

# **CITY OF SHARON**



## **Zoning Ordinance**

**Adopted September 28, 2006**

**Prepared by the Mercer County Regional Planning Commission  
and the City of Sharon Planning Commission**

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**ZONING ORDINANCE  
CITY OF SHARON**

**ORDINANCE NO. \_\_\_\_ - 2006**

An Ordinance dividing the City into various zoning districts and regulating the construction, alteration and use of structures and land within each such district. Be it hereby ordained by the City Council of the City of Sharon, Mercer County, Pennsylvania that:

**ARTICLE 1**

**GENERAL PROVISIONS**

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**101 Title:** The official title of this Ordinance shall be the Zoning Ordinance of the City of Sharon.

**102 Effective Date:** This Ordinance shall take effect on \_\_\_\_\_, 2006.

**103 Purpose and Authority:** This Ordinance is adopted by virtue of the authority granted to the City under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The provisions of this Zoning Ordinance are designed:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as,
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To be in accordance with an overall program and with consideration for the character of the municipality, its various parts and suitability of the various parts for particular uses and structures.

- 104 Compliance:** No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance. An exception to this is that the City of Sharon will be exempt from the provisions of this Ordinance in the exercise of its municipal functions. Any use not specifically permitted is prohibited.
- 105 Interpretation of Regulations:** Whenever the provisions of this Ordinance are at variance with any other lawfully adopted rules, regulations, or ordinances the more restrictive requirements shall govern.
- 106 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 than the one so declared.
- 107 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. Ordinance No. 32-79 and specifically the amendments thereto are repealed.

## ARTICLE 2

### COMMUNITY DEVELOPMENT OBJECTIVES

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**201 Community Development Objectives:** The zoning regulations and districts set forth in this Ordinance are made in accordance with a comprehensive plan for the general welfare of the City and are intended to achieve, among others, the following purposes:

**Overall Objective:** Sharon is a historic community that builds on strong institutional organizations and walkable, well-kept residential neighborhoods, maintain a variety of businesses and industries, and plan for quality development and community improvement to preserve and create a pleasant, attractive, healthy, safe, and convenient environment for living, working, shopping, worshipping, and relaxing in the City of Sharon.

**Residential Objectives:**

- Allow larger single-family dwelling to be converted into multi-family dwellings in areas where it is compatible;
- Protect existing residential areas in the City through improved land use controls;
- Allow a variety of housing types in areas where it is compatible with existing development.

**Commercial Objectives:**

- Focus automobile-oriented development into commercial areas along East State Street instead of in Downtown;
- Allow some limited commercial uses in residential districts, so long as it fits with the existing character of the neighborhood;
- Allow for a variety of sidewalk-oriented office, retail and service uses in the Downtown area that best utilize the historic structures;

**Industrial Objectives:**

- Focus industrial uses away from uses which they are incompatible to, and use screening to minimize impacts where separation of uses is not possible.

**Historic Preservation Objectives:**

- Protect historical structures, specifically in the Downtown area, as an economic development tool and to increase property values in the City.

**Environmental / Natural Resource Objectives:**

- Protect the Shenango River for its aesthetic qualities, its recreational opportunities, and for water quality and habitat purposes.

**ARTICLE 3**  
**DISTRICT REGULATIONS**

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**301 Zoning Map:** A map entitled the City of Sharon Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the City offices.

**302 Zoning Districts:** The City is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Zoning Map. The districts are:

<u>Full Name</u>	<u>Abbreviation</u>
Residential Low Density	“R-1”
Residential Medium Density District	“R-2”
Residential High Density District	“R-3”
Institutional	“I”
Central Commercial District	“C-1”
Central Commercial District Frame Area	“C-1A”
Local Business	“C-2”
Light Industrial District	“M-1”
Heavy Industrial District	“M-2”
Special Industrial District	“M-3”
Riverfront Overlay District	“RV”
Traditional Neighborhood Development Overlay District	“TND”

**302.10 Residential Districts:** Districts designated for residential use are for dwellings and uses normally associated with residential neighborhoods. The specific purpose for each of the residential districts is as follows:

**302.10(a) R-1 Residential Low Density District:** This zone is for single-family dwellings and related uses.

**302.10(b) R-2 Residential Medium Density District:** This district is established to provide an area of single-family, two-family, and some multi-family dwellings in a varied residential setting.

**302.10(c) R-3 Residential High Density District:** The intent of this district is to establish an area for a variety of housing types within the more intense residential densities required for apartment, condominium, and townhouse development.



**302.20 Institutional District:** The purpose of this district is to permit a compatible mix of multi-family, residential, institutional, and limited commercial uses in specified areas within the City.

**302.30 Commercial Districts:** The Commercial Districts are designed to provide for needed commercial and related activities within the City.

**302.30(a) C-1 Central Commercial District:** This district is specifically designed to best use the existing downtown Sharon business district. It allows for a wide range of commercial, service, office, retail, and related uses to serve the entire community. Most off-street parking and loading/unloading requirements are eliminated for this zone. This Central Commercial District is divided into two categories, Zone C-1 being the immediate Downtown area and Zone C-1A includes the Downtown's frame areas.

**302.30(b) C-2 Local Business District:** This district is designed to accommodate a wide range of commercial, service, and related uses.

**302.40 M Industrial Districts:** The Industrial Districts are designed to allow space for existing and new development to support the City's economic life. There are three Industrial Districts.

**302.40(a) M-1 Light Industrial District:** The purpose of this district is to allow industrial and manufacturing uses that produce limited noise and activity discernable to nearby uses in a low to moderate-density setting.

**302.40(b) M-2 Heavy Industrial District:** The purpose of this district is to allow industrial and manufacturing uses, including heavy industries, which have traditionally been part of Sharon's economic base.

**302.40(c) M-3 Special Industrial District:** The purpose of this district is to provide for the location of Adult Entertainment Establishments in the City where they will cause the least amount of adverse effects, in addition to allowing industrial and manufacturing uses.

**303 Annexed Areas:** Any territory hereafter annexed by the City of Sharon will be automatically zoned R-1, until otherwise classified by the City.

**304 District Boundaries:** District boundaries that are shown between the lines of streets, streams, and transportation right-of-ways shall be deemed to follow the centerlines. The vacation of streets shall not affect the locations of such district boundaries. The Zoning Officer shall determine the location of district boundaries by such centerlines, by the

scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line.

**305 Zoning District Changes:** All approved changes to Zoning Districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

**306 Permitted Uses, Conditional Uses, and Special Exceptions:** The Permitted Uses, Conditional Uses, and Special Exceptions for each District are shown in the following table (Table 306.10). Special Exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a Special Exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Conditional Uses may be granted or denied by City Council pursuant to the recommendations of the Sharon Planning Commission and the express standards and conditions of this Ordinance. In allowing a Conditional Use, City Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance 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 this Ordinance. Uses not specifically listed or defined shall not be permitted.

**307 Lot, Yard, and Height Requirements:** The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in Table 307.10.

**TABLE 306.10  
PERMITTED USES, CONDITIONAL USES, AND SPECIAL EXCEPTIONS**

<b>R-1 - Residential Low Density District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Single-Family Dwellings	Home Occupations (309.13)
No-Impact Home-Based Businesses (309.14)	Churches (309.18)
Accessory Uses / Structures	Schools (309.18)
Rooming / Boarding Houses (309.15)	Cemeteries (309.19)
Public Recreation	Family Day Care Home (309.17)
Essential Services	
Public Utility Substations (309.22)	

<b>R-2 - Residential Medium Density District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Single-Family Dwellings	Home Occupations (309.13)
Two-Family Dwellings	Personal Care Boarding Homes (309.16)
No-Impact Home Based Businesses (309.14)	Conversion Apartments (309.11)
Boarding / Rooming Houses (309.15)	Adult Day Care (309.17)
Accessory Uses / Structures	Group Day Care Homes (309.17)
Public Recreation	Family Day Care Homes (309.17)
Multi-Family Dwellings (309.10)	Kennels and Veterinary Offices (309.29)
Schools (309.18)	<b>Conditional Uses</b>
Churches (309.18)	
Public Utility Substations (309.22)	Planned Residential Development (Article 10)
Essential Services	

<b>R-3 Residential High Density District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Single-Family Dwellings	Funeral Homes (309.20)
Two-Family Dwellings	Day Care Facilities (309.17)
Multi-Family Dwellings (309.10)	Personal Care Boarding Homes (309.16)
No-Impact Home Based Businesses (309.14)	
Public Recreation	<b>Conditional Uses</b>
Accessory Uses / Structures	
Home Occupations (309.13)	Planned Residential Development (Article 10)
Rooming / Boarding Homes (309.15)	Traditional Neighborhood Development (Art. 11)
Public Utility Substations (309.22)	
Essential Services	

<b>I - Institutional District</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Hospitals	Planned Residential Development (Article 10)
Professional Offices	Traditional Neighborhood Development (Art. 11)
Medical and Dental Clinics	
College and University	
Libraries	
Museums	
Bed & Breakfast	
Churches (309.18)	
Schools (309.18)	
Funeral Homes (309.20)	
Multi-Family Dwellings (309.10)	
Single-Family Dwellings	
Two-Family Dwellings	
Kennels and Veterinary Clinics (309.29)	
Boarding and Rooming Houses (309.15)	
Day Care Facilities (309.17)	
Adult Day Care Services	
Personal Care Boarding Homes (309.16)	
Nursing Homes (309.18)	
Group Homes (309.16)	
Accessory Uses / Structures	
Public Utility Substations (309.22)	
Essential Services	

<b>C-1 - Central Commercial District</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Retail Businesses	Traditional Neighborhood Development (Art. 11)
Personal Services	
Offices	
Eating and Drinking Establishments (309.27)	
Hotels and Motels	
Indoor Commercial Recreation	
Medical Clinics	
Dental Clinics	
Professional Offices	
Social and Fraternal Clubs	
Retail Manufacturing (309.28)	
Personal and Business Services	
Residences as a Secondary Use (309.12)	
Parking Lots / Structures	
Public Utility Substations (309.22)	
Accessory Uses / Structures	
Essential Services	

**C-1A - Central Commercial District Frame Area (See Section 412)**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
Retail Businesses	Traditional Neighborhood Development (Art. 11)
Personal Services	
Offices	
Eating and Drinking Establishments (309.27)	
Hotels and Motels	
Indoor Commercial Recreation	
Medical Clinics	
Dental Clinics	
Professional Offices	
Social and Fraternal Clubs	
Retail Manufacturing (309.28)	
Personal and Business Services	
Light Manufacturing	
Public Utility Substations (309.22)	
Residences as a Secondary Use (309.12)	
Accessory Uses / Structures	
Essential Services	

<b>C-2 - Local Business District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Automotive Dealers (309.25)	Car Washes (309.24)
Convenience Stores	Shopping Centers / Large Scale Retail (309.26)
Child Day Care Centers	
Social and Fraternal Clubs	<b>Conditional Uses</b>
Eating and Drinking Establishments	
Medical Clinics	Traditional Neighborhood Development (Art. 11)
Dental Clinics	
Parking Lots / Structures	
Personal Services	
Retail Business	
Retail Manufacturing (309.28)	
Automotive Services (309.25)	
Professional Offices	
Residences as a Secondary Use (309.12)	
Kennels and Veterinary Offices (309.29)	
Accessory Uses / Structures	
Public Utility Substations (309.22)	



<b>M-1 – Light Manufacturing District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Light Manufacturing	Shopping Centers / Large Scale Retail (309.26)
Automotive Service & Sale Establishments (309.25)	Petroleum and Chemical Storage and Distribution (309.31)
Offices	Communication Towers (309.35)
Parking Lots and Structures	Car Washes (309.24)
Public Utility Substations	
Laundry and Dry Cleaning Plants	
Research and Testing Laboratories	
Communication Antenna (309.35)	
Warehousing (309.32)	
Truck Terminals (309.32)	
Mini-Storage Facilities (309.33)	
Public Utility Substations (309.22)	
Accessory Uses / Structures	

<b>M-2 – Heavy Manufacturing District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Light Manufacturing	Petroleum and Chemical Storage and Distribution (309.31)
Heavy Manufacturing	Junk Yards (309.30)
Research and Testing Laboratories	Communication Towers (309.35)
Truck Terminals (309.32)	
Warehouses (309.32)	
Building Materials (including sand, gravel, and concrete)	
Mini-Storage Facilities (309.33)	
Offices	
Parking Lots and Structures	
Public Utility Substations (309.22)	
Accessory Uses / Structures	

<b>M-3 – Special Manufacturing District</b>	
<b>Permitted Uses</b>	<b>Special Exceptions</b>
Same as M-2 Heavy Manufacturing District	Same as M-2 Heavy Manufacturing District
	Adult Entertainment Establishments (309.36)

**Riverfront Overlay District** - See Section 411.

**Traditional Neighborhood Development Overlay District** – See Article 11.

**TABLE 307.10 – LOT, YARD, AREA, & HEIGHT REQUIREMENTS**

Zoning District	Min. Lot Area Sq. Ft.	Min. Lot Width	Min. <sup>3</sup> Front Yard	Total <sup>1,2</sup> Side Yards	Min. <sup>1,2</sup> Side Yard	Min. <sup>2</sup> Rear Yard	Max. Lot Coverage	Max. Height Structure
R-1	7,500	60'	20'	20'	5'	30'	30%	40'
R-2 Single	7,500	60'	20'	20'	5'	30'	30%	40'
Duplex	10,000	80'	20'	30'	10'	30'	30%	40'
Multi-Family	10,000+ 2,500 per family over 2	80'	20'	30'	10'	30'	35%	40'
R-3	10,000 + 1,500 per family over 2	80'	20'	30'	10'	30'	40%	40'
I	7,500	60'	15'	20'	10'	30'	35%	40'
C-1 & C-1A	None	None	None	None	None	10'	95%	100'
C-2	6,000	50'	15'	24'	12'	20'	50%	50'
M-1	16,000	80'	20'	30'	15'	40'	50%	50'
M-2 & M-3	20,000	100'	20'	30'	15'	40'	80%	50'

NOTE: All measurements are in lineal feet unless otherwise noted.

