be self-supporting.

Sign, Window - a sign affixed to the surface of a window with its message intended to be visible to exterior environment.

Special Exception - a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - a line defining the right-of-way boundaries of a street.

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Truck Terminal - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Veterinary Clinic - a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, flammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard - that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to a setback or yard line. (SEE LOT AND YARD AREA SKETCH)

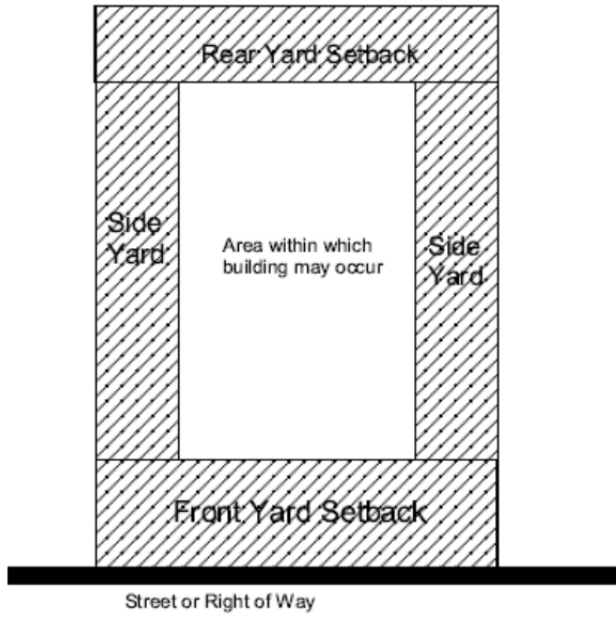
Yard, Front – a setback line from an adjacent right-of-way extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCH)

Yard, Rear – a yard between the rear lot line and a line drawn, parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCH)

Yard, Side – an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line. (SEE LOT AND YARD AREA SKETCH)

Yard Sale - See Garage Sale

Zoning Officer - the Zoning Officer of the Borough or his/her authorized representative.



Yard Area Sketch #1

**ARTICLE 8
ZONING HEARING BOARD**

Section 801 Creation

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five (5) residents of the Borough and one alternate, appointed by resolution of the Borough Council, pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

Section 802 Appointment

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which 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, nor be a member of the Planning Commission. The Borough Council shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

Section 803 Removal of Members

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 804 Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Borough ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested by the Council.

Section 805 Expenditures for Services

Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

Section 806 Legal Counsel

Where legal counsel is desired, an attorney, other than the Borough Solicitor, shall be used.

Section 807 Hearings

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public by notice published once each week for two (2) 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 be not more than thirty (30) days nor less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided

herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

- B. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. 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.
- F. 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 the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. 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 copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. 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, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials 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.
- K. 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 forty-five (45) days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any 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 forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision 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 herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction. All variances granted by the Zoning Hearing Board and Conditional Uses granted by the Borough Council shall expire eighteen (18) months from the date of the Board's action unless construction has been initiated or a land development plan has been submitted for approval.

- L. 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, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 808 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance 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:
 - 1. 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 Ordinance in the neighborhood or district in which the property is located;

2. 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 Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. 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; and
5. 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 and safeguards as it may deem necessary to implement the purpose of this Ordinance. All variances granted by the Zoning Hearing Board shall expire eighteen (18) months from the date of the Board's Action approving the variance, unless a land development plan has been submitted or a construction permit obtained.

H. Section 809 Parties Appellant Before Board

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

I. Section 810 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

J. Section 811 Stay of Proceedings

Upon filing of any proceeding referred to in Section 808 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

**ARTICLE 9
ADMINISTRATION, ENFORCEMENT AND APPEALS**

Section 901 Zoning Officer

The Borough of Grove City shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Officer shall not hold any elective office in the Borough.

Section 902 Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Borough. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

902.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificates. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

902.2 Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after any construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

902.3 Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.

902.4 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 903 Permits and Certificates

903.1 Zoning Permits: An application for a Zoning Permit will be to show compliance with this and other appropriate Borough ordinances. Applications shall contain information relative to the proposed construction and/or use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Borough.

903.2 Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Borough is in compliance with this Ordinance. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. The exact form of the Certificate and fees charged shall be determined by the Borough.

903.3 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Article 6 of this Ordinance.

- a. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of Article 6 of this Ordinance.
- b. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

Section 904 Violations

904.1 Enforcement Notice: When it appears to the Borough and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state 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 violation.
- c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. 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 Ordinance.
- f. 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.

904.2 Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Borough, the Zoning Officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Grove City Borough Council. No such action may be maintained until such notice has been given.

904.3 Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 704.4.

904.4 Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500) dollars 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate 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 zoning ordinances shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

**ARTICLE 10
AMENDMENTS**

Section 1001 General

Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Borough Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the Borough.

Section 1002 Petitions

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Borough.

Section 1003 Referral

Any proposed amendment presented to Borough Council without written findings and recommendations from the Borough Planning Commission and the Mercer County Regional Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Borough Council. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Borough and County Planning Commissions.

Section 1004 Action

Before acting upon a proposed amendment, the Borough Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

Section 1005 Curative Amendments

The Borough may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Ordained and enacted this day of 2013