

# Clark Borough Zoning Ordinance

November 7, 2000

## Clark Borough 2010:

*A Community with friendly and safe neighborhoods, exceptional public Recreation opportunities, solid infrastructure, gorgeous landscapes, and a diversified economic base.*

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**ARTICLE I**

**SHORT TITLE - PURPOSE - SCOPE - APPLICATION - INTERPRETATION**

**SECTION 100: SHORT TITLE**

This ordinance shall be known as the “Clark Borough Zoning Ordinance” hereinafter referred to as the “Zoning Ordinance”.

The official map showing zoning districts and boundaries shall be known as the “Clark Borough Zoning Map” copies of which shall be retained by the Borough Zoning Officer and the Borough Secretary. The map included herein is a reproduction of the official map and for reference only.

## **SECTION 101: PURPOSE**

The regulations of the “Zoning Ordinance” are made in accordance with the following purpose:

- (1) to lessen congestion on the streets and highways;
- (2) to secure safety from fire, panic and other dangers;
- (3) to promote health and general welfare;
- (4) to provide adequate light and air;
- (5) to prevent the overcrowding of land;
- (6) to avoid undue congestion of population;
- (7) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (8) to protect and enhance the value of land;
- (9) to encourage yet control new development and growth in the Borough.

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

## **SECTION 102: SCOPE**

The “Zoning Ordinance” regulates and restricts within the boundaries of Clark Borough, Mercer County, Pennsylvania:

- (1) the height, number of stories and size of buildings and other structures;
- (2) their construction, alteration, extension, repair and maintenance;
- (3) all facilities and services in or about such buildings and structures;
- (4) the percentage of lot that may be occupied;
- (5) the size of yards, courts, and other open spaces;
- (6) the density of population;
- (7) the location and use buildings, structures and land for trade, industry, residence or other purposes;
- (8) the establishment and maintenance of building lines and setback building lines upon any or all public streets or highways.

## **SECTION 103: APPLICATION**

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

## **SECTION 104: INTERPRETATION**

In interpreting the language of the Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

## **ARTICLE II COMMUNITY DEVELOPMENT OBJECTIVES**

### **SECTION 200: PURPOSE OF COMMUNITY DEVELOPMENT OBJECTIVES**

This article shall serve as the statement of community development objectives for the Clark Borough Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Borough as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Borough to implement said objectives.

### **SECTION 201: OVERALL GOAL**

Clark Borough's overall goal is to: maintain the pleasant rural atmosphere of the Borough and allow agriculture activities to flourish along with residential, commercial, and industrial growth.

#### **201.1: Land Use Objectives**

- (1) Maintain small town atmosphere.
- (2) Assure infrastructure and land use planning are coordinated.
- (3) Avoid conflicts between incompatible land uses.
- (4) Encourage land use patterns which preserve and set aside open space.
- (5) Promote public roadways throughout the Borough.

#### **201.2: Economic Objectives**

- (1) Attract planned business and residential development.
- (2) Provide appropriate amounts of land for commercial and light industrial development.
- (3) Require safe, clean, quiet, and aesthetic commercial and light industrial development.
- (4) Encourage the development of locally owned business.

#### **201.3: Housing Objectives**

- (1) Promote "medium" density single-family development.
- (2) Develop single-family and multi-family residential districts.
- (3) Promote open space within residential districts.
- (4) Advocate the need for pedestrian and traffic friendly residential districts.

#### **201.4: Community Facilities Objectives**

- (1) Advance the amount of municipal-owned property.
- (2) Assure all land uses have safe and efficient public access and infrastructure.
- (3) Advocate development patterns that do not contribute to traffic congestion.

**2015: Natural Resources and Agricultural Preservation Objectives**

- (1) Maintain low levels of non-farm development in thriving agricultural areas.
- (2) Discourage the development of environmentally sensitive areas.
- (3) Promote the conservation of natural resources.