<sup>1</sup> For corner lots see Section 403.

<sup>2</sup> See Section 403 for accessory structures.

<sup>3</sup> See Section 403 for other applications of front yard regulations.

**308 Special Provisions:** This section is intended to comply with the requirements of §603(C) of the Pennsylvania Municipalities Planning Code:

1. **Prime Agricultural Land:** The City of Sharon is an urban place and is nearly fully developed. Furthermore, there is no active agriculture currently within its borders. Therefore, no special provision for agriculture appears warranted.
2. **Areas of Historic Significance:** Areas of historic significance in Sharon should be presented to City Council and the City Planning Commission. The proposers will be advised to take one or both of the following actions:
  - (a) Documentation of the historic resources for nomination to the National Register of Historic Places.
  - (b) Proposal for a Historic District under Act 167.
3. **Protection of Environmentally Sensitive Areas:**
  - (a) Areas in floodplains are governed by the City's Floodplain Regulations Ordinance of 1978.
  - (b) Development in areas governed by Federal and State environmental regulations, such as wetlands, shall be referred to appropriate agencies for any needed permits.
4. **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 present an approved erosion and sediment control plan prior to the issuance of a zoning permit.
  - (b) All tree harvesting practices must protect nearby structures and utility lines. No uncontrolled felling shall be allowed in developed areas.
  - (c) To avoid traffic congestion and sound disturbance, all activities must start after 8:30 a.m. and end by 4:00 p.m. during the working week. No weekend work shall be permitted.

**309 Conditions, Conditional Uses and Special Exceptions:** The criteria for Conditions, Conditional Uses and Special Exceptions are listed below. In addition to these, the Zoning Hearing Board, in granting Special Exceptions, and City Council/Planning Commission in considering Conditional Uses, 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 Special Exception or Conditional Use, the Board or Council (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code

and this Ordinance. Certain uses have conditions attached which are contained in this section. These uses are to be approved, or denied, by the Zoning Officer based upon the applicant's submission relative to the criteria set forth in this Ordinance. It must be clearly noted that the Zoning Officer, in his review of such applications, has no power to waive, change or otherwise alter the requirements of this Ordinance.

**309.10 Multi-Family Dwellings:**

- (a) The facility shall provide all parking as required for residential units off-street. No parking areas are allowed between the street and the front of the building.
- (b) There shall be no more than six dwelling units permitted on a lot in the R-2 zoning districts.
- (c) Any multi-family development with more than six dwelling units will be considered a Planned Residential Development (PRD) and must conform to the regulations of Article 10.

**309.11 Conversion Apartments:** The purpose of conversion dwellings is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into duplex or multi-family units, the following criteria must be met:

- (a) All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- (b) Each unit shall have a minimum size of 600 square feet exclusive of common spaces.
- (c) All required parking shall be accommodated on lot.
- (d) Conversion shall be limited to three dwelling units or less in the R-2 District.
- (e) All other City codes must be met.

**309.12 Residence as a Secondary Use:** This Special Exception is specifically designed to allow residential uses in the C-1 and C-1A Districts on upper floors only. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:

- (a) Meet all City and applicable State building and safety codes.
- (b) Provide for off-street parking for occupants, on-lot, or within 400 feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.
- (c) In the C-1 and C-1A Districts, residences will be allowed only on second or higher floors.

**309.13 Home Occupations:** Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this section:

- (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, except in the R-1 District where no outside employees shall be permitted.
- (c) Restrictions: No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities specifically excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive 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, dressmakers, beauty shops and offices when the use is limited to office and storage facilities in keeping with the intent of this section.
- (e) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- (f) No more than twenty-five percent (25% in aggregate) of the home and accessory buildings may be used for a home occupation.
- (g) One sign no larger than two square feet in any district may be used to announce the name or purpose of the home occupation.
- (h) Home occupations shall not operate before 7:30 A.M. or after 9:00 P.M.
- (i) No more than one home occupation per dwelling shall be permitted.

**309.14 No-Impact Home-Based Businesses:** All no-impact home-based businesses shall be permitted as an accessory use, provided they comply with the definition found in Article 9 and 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 or electronic 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 sewerage 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 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.

**309.15 Rooming/Boarding Houses:**

- (a) Must meet all City code requirements.
- (b) May not house more than two roomers/boarders in the R-1 District, or more than four in any other district.
- (c) Shall not adversely affect the character of the surrounding neighborhood.
- (d) Shall provide off-street parking for all tenants.

**309.16 Personal Care Boarding Home for Adults, and Group Homes:** The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

- (a) There shall be no sign or exterior display indicating the name of the home or its use larger than two square feet.
- (b) At least one additional on-lot parking space shall be provided for each two guests.
- (c) No home shall admit more than eight guests / clients at any one time.
- (d) The type of home, along with any required local, county and/or state certifications shall be presented to the Board.
- (e) In the “R” Districts, this use will be permitted only in buildings originally used as residential structures and converted to this use.

**309.17 Day Care Facilities:** Day Care Facilities (see Definition, Article 9) shall be allowed as a Special Exception providing the following criteria are met:

- (a) Any outdoor play area shall be effectively screened from abutting properties.
- (b) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how pick up and delivery shall occur in a safe manner. All areas for pick-up and delivery must be located off-street.
- (c) One parking space for each employee shall be required.
- (d) Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

**309.18 Churches, Schools, and Nursing Homes:**

- (a) Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- (b) Shall be located on a public street with a minimum cartway of 24 feet.
- (c) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (d) All parking and recreation/play areas which abut residential uses shall be screened.
- (e) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (f) All necessary licenses or permits issued by County, State or Federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.

**309.19 Cemeteries:** Prior to the establishment of a new cemetery or the expansion of an existing cemetery, the owner shall:

- (a) File a site plan with the City to demonstrate the design and layout of the proposed cemetery or cemetery expansion specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- (b) Connections to existing City streets will be no closer than 50 feet to a street intersection, 15 feet to a fire hydrant, and 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.

- (c) Shall demonstrate compliance with applicable state laws.
- (d) All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- (e) All crematoriums must secure and present all needed permits from the Commonwealth of Pennsylvania and the County of Mercer.

**309.20 Funeral Homes:**

- (a) There shall be a minimum of five thousand (5,000) square feet of off-street parking, but in no event less than required by Article 4 of this Ordinance.
- (b) All crematoriums must secure and present all needed permits from the Commonwealth of Pennsylvania and the County of Mercer.
- (c) Shall possess permits for a funeral establishment from the Commonwealth of Pennsylvania.

**309.21 Bed and Breakfast:** Such uses are intended to provide overnight or short-term (not more than two weeks) accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- (a) No signs in excess of 16 square feet shall be allowed. Only one such sign shall be permitted.
- (b) One off-street parking space for each guest room shall be required.
- (c) The only meal served shall be breakfast, and only for guests staying at the facility.

**309.22 Public Utility Substations:**

- (a) Shall be landscaped to present a minimum intrusion upon the neighborhood.
- (b) Shall be enclosed by a security fence, or located within an enclosed building. Notwithstanding any other section of this Ordinance, the height of this fence shall be adequate to provide proper security for the installation.
- (c) No business office, repair facility or outdoor storage shall be permitted, unless otherwise permitted in the zoning district the substation is proposed for.

**309.23 Reserved for Future Use**

**309.24 Car Washes:**

- (a) Car Stacking: The entrance to the car wash shall be designed as to permit a waiting line of at least six cars. In no event shall cars be permitted to use the public right-of-way while waiting to use the wash facility.
- (b) All such facilities shall present a drainage plan. All entrance and exit ways shall be paved and graded so that all surface water accumulation drains on site.
- (c) Vacuuming facilities must be at least 50' from any residential property or zone.

**309.25 Gasoline Service Stations, Automobile Sales and Service:** Shall be permitted subject to the following regulations:

- (a) Any fuel pumps shall be at least 30 feet from the front lot line and at least 30 feet from a side lot line.
- (b) No vehicles will be parked or stored along the front property lines.
- (c) Any lot line abutting a residential district or residential use shall be screened using screen plantings.
- (d) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.
- (e) All service and repair facilities must be located within an enclosed building.

**309.26 Shopping Centers / Large Scale Retail:** Shopping centers are structures erected for three or more principal permitted uses within a business district. Any additions to existing shopping centers shall also follow this process. Such uses must provide the following:

- (a) Site Plan, showing:
  - o The intended development, with the location of each structure and its proposed use;
  - o Relationship to surrounding development (within one hundred [100] feet);
  - o Utility installation (at a minimum, sanitary sewers, electric, gas, cable);
  - o Illumination Plan (note: lights may not produce glare on adjoining properties);
  - o Parking Lot Plan (including ingress and egress - see also Article 4);

- Drainage Plan.
- (b) Sidewalks: Sidewalks of at least six feet in width shall be provided along all sides of the lot that abut a public street, alley, or right-of-way. If sidewalks already exist along the sides of the lot, they may be used, but must be improved to six feet in width. In addition, sidewalks must also be provided along the full length of any façade that contains a public entrance or abuts any public parking areas. To ensure safe pedestrian access, sidewalks shall lead from the public sidewalks and connect to all public entrances.
- (c) Entrances: All sides of a building that directly faces a public right-of-way shall have at least one entrance.
- (d) Parking: Parking lots shall be distributed around shopping center and large-scale retail activities. No more than 50% of the off-street parking area for the entire property shall be located between the front façade and the street it faces. This requirement may be waived only if the parking lot is to be screened by outparcel development and additional screening.
- (e) Access: Access to a shopping center or large-scale retail facility shall be from an arterial or collector street. No more than one entrance and exit per 150 feet of frontage will be permitted. Shared access drives with neighboring properties are encouraged.

**309.27 Eating and Drinking Places - Drive-Through:** These restaurants are distinguished from other restaurants due to the quick turnover of customers and the drive-through lanes which generate greater traffic.

- (a) All lots shall be at least 20,000 square feet in size and at least 80 feet wide.
- (b) All parking areas shall be designed for easy ingress and egress. In no event shall vehicles be required to back onto a public right-of-way.
- (c) Drive-through windows or outside order stations shall be set back from the street with stacking room for at least six vehicles.

**309.28 Retail Manufacturing:** Bakery, candy, pastry, confectionery or ice cream retail sales, and minor manufacturing for goods intended for sale on the premises, provided: that not more than five persons are employed in such manufacturing.

**309.29 Kennels and Veterinary Offices:**

- (a) Must be at least 50 feet from any neighboring property line.

- (b) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.
- (c) Animals shall not be allowed outdoors after 10 P.M., or before 7 A.M.

**309.30 Junk, Scrap, Auto Salvage Yards and Salvage Yards:** Shall comply with the following requirements:

- (a) All lots shall be at least two acres in size.
- (b) There shall be no storage of scrap, machinery or equipment of any kind in the front yard area, no in areas visible from the surrounding properties.
- (c) All yard spaces shall be at least 50 feet.
- (d) The processing or storage of hazardous materials as the same are defined by DEP shall not be permitted.
- (e) They shall provide a fence around the premises at least eight feet in height, constructed to block at line of sight and set at least ten feet back from any yard line.

**309.31 Chemical Storage, Sales and Distribution, Petroleum Products**

**Wholesale Distribution:** The sale and hauling of chemical and petroleum products, especially in bulk quantities, represent a potential hazard to the community. Due to this, such uses must:

- (a) Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being screened. Specifically, the regulations of the Pennsylvania State Fire Marshal shall be followed. This includes approval of underground tank installation. A Certificate of Occupancy will not be issued until all such permits are finalized.\*
- (b) Copies of plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be presented. “As-built” corrections must be made before a Certificate of Occupancy is issued.\*
- (c) No structure involving the use, storage, or handling of chemical or petroleum products shall be within 400 feet of a residential use or district.
- (d) For chemical operations, a list of substances to be handled at the development will be furnished.\*
- (e) All lots shall be at least two acres in size.

\*This information will be shared with public safety organizations.

**309.32 Warehousing and Truck Terminals:** Such uses are permitted subject to the following requirements:

- (a) Lot size shall be at least two acres.
- (b) Side and rear yards shall be increased by 20 feet.
- (c) All outdoor storage shall be in side yards (behind the front lot line) or in the rear yard.
- (d) Access to roads and highways shall be clearly defined.
- (e) All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.

**309.33 Mini-Storage Facilities:** These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses shall adhere to the following regulations:

- (a) The mini-storage facilities shall be surrounded by a fence at least eight feet in height. The fence shall be no closer to any lot line than ten feet.
- (b) Outdoor storage of automobiles, boats, recreational vehicles, and trailers is permitted so long as they are located within the fenced area, and the parked vehicles shall not interfere with traffic moving through the facility.
- (c) An office is permitted as an accessory use to provide for a full-time caretaker.
- (d) No unit shall be used as any use (such as an office or residence) besides storage.
- (e) In addition to the side and rear yards, an additional ten foot buffer yard shall be required. This buffer yard is to consist of evergreen trees, at least six feet in height at time of planting, to provide a solid visual buffer to surrounding properties.

**309.35 Communication Towers / Antennas:** These criteria will only apply to commercial or public towers. Home “ham” or “CB” uses are excluded from the provisions of this Subsection. Communication towers and ancillary equipment may be installed **only** the M-1 or M-2 Districts in accordance with the following regulations:

- (a) Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted use subject to the conditions of Section 309.35(c). Separate stand-alone towers constructed new shall be treated as Special Exceptions and referred to the Zoning Hearing Board for review and approval under Section 309.35.

(b) Regulations Governing Communications Antennas and Communications Equipment Buildings:

- Building mounted Communications Antennas shall not be located on any single-family dwelling or two-family dwelling.
- Omnidirectional or whip communications antennas shall not exceed twenty feet in height and seven inches in diameter.
- Directional or panel communications antennas shall not exceed five feet in height and three feet in width.
- A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(c) Standards for Communications Towers as Special Exceptions: The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

- 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 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
- 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.
- The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- The foundation and base of any communications tower shall be set back from any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.
- The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for any accessory structure.

- 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.
- 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.
- The site of a communications tower shall be secured by a fence with a minimum height of six feet to limit accessibility by the general public.
- 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 which has jurisdiction.
- If a communications tower remains unused for a period of twelve consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve month period.
- One off-street parking space shall be provided within the fenced area.
- The applicant and the owner of record of any proposed Communications Towers must file, at its cost and expense, a bond, or other form of financial security acceptable to the City, for at least \$75,000 to insure the removal of abandoned or unused Communications Towers.

**309.36 Adult Entertainment Establishments:** The location of adult entertainment establishments is of vital concern to City Council, especially when the “location” is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of City Council that it has a vital duty and role to protect the moral fiber and standards of City residents, and in particular, the minors of our community. The City Council, by including this section relative to adult entertainment, is exercising the power granted to them, and does not attempt or intend to absolutely prohibit adult entertainment establishments in the City, but rather seek to regulate to the maximum extent permitted by law to effectuate the promotion and protection of the public health, safety, and general welfare of all the residents of the City.

- (a) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

- (b) No adult entertainment establishment shall be located within 1,000 feet of any school, either public or private, any residential dwelling, or any parcel which contains any one or more of the following land uses: amusement park, camp, child care facility, church (including any synagogue, mosque, temple, or other building which is used primarily for religious worship and related religious activities), community center, museum, park, or playground.
- (c) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any other use specified above shall be measured in a straight line without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.
- (d) No person shall operate an adult entertainment establishment in such a manner as to permit, or cause to be permitted, any stock in trade which depicts, describes, or relates to specified sexual activities and/or specified anatomical areas as defined in this Ordinance, to be viewed from the street, sidewalk, or highway.
- (e) All signs shall be flat wall signs, the gross surface area of which shall not exceed 5% of the area of the wall on which such sign is part and no sign shall be placed in any window. A 1 ½ square foot sign may be placed on the door to state hours of operation and admittance to adults only.



## ARTICLE 4

### SUPPLEMENTARY REGULATIONS

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- 401 Nonconforming Uses and Structures:** The following provisions shall apply to all nonconforming uses and structures. It is the intention of the City of Sharon that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article. It is, however, the policy of the City of Sharon that these nonconforming uses are incompatible with the intent of the zoning district in which they are located and once legally abandoned, only uses conforming to this Ordinance shall be permitted. If a nonconforming use of land or structure is discontinued for a period of one year, it will be presumed to be abandoned.
- A) Any nonconforming use may be continued, but may not be extended or expanded unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.
  - B) Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months and if the restored building covers no greater area and contains no greater cubic content.
  - C) In the event that any nonconforming use, conducted in a structure ceases, for a period of one year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.
  - D) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
  - E) A nonconforming use may be changed to a different nonconforming use with the approval of the Board by its findings determines the proposed use is equally appropriate to the zoning district and neighborhood as the existing use. In permitting such changes, the Board may require reasonable conditions and safeguards.
  - F) 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 and where construction is completed within six months from the date of issuance of the permit.
  - G) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

H) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any use which thereby becomes nonconforming.

**402 Existing Lots of Record:** The following provisions shall apply to all lots of record as defined. It is the intention of the City of Sharon that the side and rear yard requirements of this Zoning Ordinance should not prevent the reasonable use of a lot of record.

A) 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 the proposed development does not comply to such standards, the property owner may appeal to the Board. However, in no event can the Board reduce required yard requirements greater than fifty percent (50%) of those required by this Ordinance.

B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C) No division of any parcel shall be made which creates a lot width or area below the requirements as stated in this Ordinance.

**403 Application of Yard Regulations:**

**403.1** Where a structure(s) exists on a lot(s) adjacent to the proposed structure, and the existing structure(s) has a front yard less than the minimum depth required, the minimum front yard(s) shall be the average depth of the front yard of the existing structure(s) 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.

**403.2** All 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, Section 403.3 and Section 403.4. Overhangs of up to eighteen inches will be allowed. Steps to exterior doors will be permitted. A chimney may project not more than two feet into a required yard. Bay windows and balconies may project not more than two feet into a required yard.

**403.3** A wall or fence (consistent with the requirements of this Ordinance) six feet in height and paved terraces without walls, roofs or other enclosures may be erected within

the limits of any yard. Retaining walls and fences required for screening under this Ordinance are not subject to the six foot high limitation. Fences may be permitted in front yard areas provided that any solid fence is no higher than three feet and do not obstruct the required free sight triangle at intersections.

**403.4** Swimming pools shall be permitted in rear yards only, provided that the pool is located not less than 10 feet from any side yard line, and 10 feet from the rear yard line.

**403.5** Through lots shall follow existing development patterns. Where other through lots exist nearby, the orientation of development (designation of front and rear yard) shall follow existing usage. Where no other through lots exist nearby, both frontages shall be considered front yards.

**403.6** For corner lots, the short frontage shall be considered the front yard, the long frontage shall be considered a side yard. Where frontage measurements are equal the dominant orientation of surrounding properties shall determine the front yard. (See **307.10** also.)

**403.7** Accessory structures (garages, sheds, etc.) in all residential districts shall be at least three feet from any lot line to provide fire separation.

**404 Temporary Structures:** Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six month period.

**405 Height Limitations:** The following sections deal with height limitations:

**405.1** The height of accessory structures (garages, sheds, etc.) in any “R” District shall not exceed 20 feet and in no event shall exceed the height of the principal structure.

**405.2** When the following conditions are met, the 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 foot for each additional foot of height, however, such increase of height shall be limited to no more than ten additional feet.
- (b) The following structures are exempt from maximum height limitations: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, silos, standpipes, elevated water tanks, derricks and similar structures, provided they do not constitute a hazard and are set back from the permitted building line one foot for each two feet in height which exceeds the maximum height permitted in the Zoning District in which it is located.

In addition, any structure with a height in excess of 50 feet will be first referred to the Sharon Fire Department for a review relative to public safety considerations.

**406 Performance Standards:** No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the City. Furthermore, every use of land or structure in any district must observe the following performance requirements:

**406.1 Smoke and/or Air Pollution Control:** The emission of gases, smoke, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, or hazardous to the general welfare. Such emission shall be in strict conformance with all applicable Federal, State, and local health laws pertaining to air pollution and smoke abatement.

**406.2 Glare and Radioactive Materials:** Glare from any process (such as or similar to welding or torch cuttings), which emits harmful ultraviolet rays, shall be performed in a manner as not to be emitted to exceed quantities established as safe by the U.S. Bureau of Standards and/or the Atomic Energy Commission when measured at the property line.

**406.3 Fire and Explosive Hazards:** In all activities involving storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion. Burning of waste materials in open fires, except for residential household paper products from 6:00 AM – 8:00 AM on Mondays, is prohibited.

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

**406.5 Vibration:** No vibration shall be permitted which is detectable without instruments at the property line of such use.

**406.6 Lighting:** All lighting or other forms of illumination that will shine, reflect, or glare onto public streets or surrounding properties in a disturbing manner are not permitted. The City suggests that all lighting or other forms of illumination conform with the following tables:

<b>SUGGESTED MAXIMUM LIGHTING MOUNTING HEIGHT</b>			
<b>ZONE</b>	<b>LIGHTING FOR DRIVEWAYS &amp; PARKING</b>	<b>LIGHTING FOR WALKWAYS &amp; OTHER PEDESTRIAN AREAS</b>	<b>ALL OTHER LIGHTING</b>
Any “R” or “I” district	20’	12’	4.5’
Any “C” or “M” district	35’	18’	8’

Note: This does not include lights that are mounted to buildings or structures. The City suggests that those lights be no more than four feet higher than the tallest part of the building, subject to the height limits in Table 307.10.

<b>SUGGESTED MAXIMUM WATTAGE &amp; SHIELDING</b>				
<b>ZONE</b>	<b>FULLY SHIELDED (WATTS)</b>	<b>SHIELDED (WATTS)</b>	<b>PARTLY SHIELDED (WATTS)</b>	<b>UNSHIELDED (WATTS) (shielding is highly encouraged)</b>
Any “R” or “I” district	150	55	--	Low voltage landscape lighting
Any “C” or “M” district	500	150	75	Landscape & Façade lighting 100 watts or less; Ornamental Lights of 75 watts or less
- All shielding should be permanently affixed. - All canopy lighting should be fully shielded.				

**407 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. Because of its developed nature and the location of service alleys, on-street and public parking, off-street loading and parking requirements shall not apply in the C-1 Downtown Commercial District.

**407.1 Off-Street Loading:** Every use which requires the receipt or distribution, by vehicles, of material or merchandise, shall provide off-street loading berths in accordance with its size per Table 407.10. Current or future uses in the C-1 and C-1A Downtown Commercial Districts shall not be required to provide loading spaces.

### **OFF-STREET LOADING SPACE REQUIREMENTS**

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
<b>Industrial:</b>		
Manufacturing	5,000	40,000
Warehouse	5,000	40,000
Storage	10,000	25,000
<b>Commercial:</b>		
Wholesale	10,000	40,000
Retail	10,000	40,000
Service Establishment	10,000	40,000
Restaurants	10,000	25,000
Office Building	10,000	100,000
Hotel	10,000	100,000
<b>Residential:</b>		
Apartment	25,000	100,000
<b>Institutional:</b>		
Schools	10,000	100,000
Hospitals	10,000	100,000

Nursing Homes	10,000	100,000
Public Buildings:		
Auditoriums	10,000	100,000
Arenas	10,000	100,000

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

**407.1(a) Size and Access:** Each off-street loading space shall be 10 feet high, not less than 10 feet in uniform width and 50 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.

**407.2 Off-Street Parking:**

**407.2(a) Size and Access:** Each off-street parking space shall have an area of not less than 162 square feet, being at least eighteen feet long with a uniform width of nine feet, exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwelling, no parking area shall contain less than three spaces. 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 not be less than ten feet wide. 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. Specifically, single-lane driveways shall be at least ten feet wide but shall not exceed twelve feet in width, double drives (for ingress and egress) may be up to 24 feet wide. Reasonable radius flairs at street or alley entrances/exits shall be permitted. There shall be at least fifteen feet between driveways at the street line and at least five feet between a driveway and a fire hydrant, catch basin or street intersection radius.

**407.2(b) Parking Within Yards:** In residential districts required parking facilities shall be permitted only in the rear or side yards, or in driveway areas. In other districts parking shall also be allowed in the front yard subject to Section 407.2(g).

**407.2(c) Number of Parking Spaces Required:** The number of off-street parking spaces required is set forth on the following page. 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 space for each two proposed patrons and/or occupants of that structure. Where more than one use exists on a lot, parking regulations for each use must be met. No parking shall be required of existing or future uses in the C-1 and C-1A Downtown Commercial Districts, except as required for residential uses in Section 309.12.

<b>USE</b>	<b>REQUIRED PARKING SPACES</b>
<b>Residential Uses</b>	
Single-Family Dwellings	2 per dwelling unit
Multi-Family Dwellings	1.5 per dwelling unit *
Home Occupations	2 per home occupation
<b>Public &amp; Quasi-Public Uses</b>	
Boarding / Rooming Houses	1 for each sleeping room
Group Homes	1 per client, maximum of 5**
Day Care Facility	1 per 5 clients**
Churches (and other places of worship)	1 per 4 seats in the portion of the church building used for services
Schools	1 per each 4 classrooms; 1 for each 4 high school students**
Colleges / Universities	1 per each 3 classroom seats**
Nursing Homes	1 per each 3 beds
Hospitals	1 per each bed**
Funeral Parlors	25 for the first parlor; 10 for each additional parlor
Stadiums, Theaters, Auditoriums, & Assembly Halls	1 per each 3 seats
Community Buildings, Social Halls, Dance Halls, Clubs, and Lodges	1 space per 50 sq. ft. of public floor area
<b>Commercial Uses</b>	
Dental Offices	5 spaces per doctor
Medical Offices	8 spaces per doctor
Any other Office or Bank use	1 per each 300 sq. ft. GFA
Furniture Stores	1 per each 400 sq. ft. GFA
Trailer and Monument Sales	1 per each 2,500 sq. ft. of lot area
Auto Sales	1 per each 200 sq. ft. indoor display; 1 per each 5,000 sq. ft. outdoor display
Any other Retail Stores	1 per each 250 sq. ft. of lot area
Fast Food / Drive-In Restaurants	1 per each 50 sq. ft. GFA**
Restaurants, Taverns, and Nightclubs	1 per each 2.5 patron seats
Hotels and Motels	1 per guest room**
Automobile Service Station	2 spaces per service bay**
Bowling Alleys	4 per alley
Roller Rinks	1 per 200 sq. ft. GFA
Any other Service Establishment	1 per each 300 sq. ft. of lot area

USE	REQUIRED PARKING SPACES
<b>Industrial Uses</b>	
Junkyards, auto wrecking, and scrap establishments	5, plus 1 per employee
Trucking and shipping facilities	1 per vehicle maintained on premises**
All other Manufacturing Establishments; Warehouses; Wholesaling;	1 space per employee on the largest shift
<b>Mixed-Use</b>	
Any mixed use	The sum of the various uses calculated separately
*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.	
**Plus one (1) space per employee and staff on major shift.	
Note: GFA means gross floor area.	