**ARTICLE III  
ZONING DISTRICTS**

**SECTION 300: ZONING DISTRICTS**

Clark Borough is hereby divided into the following six Zoning Districts:

<b>DISTRICT NAME</b>	<b>ABBREVIATION</b>
Agricultural/Residential	AR
Residential	R-1
Multi-Family Residential	R-2
Manufactured Housing Park	MHP
Business	B-1
Industrial	I

**300.1: Agriculture/Residential District - AR**

The Agriculture/Residential District is designed to encourage the longevity of the Borough’s agricultural community while allowing investment in related agriculture activities and low density residential uses that do not impair the basic rural functionality and character of the area.

**300.2: Residential District - R-1**

The Residential District is designed to promote flexible diverse residential development in areas where agricultural activities have declined and a pattern of residential development has emerged. The District reduces development cost and assures affordable housing by allowing flexible density requirements.

**300.3: Multi-Family Residential District - R-2**

The Multi-Family Residential District is designed to promote the development of quality multi-family housing units and assures affordable housing by allowing flexible density requirements.

**300.4: Manufactured Housing Park District - MHP**

The Manufactured Housing Park District is designed to promote the development of a Manufactured Housing Park.

**300.5: Business District - B-1**

The Business-Highway Service District is designed to encourage sound development of business establishments along major highways principally designed to serve the residents of the Borough, and such



other uses that are dependent on highway access and visibility.

### **300.6: Industrial District - I**

The Industrial District is designed to encourage the development of land that has both access to arterial highways and the proper infrastructure for the manufacturing, assembly, compounding, processing or storage of products.

## **SECTION 301: BOUNDARIES OF ZONING DISTRICTS**

Zoning Districts' boundaries shall be as shown on the Zoning Map. Where uncertainty exists with respect to various Zoning Districts' boundaries, the following rules shall apply:

### **301.1: Where a Zoning District boundary approximately follows a street or alley**

The centerline of such street or alley shall be interpreted to be the Zoning District boundary.

### **301.2: Where a Zoning District boundary approximately parallels a street lot line or alley lot line**

The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

### **301.3: Where a Zoning District boundary approximately follows a lot line**

The lot line shall be interpreted to be the Zoning District boundary.

### **301.4: Submerged Areas**

Where areas within the Borough are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

### **301.5: Classification of Annexed Lands**

Any land annexed to or made a part of the Borough subsequent to the adoption of this ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

### **301.6: Vacancy of Public Ways**

Whenever any street or alley is vacated, the Zoning District or Districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

### **301.7: Where a Zoning District Boundary does not follow a physical feature or lot line and none of the previous rules apply**

The location of such boundary, unless the same is indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale appearing thereon.

# ARTICLE IV

## MANUFACTURED HOUSING PARK ZONING DISTRICT

### SECTION 400: INTENT & REGULATION

The Manufactured Housing Park District is provided to encourage the development of a quality single-family residential district. Development in the Borough's Manufactured Housing Park Zoning District shall conform to the Manufactured Housing Park Regulations, as outlined in Article VII, of the Mercer County Subdivision and Land Development Regulations, as amended.

# ARTICLE V

## PERMITTED USES - USE PROVISIONS

### SECTION 500: PRINCIPAL, CONDITIONAL, AND SPECIAL EXCEPTION USES

PRINCIPAL USES	ZONING DISTRICTS					
	A R	R - 1	R - 2	MHP	B - 1	I
Agricultural Services	✓				✓	✓
★Automobile Wrecking Yard (Junk Yard)						✓
Automotive Repair Facility					✓	✓
Automotive Sales Establishment					✓	✓
★Bulk Storage & Distribution Facility for Petroleum/Natural Gas Products or by-Products					✓	✓
★Car Wash					✓	✓
Church	✓	✓				
Child Care Center					✓	
Commercial Establishment					✓	
Commercial Recreation Facility					✓	
Community Facility	✓		✓	✓	✓	
Eating and Drinking Establishment					✓	
Education Facility					✓	
Essential Services					✓	✓
Farm (Farmland)	✓					
★Fuel Service Station					✓	✓
Government Facility					✓	
Health Care Facility				✓	✓	
Industrial Park						✓
Industrial Establishment (Manufacturing, Processing, Packaging, or Bottling)						✓
★Kennel	✓					✓
★Manufactured Home Park				✓		
Motels and Motor Inns					✓	✓
Nursery-( including commercial Greenhouse)	✓				✓	✓