**407.2(d) Parking Bonuses / Alternative Parking Plans:** This Section is a means to meet the minimum parking requirement by alternate means other than providing on-site automobile parking in accordance with Section 407.2(c). Alternatives include:

- (1) Bicycle Spaces – For every three bicycle parking spaces provided on-lot, a reduction of one automobile parking space may be allowed, up to a maximum of five percent of the total parking required.
- (2) Mass Transit Allowances – If a business is located within 300 feet of a Shenango Valley Shuttle Service (SVSS) or other mass transit stop, a reduction in parking of up to ten percent (10%) may be allowed.
- (3) On-Street Parking Space Credit – On street parking spaces may be used to satisfy up to ten percent (10%) of the requirements for off-street parking. Such on-street parking shall be located only on arterial or collector streets and within the public right-of-way and shall be located within 500 feet of the use.
- (4) Shared Parking – Shared Parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking areas for uses that are located near one another and have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:
  - (a) Parking may only be shared by uses that are within 500 feet of one another and have a convenient, visible pedestrian connection between the two properties;



- (b) The minimum number of parking spaces can be met for each use by using the table below:

SHARED PARKING CALCULATIONS TABLE						
	WEEKDAYS			WEEKENDS		
	1:00 a.m. - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - 1:00 a.m.	1:00 a.m. - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - 1:00 a.m.
<b>Office</b>	5%	100%	5%	0%	15%	0%
<b>Retail Sales and Services</b>	0%	100%	80%	0%	100%	60%
<b>Restaurant (not 24 hr)</b>	20%	70%	100%	30%	75%	100%
<b>Residential</b>	100%	60%	100%	100%	75%	95%
<b>Theater</b>	0%	60%	100%	0%	80%	100%
<b>Hotel (Rooms &amp; Lounge)</b>	100%	55%	100%	100%	55%	100%
<b>Conference Rooms (In hotel)</b>	0%	100%	100%	0%	100%	100%
<b>Religious Institution</b>	0%	25%	50%	0%	100%	50%

- (c) To compute the number of spaces needed for two or more distinguishable land uses, complete the following:
- i. Multiply the minimum parking required for each individual use, as set in 407.2.c, by the appropriate percentage in the above table, for each of the six designated time periods.
  - ii. Add the resulting sums for each of the six columns.
  - iii. The minimum shall be the highest sum among the six columns resulting from the above calculations.
  - iv. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
- (d) Other Uses – If one or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use categories in the table on the previous page (as determined by the Zoning Officer), then the Applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based on this information, the Zoning Officer, with approval of the Zoning Hearing Board, shall determine the appropriate shared parking requirement, if any, for such uses.
- (e) Agreement for Shared Parking – If parking is to be shared by uses located on two or more lots, an agreement must be presented to the Zoning Officer assuring use of the required parking spaces until or unless the required parking spaces are located on the same lot as the use they serve.

**407.2(e) Maximum Parking Requirements:** The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

- (1) Parking lots of more than 20 spaces – Parking lots may not have more than 120% of the number of spaces specified in Section 407.2 (c), not including handicap accessible spaces; unless a minimum of 20% of the parking area is landscaped in accordance with the standards of this Ordinance.
- (2) Parking lots of more than 50 spaces – No more than 135% of the minimum number of spaces required as specified in Section 407.2(c), not including handicap accessible spaces, are permitted.

**407.2(f) Location and Parking:** Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than 400 feet from the lot of the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

**407.2(g) Screening and Landscaping:** Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened (see definition of Screening) on any side which adjoins a residential district or use. In addition, there shall be a planting strip of at least five feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

**407.2(h) Minimum Distance and Setbacks:** No off-street loading or parking area for more than five vehicles shall be closer than five feet to any adjoining property line. If the adjoining property contains a residential dwelling, residential district, school, hospital, or similar institution, a ten foot setback is required.

**407.2(i) Surfacing:** With the exception of single- and two-family dwellings, all parking and loading areas and access drives shall have a paved or concrete surface, graded with positive drainage to dispose of surface water. Parking areas larger than 10,000 square feet shall submit a plan, including drainage provisions, to the City for approval. Lots shall be designed to provide for orderly and safe loading and parking.

**407.2(j) 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. (See Section 406.6)

**407.2(k) Parking Major Items of Recreational Equipment in Areas Outside of Travel Parks:** The outdoor storage of major recreational equipment owned by the occupant of the premises, including but not limited to travel trailers, motor homes, tent trailers, pickup campers (designed to be mounted on automotive vehicles), boats and boat trailers shall be permitted in all zoning districts; however, in the residential zoning districts storage locations shall be in rear yards or in accessory buildings only. Except for

use by temporary visitors [less than two days], such vehicles will not be used for living, sleeping or housekeeping purposes.

407.2(l) Outdoor Storage of Inoperative, Unlicensed, Uninspected Vehicles: Except for the provisions of 309.25, there shall be no outdoor storage of motor vehicles which are inoperative, unlicensed, lack current Pennsylvania inspection in any district. Such vehicles may be stored in garages, barns or other enclosed structures.

**408 Steep Slope Protection Overlay Standards:** Any development of slopes of more than 15% must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem.

408.1 Purpose: This section is intended to protect resources in environmentally sensitive areas to ensure that development does not result in erosion and in flooding during site preparation and the development process. All uses and activities established after the effective date of this Ordinance shall comply with the following standards. Site alternations, re-grading, filling or the clearing of vegetation, or any other activity deemed detrimental to any environmentally sensitive area or resource prior to the submission of plans for subdivision or land development shall be a violation of this Ordinance.

408.2 General Design Standards:

- (a) Structures shall be designed in a manner that requires a minimum amount of alternation to the steep slope and that otherwise complies with the grading standards in Section 408.3. Except where a geologic hazard investigation report recommends otherwise, multi-level building design and/or terracing shall be used. Otherwise, structures shall be sited on existing level areas of the site.
- (b) Particular caution shall be taken to prevent increases in the rate of stormwater runoff and erosion downslope of any steep slope development site. All approved permits from the Department of Environmental Protection shall be submitted before any use is approved under the provisions of this Section.

408.3 Specific Design Standards:

- (a) Any site disturbance of slopes exceeding fifteen (15%) percent shall be minimized.
- (b) No site disturbance shall be allowed on slopes exceeding twenty-five (25%) percent, except under the following circumstances.
  - 1) Grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding twenty-five (25%) percent is possible.

2) Upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed and execution of a provision agreeing to hold the City harmless from any claims of damages due to approval of such development. If development is allowed to proceed under this subsection, no more than (15%) percent of such areas shall be developed and/or re-graded or stripped of vegetation.

(c) Finished slopes of all cuts and fills shall not exceed three-to-one (3:1), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

**409 Swimming Pools:** All swimming pools shall be enclosed by a fence at least four feet high for the purpose of public safety. The fence is to be so constructed so that small children cannot climb under, through or on the fence. Gates shall also be so constructed so they can be secured to prevent access by small children. For above-ground pools, the pool structure may be used as part of the required fencing. Any ladder or steps used to access to above-ground pools must be secured to prevent access by small children.

**410 Flood Hazard Areas:** The City of Sharon has adopted an ordinance regulating development within floodplains. All developments within designated areas are required to follow the regulations contained in said Ordinance.

**411 Riverfront Overlay District:** The Riverfront Overlay district consists of any parcel of land which has lands within 100 feet of the Shenango River. The purpose of this district is to provide for the visual enhancement of Shenango River within the City of Sharon. An overlay zone may encompass one or more underlying zoning districts and imposes additional requirements above that required by the underlying zone. All applications for development in the Riverfront Overlay District shall be referred to the Sharon City Planning Commission. They shall review proposed development using four basic approaches:

**411.1 General Architectural Design:** The developer shall provide color photographs of the area to be developed and provide renderings or elevation sketches to demonstrate design treatment and, if appropriate, compatibility with nearby development. Included in the Planning Commission's consideration shall be:

- Height, bulk, and general mass
- Facade design, including windows and doors
- Roof elevation and material
- General architectural style and features
- Relationship to surrounding buildings
- Relationship to the Shenango River

**411.2 Landscaping:** The developer is encouraged to view landscaping as part of the overall design and not an after thought. Consideration shall be given to how the landscaping enhances the developer's structure and to the preservation and enhancement of river vistas.

**411.3 Lighting:** Exterior lighting may be used to illuminate of building or its grounds for aesthetic or security reasons. However, lighting which produces glare or would unreasonably limit vistas of the Shenango River should be avoided.

**411.4 Signage:** Signs should observe the criteria of this Ordinance, but should also seek to achieve design compatibility with the surrounding environment and not block vistas of the Shenango River.

**411.5 Other Regulations:** All development in the Riverfront Overlay District shall meet the following requirements:

- (a) The riparian buffer setback shall be 35 feet, as measured from the edge of the bank of the Shenango River. The following land disturbances shall be permitted without limitation within the riparian buffer setback:
  - i. Vegetation management or open space management plan, which provides for the maintenance of stream banks and water quality.
  - ii. Activities regulated by the Commonwealth of Pennsylvania (such as permitted stream or wetland crossings or other encroachments)
  - iii. Installation of pervious-surfaced trail providing access to the river, or an impervious-surfaced trail when required or authorized by federal or state regulations.
  - iv. Gardening and exterior yard maintenance.
  - v. Temporary construction attendant to construction activities occurring within the riparian buffer setback; provided, however, that such temporary construction shall be removed and any land disturbance within the riparian buffer setback be remedied within a time period approved by the City.
  
- (b) To help manage stormwater runoff and improve stream quality, any parcel in the Riverfront Overlay Zone shall receive up to a twenty percent (20%) reduction in the number of required parking spaces for the number of parking spaces that use pervious surfaces for pavement.

**411.10 Processing:**

**411.11:** The review of the Planning Commission shall be completed within 30 days from submission to the Zoning Officer. All Commission meetings shall be open to the public and the meetings shall follow the Pennsylvania Sunshine Law. Planning Commission recommendations shall be forwarded to Sharon City Council.

**411.12:** Council shall receive the application and the recommendation of the Planning Commission and shall act on same within 20 days. They may approve the application as submitted or approve with the recommendations (either as submitted for modified) of the Planning Commission.

**411.13:** It is the intent of this section that this process, from submitting of a complete application, to approval or denial shall not take more than 45 days.

**412 Central Commercial Frame Area:** In order to enhance the economic viability of the Central Commercial Frame Area, the City of Sharon encourages the use of building in this area in a compatible, but nontraditional manner. Such uses shall refer to the Planning Commission who shall consider the following elements:

**412.1 Design:** Though a building may convert from retail to another use, the developer shall endeavor to keep the original architectural design and facade treatment intact.

**412.2 Intensity of Use:** Uses must meet the performance standards within the Ordinance. Uses which produce loud noises, or vibrations will not be allowed.

**412.10 Processing:** Shall follow the same requirements set forth in Section 411.10.

**ARTICLE 5**  
**SIGN REGULATIONS**

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**500 Purpose:** The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City, to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

**501 Applicability:** A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance.

**502 Definitions and Interpretations:** Words and phrases used herein shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Article 9 - Definitions shall be given the meanings set forth therein. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Animated Sign - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Apartment Sign - Any sign which identifies and is located on the premises of multiple-family dwellings of at least five units under single ownership (whether in single or multiple buildings) and which may also advertise the rental of units on the premises but contain no other commercial message.

Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Building Marker - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Sign - Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Canopy Sign** - Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Changeable Copy Sign** - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Ordinance.

**Commercial Message** - Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or call attention to a business, product, service, or other commercial activity.

**Development Sign** - Any sign which identifies and is located on the premises of a planned residential or industrial development containing at least five lots to be separately developed in a planned, coordinated manner and which may also advertise the availability of lots for sale or development in the planned development identified by the sign but contain no other commercial message.

**Flag** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Freestanding Sign** - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Home Occupation Sign** - Any sign located in a district zoned for residential uses which contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, provided such use conforms with all requirements of the Zoning Ordinance.

**Identification Sign** - A sign which indicates only the name and address of the building or occupant of the building at which the sign is located.

**Incidental Sign** - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Institutional Sign** - Any sign which identifies and is located on the premises of an institutional or other nonresidential principal use permitted in any Residential or Institutional Zoning District.



**Marquee** - Any permanent roof-life structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Marquee Sign** - Any sign attached to, in any manner, or made a part of a marquee.

**Nonconforming Sign** - Any sign that does not conform to the requirements of this Ordinance.

**Pennant** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Portable Sign** - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Principal Sign** - The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Projecting Sign** - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall and that the highest point of any part of the sign does not exceed the height of the building or wall to which it is attached.

**Roof Sign** - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof Sign, Integral** - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Setback, Sign** - The distance from the property line to the nearest part of the applicable sign, measured perpendicularly to the property line.

**Sign** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Street Frontage - The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted.

Wall Sign - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zone Lot - A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

**503 Computations:** The following principles shall control the computation of sign area and sign height:

**503.1 - Computation of Area of Individual Signs:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

**503.2 - Computation of Area of Multi-Faced Sign:** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

**503.3 - Computation of Height:** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

**503.4 - Computation of Maximum Total Permitted Sign Area for a Zone Lot:** The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in Table 503, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

**504 Permitted Signs, Prohibited Signs, and Requirements for Sign Type, Numbers, Area, Dimensions, and Location:** Signs shall be allowed on private property in the City and must comply with the requirements for sign type, numbers, area, dimensions and location, as specified in Table 504 and the following additional requirements of this section.

**504.1 - Other Permitted Signs:** In addition to the provisions of Table 504, the following signs shall be permitted in all zoning districts:

- (a) Incidental signs, provided that such sign shall not exceed four square feet in area.
- (b) Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flags shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. Any flag not meeting these conditions shall be considered a banner sign.
- (c) Temporary real estate sign advertising the sale or rental of the premises upon which it is located provided it shall not exceed six square feet in area and shall be removed within fourteen days after a deed of sale has been recorded or the premises are rented or leased.
- (d) Temporary signs in the Commercial zoning districts provided they shall comply with the requirements of Section 505.2.

**504.2 - Prohibited Signs:** All signs not expressly permitted or exempt from regulation under the Zoning Ordinance shall be prohibited in the City. Such signs include, but are not limited to:

- (a) Roof signs or integral roof signs.
- (b) Portable signs except as permitted temporary signs.
- (c) Animated or flashing signs except for a “time and temperature” portion of a sign permitted only in a Commercial zoning district.
- (d) Beacons, pennants; inflatable signs, and tethered balloons, except as permitted temporary signs.
- (e) Strings of light not permanently mounted to a rigid background, except as permitted temporary signs.

**504.3 - Other General Requirements:** All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (a) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid all, frame, or structure.
- (b) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance, at all times.
- (c) Any sign which projects or is placed or erected over a public way shall provide a vertical clearance of nine feet above a sidewalk, private drive, or parking lot and fourteen feet above a public street.
- (d) No direct light or significant glare from any sign shall be cast onto any zone lot that is zoned and used for residential purposes.
- (e) A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within 50 feet of an intersection shall not contain any visible green-, yellow-, or red-colored lights which might be confused with official traffic control devices.
- (f) A sign shall not be placed so as to prevent free ingress to or egress from any door or fire escape, to cause danger to traffic on a street by obscuring the view, or to otherwise interfere with traffic.
- (g) Bare bulb lighting or neon lighting, unshielded from the passing public shall be prohibited.

**TABLE 504  
(1) PERMITTED SIGNS AND REQUIREMENTS FOR TYPE, NUMBER AREA, DIMENSIONS, AND LOCATION:**

ZONING DISTRICT	PERMITTED SIGN		NUMBER ALLOWED	MAXIMUM		MINIMUM SETBACK IN FT. <sup>a</sup>	ILLUMINATION ALLOWED <sup>b</sup>	CHANGEABLE COPY ALLOWED
	TYPE	PLACEMENT		AREA SQ. FT.	HEIGHT IN FT.			
R-1	Identification	Freestanding	1 per zone lot	8	5	2	None	No
R-2	Home Occupation	Freestanding	1 per zone lot	2	5	5	None	No
R-3	Apartment/Development	Freestanding	1 per 200' frontage <sup>f</sup>	8	5	5	E	No
I	Institutional	Freestanding	1 per zone lot	32	5	5	I or E	Yes
	Institutional - Wall	Building	1 per building	32			I or E	Yes
C-1 C-1A	Miscellaneous	Freestanding	1 per 100' frontage <sup>f</sup>	50	20	2	I or E	Yes
	Banner	Building					E	No
	Canopy	Building	1 per building	25% <sup>c</sup>			E	No
	Marquee	Building	1 per building				I or E	Yes
	Projecting	Building	1 per building	40			I or E	Yes
	Wall	Building		75%			I or E	Yes
	Window	Building		25% <sup>e</sup>			I or E	No
	Banner	Miscellaneous					E	No
C-2	All signs permitted in Residential Zoning District with same restrictions shown above.							
	Miscellaneous	Freestanding	1 per 100' frontage <sup>f</sup>	30	5	5	I or E	No
	Banner	Building					E	No
	Canopy	Building	1 per building	25% <sup>c</sup>			E	No
	Projecting	Building	1 per building	30			I or E	No
	Wall	Building		10% <sup>d</sup>			I or E	No
	Window	Building		25% <sup>e</sup>			I or E	No
	Banner	Miscellaneous					I or E	No
	Pole	Freestanding	1 per frontage	30	20	5	I or E	No
M-1 M-2 M-3	Miscellaneous	Freestanding	1 per 800' frontage <sup>f</sup>	80	20	10	I or E	No
	Development	Freestanding	1 per street frontage <sup>f</sup>	80	20	10	I or E	No
	Canopy	Building	1 per building	25% <sup>c</sup>			E	No
	Projecting	Building	1 per building	40			I or E	No
	Wall	Building		5% <sup>d</sup>			I or E	No
	Pole	Freestanding	1 per 800' frontage	40	20	10	I or E	No
All Districts	No Trespassing	Building	1 per building	2			E	No
	Identification	Building	1 per building	2			E	No
	Building Marker	Building	1 per building	2			E	No

- a - In addition to the setback requirements shown in this column, all signs located adjacent to a lot zoned "R" that contains an existing residential use shall have a setback distance no less than the height of the sign.
- b - In this column, "I" shall mean internal illumination and "E" shall mean external illumination.
- c - The percentage here shall mean the percentage of the vertical surface of the canopy.
- d - The percentage here shall mean the percentage of the area of the wall of which such sign is a part or to which such sign is most nearly parallel.
- e - The percentage here shall mean the percentage of the total window area for any given face or wall of a building.
- f - Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage shall not be accumulated on one street in excess of that allowed for lots with only one street frontage.

**(2) MAXIMUM TOTAL SIGN AREA OF ALL SIGNS ON A ZONE LOT SHALL NOT EXCEED THE LESSER OF THE FOLLOWING: <sup>h</sup>**

ZONING DISTRICT	USES	MAXIMUM NUMBER OF TOTAL SQUARE FEET	PERCENTAGE OF GROUND FLOOR AREA OF PRINCIPAL BUILDING	SQUARE FEET OF SIGNAGE PER LINEAR FOOT OF STREET FRONTAGE
R-1, R-2, R-3 & I	Residential uses other than Apartment Buildings and Developments	8		
	Other permitted uses	50		0.2 – in R-1, R-2, and R-3 1 – in I
C-1 & C-1A	All permitted uses	200	5%	3.0
C-2	All R-1, R-2, R-3 and I permitted uses	Refer to standards for all R-Districts shown above.		
	Business, office uses	100	3%	1.5
M-1, M-2, & M-3	All permitted uses	400	2%	

h - Incidental signs and flags are not considered in calculating total sign area.

Note: Where blanks are present in either table, they shall mean that there is no limit or restriction.

- (h) Externally illuminated signs should be lighted from the top of the sign downward and be fully shielded.

**505 Signs in the Public Right-of-Way:** No signs shall be allowed in the public right-of-way except for the following:

**505.1 - Permanent Signs:** Permanent signs, including:

- (a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- (b) Bus stop signs erected by a public transit company;
- (c) Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- (d) Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 504 of this Ordinance.

**505.2 - Temporary Signs:** Temporary signs for which a permit has been issued in accordance with Section 509, and which shall meet the following requirements:

- (a) Such signs shall contain no commercial message; and shall be no more than two square feet in each area.

**505.3 - Emergency Signs:** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

**505.4 - Other Signs Forfeited:** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

**506 Signs Exempt from Regulation Under this Ordinance:** The following signs shall be exempt from regulation under this Ordinance:

- (a) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance or more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

- (c) Election and political campaign signs located on private property provided they contain no commercial message, are erected no sooner than 120 days prior to the election date in which the candidate or issue is up for vote, and are removed no later than 14 days after said election;
- (d) Poster no larger than three square feet in area located on private property which promote community events and programs and contain no commercial message;
- (e) Works of art that do not include a commercial message;
- (f) Holiday lights with no commercial message, but only between November 15 and January 15; and
- (g) Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

**507 Permits and Permit Procedures for Signs:** All signs, except those enumerated in this section, shall require a permit from the Zoning Officer prior to their construction, placement, erection, or modification. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign complies with the provisions of this Ordinance.

**507.1 - Permit Not Required:** Sign permits shall not be required for the following signs provided that all such signs comply with the other applicable requirements of this Ordinance:

- (a) Identification signs.
- (b) Building marker signs.
- (c) Incidental signs.
- (d) Flags.
- (e) Temporary real estate signs as permitted in Section 504.1(c).
- (f) Traffic or other information signs erected by or on behalf of a governmental authority, transit company, or public utility as permitted in Section 505.1(a), (b), and (c).
- (g) Emergency signs as permitted in Section 505.3.

**507.2 - Applications for Sign Permit:** All applications for sign permits of any kind shall be submitted to the Zoning Officer in such form as he may prescribe and shall contain at least the following information:

- (a) Name, address, and telephone number of the applicant.
- (b) A map showing the location of the building, structure, or zone lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares, and should show dimensions.
- (c) A plan showing design of sign, materials used, method of construction, dimensions of the sign, and means of attachment to the building or the ground; such plans must be to scale or show dimensions.
- (d) Name of person, firm, corporation, or association erecting, altering, or moving said sign.
- (e) Written consent of the owner of the land on which the sign is to be erected, altered, or relocated.
- (f) Any other information as the Zoning Officer shall require in order showing full compliance with this and all other applicable laws of the City.

**507.3 - Master Signage Plan:** If more than one new sign requiring a permit is proposed for a zone lot or if one or more additional new signs requiring a permit are proposed for a zone lot with an existing sign, a master signage plan shall be submitted to the Zoning Officer along with the application for individual sign permits. This master signage plan shall indicate the types, dimensions, area, and total combined sign area for all proposed and existing individual signs of any type, requiring a permit or not, except for incidental signs. A revised master signage plan shall be submitted to the Zoning Officer if modification is proposed to any individual sign covered by an existing master signage plan.

**507.4 - Sign Permit Fees:** Applications for sign permits shall be accompanied by a fee in an amount as prescribed by resolution of the City Council.

**507.5 - Action on Sign Permit Application:** The Zoning Officer shall act on all applications for sign permits in accordance with the procedures contained in Article 6 of the Zoning Ordinance. In addition, the Zoning Officer shall not issue a sign permit unless a master signage plan, where appropriate in accordance with 507.3, has been submitted and indicates compliance with the Zoning Ordinance.

**508 Temporary Sign Permits (Private Property):** Temporary signs permitted in the “C-1” or “C-2” Zoning Districts shall be allowed on private property only upon the issuance of a temporary sign permit subject to the following requirements:

**508.1 - Term:** A temporary sign permit shall allow the use of a temporary sign for a specified 30 day period.



**508.2 - Number:** Two temporary sign permits may be issued to the same property owner on the same zone lot in any calendar year.

**509 Temporary Sign Permits (Public Right-of-Way):** Temporary signs for which a permit is required by this Ordinance shall be allowed in the public right-of-way in accordance with Section 505.2 and only upon the issuance of a temporary sign permit subject to the following:

**509.1 - Term and Number of Permits:** The term of such a permit shall be sixty days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.

**509.2 - Number:** No more than 20 signs may be erected under one permit.

**509.3 - Deposit Fee:** In addition to the applicable fees otherwise payable, the applicant shall pay a deposit fee of \$50.00 per approved temporary sign permit. Such deposit fee shall be fully refundable upon the surrender to the Zoning Officer of the actual sign(s) for disposal or, where not all signs are surrendered, shall be refundable in proportion to the percentage of to all permitted signs surrendered for disposal.

**510 Termination of Nonconforming Signs:**

**510.1 - Removal of Nonconforming Signs:** When a nonconforming sign is taken down or removed for any reason, the same may not again be erected or reestablished or permitted to remain at any location on the property without the prior issuance of a sign permit, and in such case, no sign permit shall be issued unless the sign is then made to conform with all regulations applicable to new signs.

**510.2 - Damaged or Destroyed Nonconforming Signs:** A sign damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board. Replacement cost shall be determined by obtaining cost of construction from one sign contractor mutually agreed to by the owner and the City.

**501.3 - Signs Erected in Violation:** The Zoning Officer or his authorized agent shall have the authority to order the removal of any sign erected after the effective date of this Ordinance in violation of the Ordinance.

**501.4 - Obsolete Signs:** Any sign now or hereafter existing which no longer advertises or identifies a bonafide business conducted or a product sold upon the premises, shall be taken down and removed by the owner of the building or structure or land upon which such sign may be found, within 10 days after written notification from the Zoning Officer, such notice to be sent by certified mail.

## ARTICLE 6

### ADMINISTRATION, ENFORCEMENT, AND APPEALS

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**601 Zoning Officer:** The City of Sharon 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 not hold any elective office in the City.

**602 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 City. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

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

**602.2 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 has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

**602.3 Permits, Applications, Appeals and Certificates:** The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where appropriate; shall receive all applications for Conditional Uses, Special Exceptions, and Variances and forward same to the appropriate body. Said applications shall be on forms as approved by the City or the Board, as appropriate, and shall be accompanied by a fee as set by the City. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of Appeals, Special Exceptions, and Variances shall be within such time limits as set by the Board.

**602.4 Enforcement:** The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

## 603 Permits and Certificates:

**603.1 Zoning Permits:** In order to be approved, an application for a Zoning Permit must show compliance with this and other appropriate City Ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plot plans as well as the number of copies, time limits and fees for such applications shall be determined by the City. Permits will be required for:

- (a) The erection, adaptation, alteration, or remodeling of any building or structure or portion thereof.
- (b) The moving of any building or structure.
- (c) The use or change in use of a building or structure.
- (d) The change or extension of a nonconforming use.
- (e) The erection, adaptation, or alteration of any sign or billboard.
- (f) Any physical change or alteration which changes the outside appearance or dimensions regardless of cost, i.e., aluminum siding, new roof, etc.
- (g) The erection, adaptation, alteration, or remodeling of any accessory building.
- (h) As well as any other activity reasonably covered by this Ordinance.

**603.2 Certificate of Occupancy:** A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land and a Certificate of Occupancy shall be required prior to the use or occupancy of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the development described in the Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy 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.

**603.3 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 5 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 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.
- (c) All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
- (d) Exact dimensions of lot or building upon which the sign is proposed to be erected.
- (e) The exact size, dimensions and location of the said sign on lot or building.
- (f) Any other lawful information which may be required by the Zoning Officer.

**603.4 Conditional Use:** Applications for Conditional Uses shall be received by the Zoning Officer and then forwarded to the Planning Commission for their review.

- (a) The Planning Commission shall review the proposed use for consistency with the provisions of this Ordinance. It may also recommend any reasonable condition it believes appropriate to the proposed use. These findings and recommendations shall be forwarded to Council.
- (b) City Council shall hold a public hearing on the proposed conditional use pursuant to public notice as required by Section 603(c)(2) of the Planning Code. The use shall be allowed or denied according to the criteria of this Ordinance. Council may attach reasonable conditions or safeguards to such use considering the recommendations of the Planning Commission, its own findings and the guidelines of the Planning Code.

## **604 Violations:**

**604.1 Enforcement Notice:** When it appears to the City 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 City 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.