Nursing Home				✓	✓	
★Parking and Loading Facility Section 502.6						✓
Private Recreation Facility, Membership Organization Facility	✓				✓	✓
Public Recreation Facility	✓				✓	✓
Retail Sales Establishment					✓	✓
★Single-Family Dwelling	✓	✓	✓	✓		
★Trucking Facility						✓
Wholesale or Warehousing Operation						✓
★Wireless Telecommunication Facility (Towers, Antennas, Service Building)	See Article 502.9.					
<b>CONDITIONAL USES</b>	A R	R - 1	R - 2	MFH	B - 1	I
★Adult Entertainment Establishment						✓
★Group Home	✓	✓	✓	✓		
★Multi-Family Dwellings			✓			
<b>SPECIAL EXCEPTION USES</b>	A R	R - 1	R - 2	MFH	B - 1	I
★Mineral Extraction	✓					✓
A use which is not listed may be permitted subject to the conditions outlined in Article X						

SYMBOL	ACTION
✓	Permitted Use in District
*	See Article V for use provisions
NOTE: See Article VII for Development Regulations	

## SECTION 501: ACCESSORY USES

ACCESSORY USES	ZONING DISTRICTS					
	AR	R-1	R-2	MHP	B-1	I
★Boarding Units, Lodging Unit, Rooming Unit, & Bed and Breakfast	✓					
Farm Structures	✓					
★Farm Stand	✓				✓	✓
Garage (Private)	✓	✓	✓	✓	✓	✓
Greenhouse (Private)	✓	✓	✓	✓		
★Home Occupation	✓	✓	✓			
★Parking and Loading	✓	✓	✓	✓	✓	✓
★Service Facility					✓	✓
★Signs	✓	✓	✓	✓	✓	✓
★Storage of Inflammable Liquids					✓	✓
Swimming Pool (Private)	✓	✓	✓	✓		
Tennis Court (Private)	✓	✓	✓	✓		
Tool/Storage Shed	✓	✓	✓	✓	✓	✓
★Walls, Fences, Lamp Post, and Similar Accessory Landscape Structures	✓	✓	✓	✓	✓	✓

### KEY

SYMBOL	ACTION
✓	Permitted Accessory Use in District

## **SECTION 502: PRINCIPAL PERMITTED USE PROVISIONS**

### **502.1: Automobile Wrecking Yard (Junk Yard)**

- (1) Shall comply with the additional requirements of Clark Borough Ordinance NO. 1-1984, Clark Borough Junk Yard, Salvage Yard, and Refuse Ordinance.

### **502.2: Bulk Storage & Distribution Facilities for Petroleum/Natural Gas Products or by-products**

- (1) It shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
- (2) It shall not be located within two hundred (200) feet of any lot line in any Residential District, or within thirty (30) feet of any adjoining lot line.
- (3) The area shall be enclosed on all sides by a fence or wall not less than six (6) feet high and maintained in good condition.

### **502.3: Car Wash**

- (1) Sufficient off-street parking for waiting cars shall be provided.
- (2) Separate entrance and exit facilities shall be provided.
- (3) No entrance or exit shall be located closer than one hundred (100) feet from the intersecting right-of-way lines of road intersections.
- (4) An area of at least eight hundred (800) square feet beyond the exit end of the washing structure shall be provided for drying and other finishing operations.
- (5) Entrance and exit drives, parking areas, and drying areas shall be hard-surfaced and dust free.
- (6) Car washes, including drives, parking areas, and drying areas, shall not be located within one hundred (100) feet of any Residential Zoning District.
- (7) Prior to the Zoning Officer issuing a permit for a Car Wash, a detailed site plan illustrating the above requirements shall be submitted.