**604.2 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, the City, the Zoning Officer of the City, 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 City at least 30 days prior to the time the action is begun by serving a copy of the complaint on the City Council of Sharon. No such action may be maintained until such notice has been given.

**604.3 Jurisdiction:** District justices shall have initial jurisdiction over proceedings brought under this section.

**604.4 Enforcement Remedies:** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the City 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 City 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 determine 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 City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

**ARTICLE 7**  
**ZONING HEARING BOARD**

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- 701 Creation:** There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five residents of the City appointed by the City 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.
- 702 Appointment:** The terms of office of the Board shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the 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 City, nor be a member of the Planning Commission. Council shall also appoint up to two alternate members to the Board. The appointment, term, rights, and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.
- 703 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 Council, taken after the member has received 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.
- 704 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 **three** members are absent or are disqualified to act in a particular matter, the alternate member(s) 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 City 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 Council once a year or as requested by Council.
- 705 Expenditures for Services:** Within the limits of funds appropriated by 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 Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Council.

**706 Legal Counsel:** Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.

**707 Hearings:** The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A) Notice shall be given to the public and shall conform to requirements for same contained in the Pennsylvania Municipalities Planning Code. 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 week prior to the hearing.
- B) The City 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 required by the Board.
- C) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- 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 City, 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.



- l) 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 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 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 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 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 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.
- 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 no 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.

Any permit authorized by Board action must be applied for within six months from the date of the Board's action. After that time, the authorization shall be null and no permit shall be issued. Furthermore, no permit authorized by the Board shall be modified without approval of the Board.

#### **708 Board's Functions:**

- 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 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the City 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 therefor, 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 City engineer or the Zoning Officer with reference to the administration of any flood plain 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 608(8) 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 City 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.

I) Special Exceptions: The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Zoning Ordinance.

**709 Parties Appellant Before Board:** Appeals under Section 708 and proceedings to challenge the Ordinance under Section 708 may be filed with the Board in writing by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance under Section 708 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**710 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 City 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.

**711 Stay of Proceedings:** Upon filing of any proceeding referred to in Section 708 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 thereunder 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 8

### AMENDMENTS

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- 801 General:** City Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the City Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.
- 802 Petitions:** Petitions for amendments shall be filed with the Planning Commission; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule fixed by the City.
- 803 Referral:** Any proposed amendment presented to the City Council without written findings and recommendations from the Sharon City 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 City Council. The Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the City and County Planning Commissions.
- 804 Action:** Before acting upon a proposed amendment, the 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 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 week prior to the date of the hearing.
- 805 Curative Amendments:** A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The City Council shall commence a hearing thereon within 60 days. As with other proposed amendments, the Curative Amendment shall be referred to the Sharon City Planning Commission and the Mercer County Regional Planning Commission at least 30 days before the hearing is conducted by the Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with

instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of the City Council shall be in accordance with Section 609.1 of the Planning Code.

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

## ARTICLE 9

### DEFINITIONS

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**901 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.

**902 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 principal building, and used for an accessory use.

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

Adult Day Care Services - day care services for adults that provide out-of-home care for part of a 24-hour day to adults, excluding care provided by relatives.

Adult Entertainment Establishments - are defined to include:

Adult Bookstore - Any establishment having 25% or more of its stock in: books, films, magazines, or other periodicals or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction of specified sexual activities or specified anatomical areas; instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

Adult Mini Motion Picture Theater - An enclosed or unenclosed building and/or structure with a capacity of more than 5 but less than 50 persons used for presenting any form of audio or visual material, and in which a substantial portion of the total

presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult Model Studio** - Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.

**Adult Motel** - A motel or similar establishment offering public accommodations for any consideration, that provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**Adult Motion Picture Arcade** - An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult Motion Picture Theater** - An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult Newsrack** - Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**Adult Theater** - A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Bath House** - An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall



be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.

**Body Painting Studio** - Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.

**Massage Parlor** - Any establishment or business that provides the services of massage and body manipulation, including exercises, heat, and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Out Call Service Activity** - An establishment or business that provides an out call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**Sexual Encounter Center** - Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner (as previously defined), to engage in sexual therapy.

Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Apartment** - a part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence.

**Apartment House** - same as "Dwelling, Multi-Family."

**Automotive Wrecking** - The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**Basement** - a story or portion of a story partly below the average grade of the surrounding ground with at least one-half (½) of its height (measured from floor to ceiling) below the average grade level of the surrounding ground.

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

**Billboard** - a sign indicating a business conducted somewhere other than on the premises, on which advertising matter of any character is printed, posted, or lettered by any means and is designed for such purposes. A billboard may be either free standing or attached to a surface of a building or other structure.

**Board** - the Zoning Hearing Board of the City of Sharon.

**Boarding House** - a type of residential living facility which provides food and shelter, for payment, to five or more adults who are unrelated to the provider and who require no services beyond food and shelter.

**Building, Accessory** - A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Buildable Area** - the area of that part of the lot not included within the open space herein required.

**Buildable Width** - the width of that part of the lot not included within the open spaces herein required.

**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.

**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.

**Cellar** - That portion of a building wholly or partly below ground level and having more than one half of its floor-to-ceiling height below the average grade of existing ground level.

**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.

**Church** - a place of assembly used for congregate religious services and worship. Although accessory uses, such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

**Certificate of Occupancy** - official certification, based on an inspection, signed by the Zoning Officer, that a premise conforms to the provisions of this Ordinance and may be used or occupied. Such a certificate is granted for new construction or for alterations or

additions of existing structures. Unless such a certificate is issued, a structure cannot be occupied.

Clear Sight Triangle - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street corner lines.

Code - The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

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

Commission - the Sharon City Planning Commission.

Conditional Use - a use permitted in a particular zoning district pursuant to the provisions of this Ordinance and in accordance with the Pennsylvania Municipalities Planning Code.

Condominium - a form of property ownership.

Convenience Store - a retail establishment of limited size (less than 5,000 square feet), designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel).

Council - the City Council of Sharon, Pennsylvania.

Day Care Facilities - For children - provides out-of-home care for part of a 24-hour day to children under 16 years of age, excluding care provided by relatives. For the purpose of this Ordinance, Day Care Facilities are divided into the following types:

Family Day Care Home - is any premise operated for profit or not for profit, in which day care is provided at any one time to four, five, or six children. A family day care home may be operated from a single-family dwelling.

Group Day Care Home - is any premise operated for profit or not for profit in which day care is provided at any one time for more than six but less than twelve children and where the child care areas are being used as a family residence.

Child Day Care Centers - is a facility in which care is provided for seven or more children at any one time and the child care areas are not being used as a family residence.

To qualify as a day care facility, these uses must secure any needed State permits or licenses.

Dog Kennel - the keeping of four or more dogs that are more than six months old, owned or unowned, for any period of time.

Domestic Animals - animals that are customarily kept as household pets for personal use or enjoyment within the home. Household pets shall include domestic dogs, domestic cats, domestic tropical birds, and similar animals.

Dormitory - a building used as group living quarters for students at a college, university, or technical school licensed by the State of Pennsylvania or accredited by a nationally recognized organization.

Dwelling - a building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel" or "tourist home." A dwelling may be a rooming/boarding house also, if so permitted by zoning district regulations.

Single-Family Dwelling - a dwelling containing only one dwelling unit.

Two-Family Dwelling - a dwelling containing two dwelling units.

Multi-Family Dwelling - a dwelling containing three or more dwelling units, including apartment houses, apartment hotels, flats and garden apartments.

Detached Dwelling - a dwelling with yards on all four sides.

Dwelling Unit - a building or portion thereof containing one 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 either one family or one non-family household.

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of: underground gas, underground or above ground electrical, telephone, and cable television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; for adequate services of the public health, safety and general welfare, but excluding office buildings, gas, or maintenance depots.

Family - any number of individuals living, and cooking together as a single housekeeping unit, including not more than five unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage or legal adoption to any other individual in the unit, but it excludes domestic servants and minor foster children. Handicapped persons in family-like living arrangements shall be considered as families. Note: Handicapped persons shall only be such individuals so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act.

Floodplain - a relatively flat or low area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area

subject to the unusual and rapid accumulation of surface waters from any source as indicated on the flood boundary and floodway map.

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 center line of the walls separating two buildings. Floor area shall exclude spaces such as garages, basements, open porches and similar areas.

Garage, Private - an accessory building to a dwelling used only for storage purposes, either attached to the principal building or separate. A private garage may store no more than four automobiles.

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

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

Group Home - a non-profit or for-profit home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, shall also provide some combination of personal care, social or counseling services, and transportation. Handicapped persons in family-like living arrangements shall be considered as families and not considered as group homes. Note: Handicapped persons shall only be such individuals so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act.

Height of Building - the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or the ridge of gable, hip, shed, and gambrel roofs. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street frontage.

Home Occupation - any business 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.

Hospital - a private or public institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc., during illness or injury.

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

Householder - the person owning or leasing the dwelling unit.

Junk - any worn, cast off, or discarded articles or materials which are ready for destruction or which have been collected or stored for sale, resale, salvage, or conversion to some other uses. The term “junk” shall include abandoned and/or non-operating vehicles as defined below:

Abandoned Vehicle - shall be prima facie abandoned when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose and without the intention of returning to reclaim or appropriate such vehicle.

Non-Operating Vehicle - shall be prima facie non-operating when it does not display thereon a current Pennsylvania registration plate and inspection sticker, or if such current registration plate and inspection sticker are displayed thereon, does not presently meet the requirements of the Pennsylvania Motor Vehicle Code concerning the condition of vehicles and the necessary equipment to be attached to vehicles in order to pass current State inspection standards.

Junk Yard - the use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Large Scale Retail – A singular retail or wholesale use that occupies 50,000 square feet of gross floor area (GFA) or more, typically requires high parking to building ratios, and has a regional sales market. Large retail stores can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, or department stores.

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

Line, Building Setback - a building line which determines the minimum allowable distance between a building or structure and lot line.

Front Lot Line - for the purposes of this Ordinance, the front lot line shall be the street right-of-way line.

Side Lot Line - a line extending from the front lot line (street right-of-way) to the rear property line of a lot.

Line, Rear Lot - a lot line which defines the rear of a lot or property and is generally opposite the front lot line. In the case of corner lots, the owner shall have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear

lot line, provided: (a) such choice, in the opinion of the Zoning Officer, shall not injurious to the existing or the desirable future development of adjacent lots. Also, the rear lot line of any irregular or triangular lot shall be a line entirely within the lot and at least 15 feet in length.

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

**Lot** - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Lot Area** - the area of land (a horizontal plane) measured at grade and bounded by the front, side, and rear lot lines.

**Lot, Corner** - a lot at the point of intersection of and abutting on two or more intersection streets, and which has an interior angle of less than 115 degrees at the intersection of two street lines (see also Yard, Front).

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

**Lot, Through** - a lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. Such lots are also known as double frontage lots.

**Lot, Width** - the horizontal distance between the side lot line measured at the required front yard building line.

**Manufacturing, Light** - a use engaged in the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products from processed or previously manufactured materials. No process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet. Machine shops are included in this category, as well as (but not limited to) the manufacturing of apparel, electronic equipment and appliances, medical appliances, paper products (but not the processing of raw materials), plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, or any other product of a similar nature.

**Manufacturing, Heavy** - a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or which pose significant risks due to the involvement of explosives, radioactive materials poisons, pesticides, herbicides, or other hazardous materials in the manufacturing and other processes.

**Mini-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.

**Mobile Home** - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready of occupancy, except for minor and incidental unpacking and assembly operations. (Subject to the Act of May 11, 1972 [P.L. 286, No. 70], known as the "Industrialized Housing Act," and to Title VI [Public Law 93-383], referred to as the Federal Mobile Home Construction and Safety Standards Act of 1974.)

**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 or contiguous parcels of land under single ownership which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Motel** - a building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes but is not limited to, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

**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.

**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 use 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.

Parking Lot or Garage, Commercial - a lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.

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 18 feet and a uniform width of at least nine feet for the storage of one automobile and accessible from a public way.

Personal Care Boarding Home for Adults - a premise in which food, shelter, personal assistance or supervision are provided for a period exceeding 24-consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

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

Planned Residential Development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Code - The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

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 Notice - public notice as required by the Pennsylvania Municipalities Planning Code.

Public Utility Substation - a structure, or building, used for the distribution of gas, electric or cable utilities but not including office, garage, maintenance or similar facilities.

Restaurant, Drive-Through - restaurants specializing in fast food with drive-through facilities.

Rooming House - a dwelling having three or more sleeping rooms for rent to persons not related to its other occupants. See also "Boarding House."

School - a public or private institution which provides primary (elementary) or secondary education and is duly approved/accredited by the Pennsylvania Department of Education.

Screen Planting - screen planting for this Ordinance shall mean an evergreen hedge at least six feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of one or multiple rows of bushes and trees. The row(s) must be at least four 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.

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

Shopping Center - a business district or portion thereof, wherein stores and shops occupy space in a single structure and where these stores and shops use a common off-street parking lot.

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 word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs. The word sign includes temporary and portable devices, as well as permanent signs.

The "area of a sign" shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, including framework and bracing which is incidental to the display itself, when viewed from its widest silhouette. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle which can be drawn to encompass all of the letters and symbols.

**Sign, Advertising** - a sign which directs attention to a business, profession, service or industry, conducted, sold, manufactured, assembled or offered for sale other than upon the premises where the sign is displayed.

**Sign, Business** - a sign which 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.

**Special Exception** - a use permitted with special permission granted by the Zoning Hearing Board, to occupy and 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.

**Specified Anatomical Areas** - as used shall mean and include any of the following: (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** - include showing of human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law; or fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.

**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 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, the word structure is to include antenna or satellite dish antennas.

**Townhouse** - a multi-family dwelling consisting of three or more dwelling units that are attached side by side by an unpierced party wall.

**Yard** - that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line - a line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front - a yard between an adjacent right-of-way and the building line and extending for the full width of the lot. On corner lots, the front yard shall be considered on the street which has the least dimension.

Yard, Rear - a yard between the rear lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot.

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.

Zoning Officer - the Zoning Officer of the City of Sharon, or his authorized representative.

**ARTICLE 10**  
**PLANNED RESIDENTIAL DEVELOPMENT**

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**1001 Planned Residential Development:**

Purpose: The purpose of the planned residential development regulations (PRD) is to encourage the flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas. Planned residential developments are permitted as a conditional use in the R-2 and R-3 Districts in the City of Sharon. The specific purposes of these districts in Sharon City are:

R-2 - In the R-2 District, the PRD is intended to facilitate the redevelopment of relatively small tracts of land while at the same time promoting better design.

R-3 - In the R-3 District, the PRD has a quite different purpose. Here the intent is to allow the development of larger tracts of land while promoting good design and allowing a mixture of housing types and densities.

**1002 Minimum Development Size:** In the R-2 District, no PRD may include less than 20,000 square feet of land. In the R-3 District, no PRD may include less than 2 acres of land.

**1003 General Standards:** The planned residential development must meet all of the following general standards:

- (a) The planned residential development is consistent with the Comprehensive Plan and this Ordinance's Statement of Community Development Objectives.
- (b) The planned residential development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of unique physical, cultural and historic resources.
- (c) The planned residential development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
- (d) Performance bond(s) for all public improvements in the development must be posted as required in the City of Sharon Subdivision Ordinance.
- (e) Connection to the City's sanitary sewer system shall be required.

- (f) Connection to the City's public water supplies will be required.
- (g) The height for buildings in any PRD shall not exceed 40 feet in the R-2 zoning district, and 80 feet in the R-3 zoning district, in accordance with Section 405.2.

**1004 Applicable Districts and Uses Permitted:** Planned residential developments may be approved in the R-2 and R-3 Residential Districts and may include the mixture of single-family, two-family and multi-family residential uses in a single development.

**1005 Calculations of Project Densities:** The number of dwelling units which may be constructed within the planned residential development shall be determined by dividing the gross project area by the required lot area per dwelling unit which is required in the respective zoning districts.

**1006 Increase in Density:** It is recognized that the expense of complying with the approval process contained in the planned residential development regulations may discourage developers from seeking approval of a planned residential development project. At the time the outline or preliminary development plan is filed, the applicant may apply for an increase in the densities permitted by the zone in which the planned residential development is to be constructed. If it gives its approval to the planned residential development, the City Council may authorize the developer to increase permitted densities by an amount up to 10%.

Additional increase in density may be granted up to 27%, providing:

- (a) If common open space is developed to more intense usable open space providing facilities for active outdoor recreation, such as playgrounds, playground equipment, picnic facilities, ball fields and equipment, or other similar improvements to the open space, an additional 10% increase in density may be permitted.
- (b) If item (a), above, is developed and unique indoor-outdoor buildings, to be used for recreation or other similar activities of the residents of the development, such as swimming pools, club houses, or other similar buildings are provided, then an additional 17% increase in density may be permitted.

**1007 Lot Size and Spacing of Buildings:** The location of all structures shall be as shown on final plans. The proposed location and arrangement shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. There shall be no minimum lot size, no minimum or maximum percentage of lot coverage and no minimum lot width in the planned residential development. However, every single-family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. No dwelling and no addition to

any dwellings shall be erected within a distance of less than the height of the highest adjacent building.

PRD's in the R-3 District are encouraged to mix housing types and densities. Generally, the design shall focus multi-family units in the center of the PRD with two-family and one-family units along the periphery.

Vehicular access to dwellings by means of adequate service drives and/or emergency entrances shall be provided in all cases where dwellings do not front on a public street, or where the City deems necessary for public safety. In general, the City will expect PRD's in the R-3 District to have at least two points of access to the existing City street system, if practical. Internal streets and sidewalks shall be constructed to City standards.

However, street cartway widths may be reduced from normal City requirements if adequate off-street parking is provided at a rate of 1.5 spaces per residential unit.

**1008 Perimeter Requirements:** The requirements of this section apply only to structures located in an R-3 PRD within 50 feet of the perimeter of a planned residential development. If the proposed PRD abuts single-family residences or an R-1 District, an adequate buffer area of 30 feet will be required, at least 10 feet of which will be in screen planting. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned residential development, the Planning Commission may require either or both of the following:

- (a) Structures located on the perimeter of the planned residential development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, in no case less than the height of the buildings.
- (b) Structures located on the perimeter of the planned residential development must provide a 20 foot permanent planted screen in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

**1009 Common Open Space Required:** For PRD's in the R-3 District, the development plan will contain areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that is contained in this Ordinance.

No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

- (a) A minimum of one-and-one-half (1½) acres of common open space shall be provided including usable and scenic green space for the first ten acres (or fraction thereof) plus one acre for each additional five acres (or fraction thereof) of gross project area.

- (b) The location, shape, size, and character of the common open space must be suitable for the planned residential development.
- (c) Common open space must be suitably improved for its intended use, but a portion (up to 50%) of common open space containing natural features worthy of preservation may be left unimproved. The building, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
- (d) The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the planned residential development.
- (e) If the final development plan provides for buildings, structures, and improvements in the common open space of a value in excess of ten thousand (\$10,000) dollars, the developer must provide a bond in the estimated amount of the improvements assuring that the buildings, structures, and improvements will be completed. The City Council shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

**1010 Conveyance and Maintenance of Common Space:** All land shown on the final development plan as common open space must be conveyed under one of the following options:

- (a) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it, in which case the general public must have use of the open space.
- (b) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned residential development. The common open space must be conveyed to the trustees subject to covenants to be approved by the City which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its containing use for its intended purpose.
  - (1) No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use.
  - (2) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:



- (a) The legal right to develop the common open space for the uses not specified in the final development plan must be approved by the City.
  - (b) The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
- (3) If the common open space is not conveyed to the City, or a public agency approved by the City, the covenants governing the use, improvement, and maintenance of the common open space shall then be enforceable by the City, and the instrument of conveyance shall so provide.
- (4) It is the purpose and intent of these regulations that the City shall have the authority and powers to require the adequate maintenance of common open space as set forth by Article VII of the Pennsylvania Municipalities Planning Code.

**1011 Process for Approval, Hearings, and Enforcement:** It is the intent of the City of Sharon to follow the provisions of the Pennsylvania Municipalities Planning Code (as amended) for the review, approval, processing, and enforcement of provisions relative to Planned Residential Development. Please see Article VII of the Code.

## ARTICLE 11

### TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

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**1101 Purpose and Authority:** Authority for this Article derives from Article VII-A of the Pennsylvania Municipalities Planning Code, and its purposes are as follows:

- (a) To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity, and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the City's Community Development Goals and Objectives.
- (b) To encourage innovations in residential and nonresidential development and renewal that 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 effective use of open space ancillary to said dwellings and uses.
- (c) To extend greater opportunities for better housing, recreation, and access to goods, services, and employment opportunities to all citizens and residents of this Commonwealth.
- (d) To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need home and for other uses.
- (e) To allow for the development of fully-integrated, mixed-use pedestrian-oriented neighborhoods.
- (f) To minimize traffic congestion, infrastructure costs, and environmental degradation.
- (g) To promote the implementation of the objectives of the City of Sharon Comprehensive Plan for guiding the location of growth.
- (h) To provide a procedure in aid of these purposes which can relate the type, design, and layout of residential and nonresidential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
- (i) To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.

- (j) Where not specified, in this Article, standards from Article VII-A of the Pennsylvania Municipalities Planning Code or the City of Sharon Zoning Ordinance shall govern.

**1102 Process:** Traditional Neighborhood Developments shall be designated as an overlay district and will be enacted by an amendment to the zoning ordinance. The application for and approval of a Traditional Neighborhood Development after being designated as an Overlay Zone shall be consistent with the procedures outlined in this section. Lands in the R-3, I, and all Commercial (C) zoning districts may use the Traditional Neighborhood Development option.

**1103 Minimum Size of Overlay:** To qualify for designation, the minimum size of a Traditional Neighborhood Development must be such that it will be bound on all sides by an existing or proposed public street or alley. Traditional Neighborhood Developments meeting this minimum may extend beyond this area and end in mid-block.

**1104 Uses:** Regardless of the underlying zoning designation, the following uses shall be permitted as a part of an approved Traditional Neighborhood Development:

- i. Single-Family Dwellings
- ii. Duplex Dwellings
- iii. Townhouse or Multi-Family Dwellings (maximum of four units per structure)
- iv. Upper-Floor Residences (above a non-residential use)
- v. Private Clubs and Social Halls
- vi. Public Parks and Playgrounds
- vii. Civic and Cultural Buildings (includes Churches and Schools)
- viii. Home Occupations
- ix. Day Care Facilities
- x. Financial Institutions
- xi. Limited Retail Business
- xii. Personal Services
- xiii. Parking Lot or Structure

**1105 Design and Development Standards for Public or Private Improvements:**

- (a) Streets, sidewalks, and footpaths shall be integrated into the existing City systems to the maximum extent possible. Proposed new streets, except alleys, shall have sidewalks.
- (b) Any drive-through facilities shall be designed to enter and exit on the street or alley determined to have the least vehicular and pedestrian traffic.
- (c) Parking: All parking lots, except where there is a compelling reason to the contrary, shall be located in the rear or side of building. In the case of parking structures, the

design of exterior surfaces shall be of a form and material which relates to abutting buildings. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts. Parking lots located in side yard areas shall have a maximum lot width of 60 feet.

(d) Landscaping: All parking lots shall be landscaped consistent with Section 407.2. If not existing, street trees shall be provided to the following standards:

- (1) Street trees shall be planted in the strip between cartway edge and sidewalk.
- (2) Such trees shall be 2" to 2.5" in diameter, measured at chest height, when planted, and shall be spaced at intervals no greater than 50 feet along both sides of the street, including arterial or collector roads, but not including rear access lanes or alleys.
- (3) Species shall be selected according to the following criteria: The species will cast moderate to dense shade in the summer; will be long-lived (over 60 years); will have a mature height of at least 50 feet\*; will be tolerant of pollution and direct or reflected heat; will require little maintenance by being mechanically strong (not brittle) and insect- and disease-resistant; and will be able to survive two years with no irrigation after establishment.

\* The mature height may be adjusted if street trees are planted in proximity of either overhead or underground utilities. The selection of specific tree species will generally be left to the applicant; however, the Planning Commission or City Council may reject a selected species if there is clear evidence that it cannot be used successfully.

- (4) All common areas, transition areas between land uses, setback areas, and other spaces shall be suitably landscaped.

#### **1106 Lot, Yard, Density, and Design Standards:**

- (a) Structures shall be placed close to the street at generally one-quarter of the width of the lot or less.
- (b) All multiple-family dwelling units shall have a private rear-yard patio, or upper-floor terrace, or front porch area. No multiple-family dwelling shall have a unit area of less than 550 square feet for any one bedroom unit, 650 square feet for any two bedroom unit, or 750 square feet for any unit with three bedrooms or more.
- (c) Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental

social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.

- (d) Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
- (e) Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot. Blank windowless walls shall be discouraged on facades of buildings.
- (f) Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges, or fences which define front yards.

**1107 Procedures for Approval of Traditional Neighborhood Development:** In order to provide an expeditious method for processing a development plan for a Traditional Neighborhood Development under the provisions of this Ordinance, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with a Traditional Neighborhood Development and the continuing administration thereof shall utilize the following provisions:

- (a) The application for tentative approval shall be filed by the developer in such form, upon the payment of such a reasonable fee as is specified by the municipality. The application shall be filed with the Zoning Officer.
- (b) All planning, zoning, and subdivision matters relating to the platting, use and development of the Traditional Neighborhood Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the governing body with the advice of the Planning Commission.
- (c) The provisions shall require only such information in the application as is reasonably necessary to disclose to the municipality:
  - (1) General Data
    - i. Name of proposed Traditional Neighborhood Development.
    - ii. North point.
    - iii. Graphic scale and legend describing all symbols shown on the plan.
    - iv. Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.

- v. Statement of property owned by the proposed developer within the overlay area, or property being developed on behalf of another owner and any agreements relative to ownership.
- vi. Name, address and seal of the individual or firm preparing the plan.
- vii. An Offer of Dedication Signature Block.
- viii. Municipal Approval Signature Block.
- ix. Recorder of Deeds Signature Block.

(2) Existing Features

- i. Total acreage of the property and total square feet within each lot of the development.
- ii. Existing Features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.
- iii. Land and building uses for all property within the proposed Traditional Neighborhood Development, including pre-existing neighborhood density and how the proposed development would affect pre-existing densities.

(3) Proposed Development: The Traditional Neighborhood Development is envisioned as an area in which an integrated development will occur which incorporates a variety of residential and related uses permitted within the conditional use. The respective areas of the Master Plan devoted to specific residential, commercial and institutional uses should be shown and within each area, the following should be included:

- i. The appropriate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).
- ii. The approximate location and area of driveways and parking and loading areas.
- iii. The approximate property lines of lots to be subdivided, measured to the nearest foot.
- iv. The approximate location of sidewalks and bike or foot paths.
- v. The approximate location of utility and drainage easements.
- vi. The approximate location and pipe diameter of sewer and water mains.
- vii. The approximate location of fire hydrants.
- viii. Perimeter setbacks and buffer yards.
- ix. Street information, including: location and width of right-of-way and cartway, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one inch equals fifty feet horizontal and one inch equals five feet vertical.
- x. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.

- xi. A general grading plan showing any major alterations to the topography of the site.
- xii. The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.
- xiii. A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.
- xiv. The total area devoted to each use, the number of residential units, the percentage of each type of use and the total floor area in the development and in each phase.
- xv. Building footprints in the development and each phase.
- xvi. The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section.
- xvii. The total area devoted to planned recreational or open space use throughout the entire development and in each phase.
- xviii. The calculations of impervious surface in the development and in each phase.