### **502.4: Fuel Service Stations**

- (1) Such establishments intended to serve solely the trucking industry shall be prohibited.
- (2) Automotive repair may be permitted only as an incidental use to a gasoline service station.
- (3) Such establishments shall not be located within one hundred (100) feet of a boundary line of any Residential Zoning District.
- (4) Means of ingress and egress shall be located no closer than one hundred (100) feet from the intersecting right-of-way lines of road intersections.
- (5) Access drives shall not exceed thirty-five (35) feet in width within ten (10) feet of the street right-of-way line.
- (6) Access drives shall not exceed two per lot on any one street frontage.
- (7) Storage tanks must comply with all applicable State regulations.

### **502.5: Kennels**

- (1) All such animals shall be housed indoors except that runs may be provided outdoors.
- (2) Any structure housing such animals must be located at least fifty (50) feet from any side or rear

property line, including fenced dog runs and must meet the front yard setback of principal buildings.

- (3) Screening shall be provided where adjacent to residential use. Suitable screening can be either a thick hedge, or a solid fence or wall six (6) feet to eight (8) feet in heights.

#### **502.6: Parking Lot, Parking Structure and Loading Facilities *for Public use***

- (1) Shall also conform to the standards outlined in Article IX.
- (2) There shall not be any vehicle parked within fifteen (15) feet of the property line of any residential use.
- (3) Where any parking lot abuts a property in residential use, screening shall provided. Suitable screening can be either a thick hedge, or a solid fence or wall six (6) to eight (8) feet in height
- (4) There shall not be any automotive repair facility located on the lot or any automotive repairs made on any vehicles located thereon.
- (5) There shall not be any storage of material, junk, or any equipment on the lot.
- (6) There shall not be any vehicle parked in front of the front or side street building line.

#### **502.7: Single-family Dwellings**

- (1) All single-family detached dwellings, as defined in Article XVIII, shall be constructed on a permanent foundation made of concrete or other permanent material whose footing extends below the frost line *and encompasses the entire perimeter of the dwelling*. In the case of Manufactured Homes, they shall be securely placed upon the foundation, as per the manufacturer's instructions.
- (2) When an open air space between the dwelling and its foundation and/or ground occurs, the space shall be enclosed by a continuous material.
- (3) Manufactured homes, as defined by this Ordinance, are permitted in any residential Zoning District, provided:
  - (a) They comply with the U.S. Department of Housing and Urban Development's (HUDs) Manufactured Housing Standards, The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.
  - (b) The manufactured home must have been constructed after July 15, 1976 and contain the manufacturers certification -- RED LABEL -- that the home is built in accordance with HUD's construction and safety standards. HUD standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety and other aspects of the home.
- (4) All Dwellings shall contain at least 1,000 square feet of living area per dwelling unit.

#### **502.8: Trucking Facilities**, the following types of trucking facilities are a permitted principal use in the Industrial Zoning:

- (1) Motor freight terminals.
- (2) Truck service facilities such as facilities for the sale of petroleum products (primarily to the trucking industry) and facilities for repair and maintenance service.
- (3) Motor freight relay stations.
- (4) Refueling and service facilities for motor freight carriers privately owned by trucking companies.
- (5) Truck stops, i.e., separate or integrated facilities providing eating and/or sleeping accommodations, refueling facilities, and minor repair or service facilities.
- (6) Other related facilities, whose basic function is to serve the trucking and motor freight industry.

**502.9: Wireless Telecommunication Facilities**

- (1) Definitions: It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. The following definitions are intended to supplement the definitions contained in Article XVIII.
  - (a) Communication Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
  - (b) Communication Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.
  - (c) Communication Tower: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.
  - (d) Height of a Communication Tower: The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.
  - (e) Public Utility Transmission Tower: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.
  - (f) Structure: Any thing built, constructed or erected which requires location on the ground or attachment to something located on the ground.
  - (g) Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems an their essential buildings, excluding Communication towers and Communications Antennas, as defined herein.
- (2) Permitted Types of Wireless Telecommunication Facilities in the Borough Zoning Districts:

TYPE OF EQUIPMENT	ZONING DISTRICTS					
	AR	R - 1	R-2	MH P	B - 1	I
Communication Antennas mounted on existing public utility transmission towers	✓	✓	✓	✓	✓	✓

Communication Antennas mounted on existing public buildings	✓				✓	✓
Communication Antennas mounted on existing public structures	✓				✓	✓
Communication Antennas mounted on existing private buildings and/or structures					✓	✓
Communication Equipment Building	✓				✓	✓
Communication Tower	✓					✓

(3) Regulations governing Communication Antennas and Communications Equipment Buildings:

- (a) Building mounted Communication Antennas shall not be located on any single-family, two-family or multi-family dwelling.
- (b) Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- (c) Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches diameter.
- (d) Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- (e) Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- (f) Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Borough Zoning Officer for compliance with Clark Borough’s Zoning Ordinance.
- (g) Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit to the Zoning Officer evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications equipment Building can be accomplished.
- (h) Communication Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (i) Communication Antennas shall not cause radio frequency interference with other communications facilities located in Clark Borough, Mercer County.
- (j) A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- (k) The owner or operator of Communications Antenna shall be licensed by the Federal Communications Commission to operate such antennas.

**SECTION 503: PRINCIPAL CONDITIONAL USE PROVISIONS**

## 503.1: **Adult Entertainment Establishments:**

- (1) **Purpose and Legislative Intent:** The location of adult entertainment establishments is of vital concern to the Borough Council of Clark Borough 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 the legislative body that it has a vital duty and role to protect the moral fiber and standards of Borough residents, in particular the minors of the community. Borough Council in enacting these regulations relative to adult entertainment establishments exercise the power which has been granted to them. The Borough Council do not attempt or intend to absolutely prohibit adult entertainment establishments in the Borough but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Clark Borough.
- (2) **Definitions:** It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVIII:

(A) For the purpose of this Article, *Adult entertainment establishments*" are defined as follows:

**Adult Bookstore** - Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

- (a) books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- (b) instruments, devices or paraphernalia which 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 with a capacity of more than five (5) but less than fifty (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 which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

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

**Adult motel** - A motel or similar establishment offering public accommodations for any consideration, which 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 fifty (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 which 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 fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation are which regularly features live performances which 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 which provides the services of baths of all kind, 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 which 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 which 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 medical practitioner, chiropractor 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 which provides an Out call service which 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 (2) or more persons, not all members of the same family 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 defined below, licensed by the Commonwealth, to engage in sexual therapy.

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

(B) “**Specified anatomical areas**” as used herein shall mean and include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or;
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely

covered.

(C) “**Specified sexual activities**” include the following:

- (1) showing of human genitals in a state of sexual stimulation or arousal;
- (2) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
- (3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**(3) Minimum Spacing and Proximity Requirements:**

(A) No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.

(B) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

- (1) No such establishment shall be located within 1,000 feet of a dwelling.
- (2) No such establishment shall be located within 5,000 feet of schools, including public and private educational facilities, and school bus stops;
- (3) No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:

- Amusement park;
- Camp (for minors= activities);
- Child care facility;
- Church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- Community center;
- Museum;
- Park;
- Playground;
- Other lands where minors congregate.

(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 land 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.

(4) **Visibility from the street:** No person operating an adult entertainment establishment shall 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 herein, to be viewed from the street, sidewalk or highway.