(4) Narrative Statement: The following information should be included with a narrative statement submitted with the Master Plan:

- i. A statement of the ownership of all of the land included within the Master Plan.
- ii. An explanation of the design pattern of the Traditional Neighborhood Development, with particular attention as to how the proposed development relates to historic forms of development within the neighborhood.
- iii. A statement describing any proposed innovative design concepts included in the plan, including their purpose and conceived benefits.
- iv. The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.
- v. A description of how the proposed development meets standards and conditions of Section 706 A of the Pennsylvania Municipalities Planning Code, any variations, necessary, and why any variations are consistent with the public interest. A description shall also be included as to how the proposed development meets or does not meet density standards outlined in the City of Sharon Zoning Ordinance for the underlying district(s).

- vi. A statement of the proposed use and improvement of common open space and recreational facilities.
- vii. Where all property in the proposed development is not owned by the landowner, a statement of how development will be integrated to present a cohesive neighborhood, or tentative acquisition plans.
- viii. A statement of consistency with the City Comprehensive Plan, particularly any Land Use Plans, and consistency with any design manuals or illustrative guidelines the City may adopt pursuant to this Article.

(5) Development Schedule: When it is anticipated that development pursuant to an approved Tentative Plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:

- i. The phases in which the land development will be submitted for final approval and the approximate date when each phase will be submitted for final plan approval.
- ii. The approximate date when each phase will be completed.

Any phase of development pursuant to an approved Tentative Plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.

If development pursuant to a Tentative Plan is to be done in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential and non-residential density requirements.

- (d) The application for tentative approval of a Traditional Neighborhood Development shall include a written statement by the developer setting forth the reasons why, in his opinion, a Traditional Neighborhood Development would be in the public interest and would be consistent with the comprehensive plan for the development of the City.
- (e) The application for tentative approval shall be forwarded to the Municipality Planning Commission for their review and comments. The Planning Commission shall have 35 days, from the date of filing, to complete their review and make their recommendations to the governing body.

### **1108 Public Hearings:**

- (a) Within 60 days after the filing of an application for tentative approval of a Traditional Neighborhood Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the City in the manner prescribed in the Pennsylvania Municipalities Planning Code.
- (b) The governing body may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional



review, provided, however, that in any event, the public hearing or hearings shall be concluded within 30 days after the date of the first public hearing.

### **1109 The Findings:**

- (a) The governing body, within 60 days following the conclusion of the public hearing provided for in this Article, shall, by official written communication, to the developer, either:
  - (1) Grant tentative approval of the development plan as submitted;
  - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - (3) Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer may, within 30 days after receiving a copy of the official written communication of the municipality to notify such governing body of his refusal to accept all said conditions, in which case, the municipality shall be deemed to have denied tentative approval of the development plan. In the event the developer does not, within said period, notify the governing body of his refusal to accept all.41 said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- (b) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
  - (1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
  - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
  - (3) The purpose, location and amount of the common open space in the Traditional Neighborhood Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the

amount and purpose of the common open space as related to the proposed density and type of residential development;

- (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
  - (5) The relationship, beneficial or adverse, of the proposed Traditional Neighborhood Development to the neighborhood in which it is proposed to be established; and
  - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Traditional Neighborhood Development in the integrity of the development plan.
- (c) In the event a development plan is granted tentative approval, with or without conditions, the municipality may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the developer, the time so established between grant of tentative approval and an application for final approval shall not be less than 12 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

#### **1110 Status of Plan After Tentative Approval:**

- (d) The official written communication provided for in this Article shall be certified by the municipal secretary of the governing body and shall be filed in his office, and a certified copy shall be mailed to the developer. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be note on the zoning map.
- (e) Tentative approval of a development plan shall not qualify a plat of the Traditional Neighborhood Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer (and provided that the developer has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the developer, provided an application or applications for final approval is filed or, in the case of development

over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.

- (f) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.

### **1111 Application for Final Approval:**

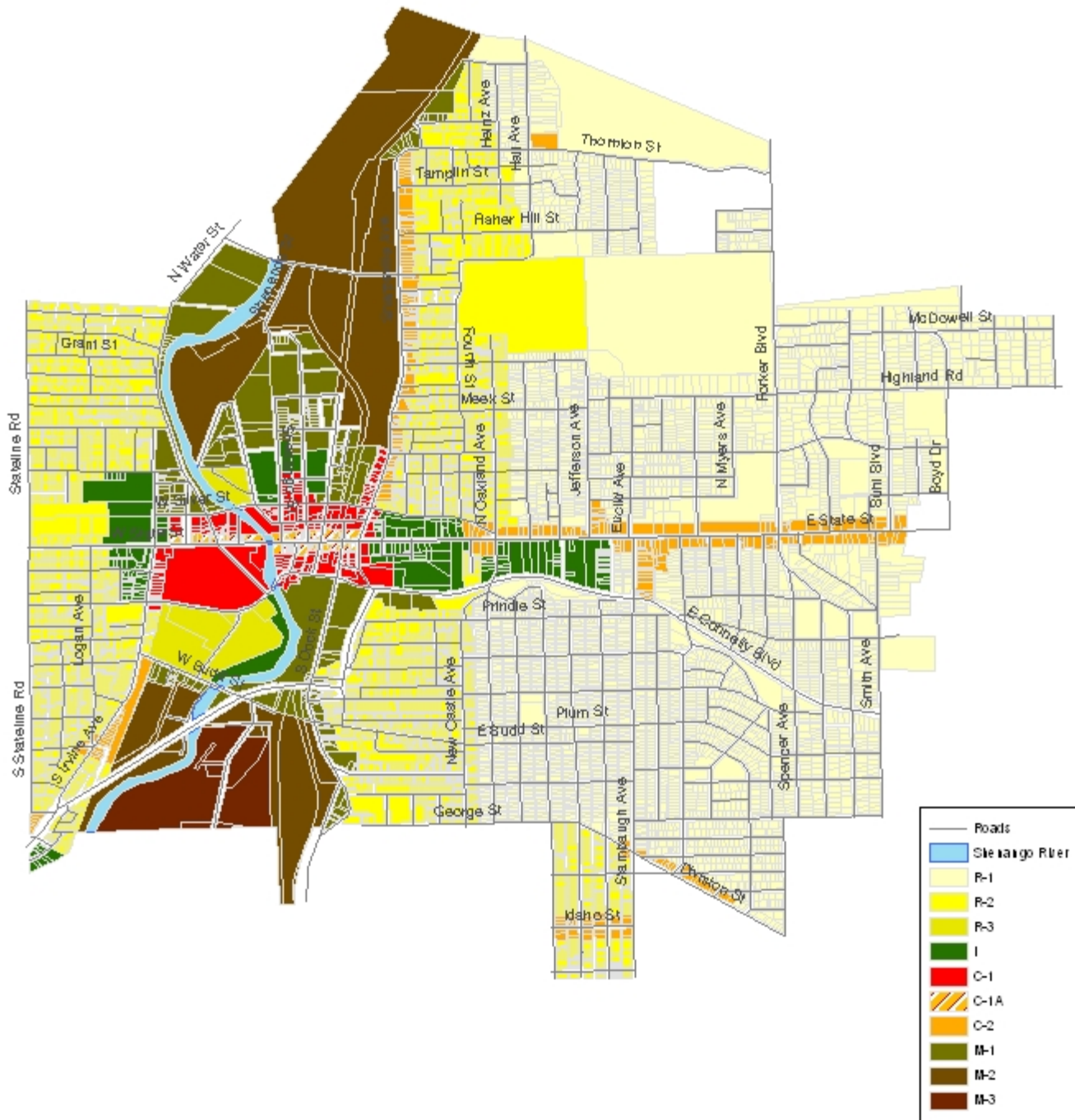
- (a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the municipality designated by the Ordinance within one year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, development agreement for applicable public improvements and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the governing body. This review is to take place in 35 days.
- (b) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, by the City shall, within 45 days of such filing, grant such development plan final approval.
- (c) In the event the development plan as submitted contains variations from the development plan given tentative approval, the City may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
  - (7) Refile his application for final approval without the variations objected; or

- (8) File a written request with the approving body that it hold a public hearing on his application for final approval.

If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

- (d) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the City and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Traditional Neighborhood Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.
- (e) In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City in writing; or, in the event the developer shall fail to commence and carry out the Traditional Neighborhood Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the City of Farrell Zoning Ordinance in the manner prescribed for such amendments.

# City of Sharon Zoning Map



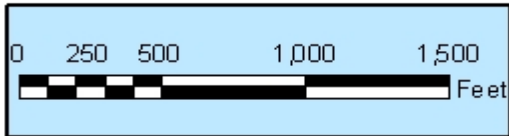
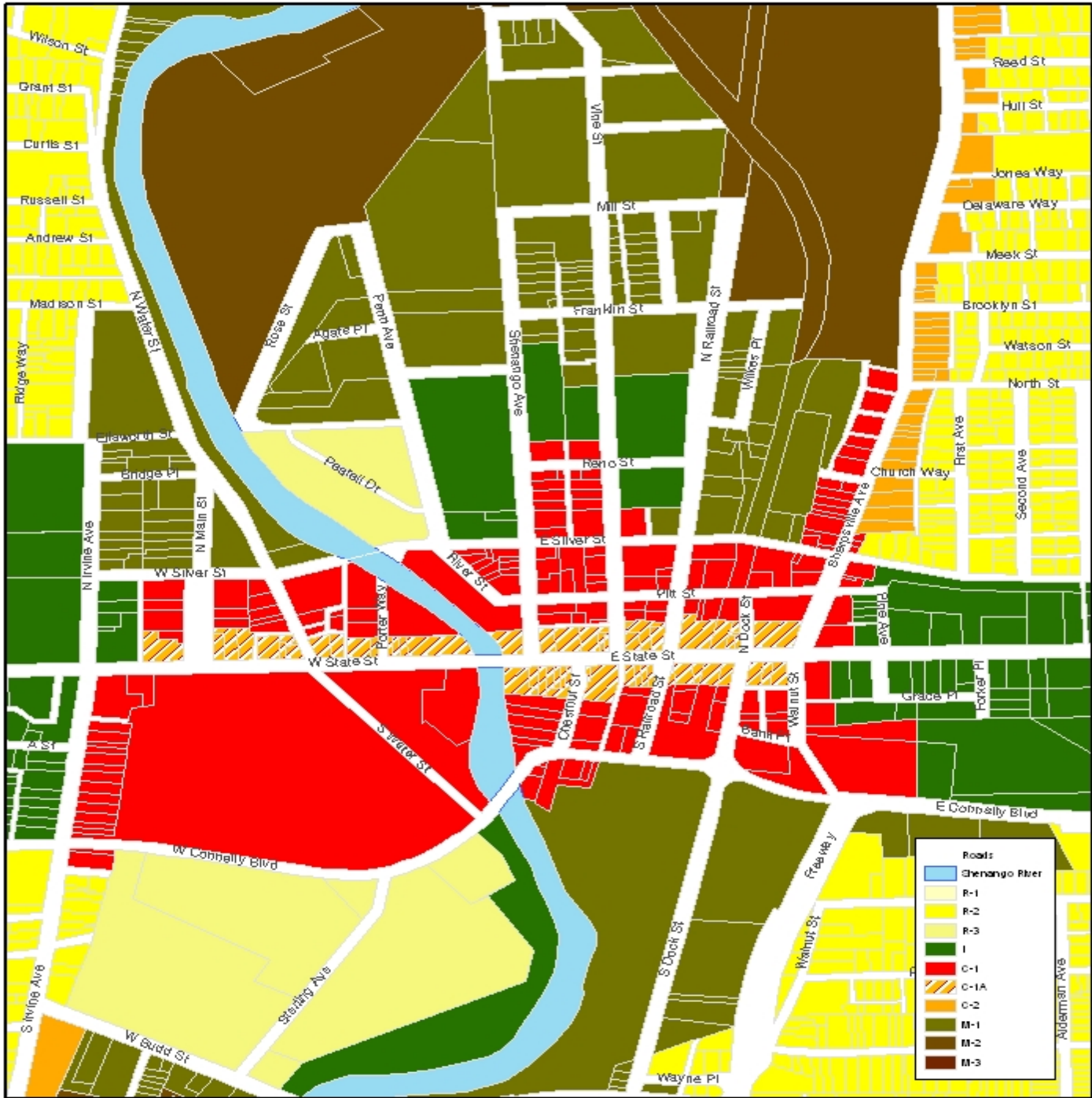
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September 2006 by the Mercer County  
 Regional Planning Commission (MCRPC)

For parcel zoning information, please call  
 the City of Sharon Code Office at  
 (724) 983-3230




# Downtown Sharon Zoning Map



September 2006 by the Mercer County Regional Planning Commission (MCRPC)

For parcel zoning information, please call the City of Sharon Code Office at (724) 983-3230



CITY OF SHARON, PENNSYLVANIA

BILL NO. 17-05

ORDINANCE NO. 17-05

Introduced by, Mr. Lucas - October 20, 2005


Passed finally, September 28, 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING THE HEIGHT AND NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN AND ABOUT SUCH BUILDINGS AND STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SETBACK BUILDING LINES UPON ANY AND ALL PUBLIC ROADS OR HIGHWAYS; THE CREATION OF DISTRICTS FOR PURPOSES OF ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; AND PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT FOR A ZONING HEARING BOARD AND FOR THE IMPOSITION OF PENALTIES.

BE IT ORDAINED AND ENACTED by the Council of the City of Sharon and it is hereby ordained and enacted by the authority of the same as follows:

- SECTION 1. SEE ATTACHED BOOKLET
- SECTION 2. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.
- SECTION 3. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.
- SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after final passage and approval by the Mayor where such approval is required.

ORDAINED AND ENACTED finally into law by the Council of the City of Sharon, this 28th day of September, 2006.

  
President of Council

ATTEST:

Shaunday J. Jakes  
City Clerk

R. L. Jakes  
Mayor

Approved: [Signature]  
Vetoed:

Submitted to the Mayor on October 3, 2006

By Shaunday J. Jakes  
CITY CLERK