**(5) Sign Requirements for Adult Entertainment Establishments:**

- (a) All signs shall be flat wall signs.
- (b) The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall of which such sign is a part.
- (c) No signs shall be placed in any window. A one and a half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

**503.2: Group Homes:** Are permitted in all residential zoning districts as a conditional use.

**(1) Purpose and Legislative Intent:** It is the purpose of these regulations to recognize and provide for alternative living arrangements which may vary from the traditional, biological family and to avoid overcrowding, conserve property values, protect the public health, safety and welfare and preserve the character of residential districts.

(2) **Definitions:** it is the purpose of this subsection, together with its subparagraphs to provide explicit definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsection unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVIII.

- (a) **Family** - a group of individuals related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.
- (b) **Functional equivalent of a family** - a group of six or less unrelated persons living together by choice and without time limitation in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured stable relationship providing organization and stability.
- (c) **Group Home** - (1) a functional equivalent of a family; and (2) a single-family dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for unrelated handicapped individuals where special care is needed.

(3) **Dispersal Requirement:** the following dispersal requirement is designed to ensure individuals needing residential treatment will not be forced into enclaves of treatment facilities that would replicate and perpetuate the isolation resulting from institutionalization:

- (a) Group Homes cannot locate within 1000 feet of one another.

(4) **Conditions:** prior to approval of operating a Group Home in any residential Zoning District by the Borough Council, the applicant for a conditional use shall comply with the following two conditions:

- (a) Group homes shall be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Borough prior to beginning the use.
- (b) Group homes shall be subject to the same limitation and regulations as single-family dwellings.

**503.3: Multi-Family Dwelling:** see Article VII, Section 701 for provisions.

## **SECTION 504: PRINCIPAL SPECIAL EXCEPTION USE PROVISIONS**

**504.1: Mineral Extraction:** see Article XIII, Section 1306.3 for provisions.

## **SECTION 505: ACCESSORY USE PROVISIONS**

### **505.1: Boarding Units, Lodging Units, Rooming Units, and Bed and Breakfast**

- (1) It shall be limited to a maximum of three (3) such units.
- (2) It shall be located in the principal dwelling building.
- (3) Parking shall conform to the standards outlined in Article VIII of this ordinance.
- (4) Signage shall conform to the standards outlined in Article IX of this ordinance.

### **505.2: Farm Stand**

- (1) It shall be for the sale of products produced on the property owned or leased by the person offering such products for sale.
- (2) It shall be set back a minimum of fifty (50) feet from the road centerline.
- (3) There shall be at least three parking spaces not on the street right-of-way.
- (4) Must be demolished if not in use for a period in excess of one calendar year.

**505.3: Home Occupations** The following Home Occupations are permitted as an accessory use in all Residential Zoning Districts, provided they meet the provisions outlined below:

- (1) Family Day Care Services
- (2) Home Craft Operations
- (3) Professional Home Offices
- (4) Seamstress/Tailor Services
- (5) Home Studios

A use which is not explicitly listed as a permitted Home Occupation may be permitted only upon the judgment and approval of the Zoning Hearing Board, provided such home occupation complies with the provisions outlined.

- (a) The principal building on the lot is a dwelling unit;
- (b) No alteration of the residential appearance or character of the premises occurs either by the use of colors, materials, construction, lighting, or signs for the purpose of the home occupation;
- (c) The primary resident(s) of the dwelling unit and not more than three (3) other persons are engaged or employed in the home;
- (d) The home shall be the primary residence of the person desiring to conduct a Home Occupation therein -- see Article XVIII for a complete definition of primary residence;
- (e) Home Occupations shall be conducted entirely within the dwelling and not more than 25% of the floor area shall be devoted to the Home Occupation;

- (f) Parking shall conform to Section 505.4 and Article IX of this ordinance;
- (g) Signage shall conform to the residential standards outlined in Article VIII; The Home Occupation shall not involve the use of advertising signs on the premises or any local advertising media which calls attention to the fact that the dwelling contains a Home Occupation;
- (h) The use shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the Residential District in which the Home Occupation is conducted.
- (i) Visitors, customers, or deliveries shall not be excessive as to cause a disturbance to the residential character of the Zoning District;
- (j) No process is used which is hazardous to public health, safety, morals or welfare.

**505.4: Parking and Loading Areas within Residential zones**

- (1) There shall not be any vehicle parked within fifteen (15) feet of the property line;
- (2) Driveways may be used in the calculation of useable parking spaces in residential districts, provided they are of sufficient dimension and do not overlap another use.
- (3) Separate loading facilities shall not be provided for home occupations.
- (4) There shall not be any automotive repair facility located on the lot or any commercial automotive repairs made on any vehicles located thereon.
- (5) There shall not be any storage of material, junk, or any equipment on the lot.
- (6) Parking areas shall conform to building setback lines.
- (7) Where any parking area abuts a property in residential use, screening shall provided. Suitable screening can be either a thick hedge, or a solid fence or wall six (6) feet to eight (8) feet in heights.
- (8) Shall also conform to the standards outlined in Article IX.

**505.5: Service Facility**, on a lot occupied by a gasoline service station for the service of gas, oil, air or water or repair facility, provided:

- (1) Any such equipment shall not be less than fifteen (15) feet from any alley or street nor less than fifty (50) feet from a boundary line of any Residential Zoning District or one hundred (100) feet from any lot line of a hospital, church, or school.

**505.6: Signs:** shall comply with the standards outlined in Article VIII.

**505.7: Storage of Inflammable Liquids**, on a lot occupied by an Automotive Service Establishment or Transportation Terminal, provided:

- (1) The total capacity of such tanks shall be limited to 30,000 gallons per establishment.
- (2) It shall be approved by the Commonwealth of Pennsylvania.

**505.8: Walls, Fences, Lamp Post, and Similiar Accessory Landscape Structures:** shall comply with the standards outline in Article VI and Article X.

**SECTION 604: MANUFACTURED HOME PARK DISTRICT AREA REQUIREMENTS:**

Manufactured Home Park minimum Lot Area is 10 acres. All applicable area requirements shall adhere to the standards outlined in the Mercer County Subdivision and Land Development Ordinance. The Park's building setbacks shall be 50' from all property lines and from the centerline of any street.

## **ARTICLE VII**

### **DEVELOPMENT REGULATIONS FOR RESIDENTIAL, COMMERCIAL, & INDUSTRIAL USES**

#### **SECTION 700: Development Regulations for Any Non-Farm Related Residential Single-Family Uses**

##### **700.1: Stormwater Management**

Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.

##### **700.2: Agricultural Considerations**

- (a) The residential structure is not situated in a manner which may be detrimental to the ability for the neighboring tillable farmland to be adequately serviced or which may interrupt normal farming operations of the farmer.
- (b) The residential structure and any accessory structures are set back a minimum of 100 feet from the neighboring tillable land.
- (c) No (new) vegetation is placed within 30 feet of the neighboring tillable land.
- (d) The residential sewage system does not interfere with the neighboring farmland in a harmful manner.

##### **700.3: Parking and Loading Regulations**

Subject to the provisions of Article IX.

##### **700.4: Sign Regulations**

Subject to the provisions of Article VIII.

#### **SECTION 701: Development Regulations for Any Multiple Family Residential Uses**

**Multiple-Family Dwellings**, subject to the following conditions and as approved by the Borough Board of Council.

- (1) **Application Requirements** - All applicants for building permits for multiple-family residential development shall make application in writing, at a regularly scheduled meeting of the Borough Council. The application form shall be accompanied by the necessary supporting documentation as specified in item #2 following.

(2) **Plan Requirements** -

- (a) **Site Development Plan** - The Developer shall submit five (5) copies of a detailed site plan as prepared by a registered professional engineer, architect or landscape architect showing the development proposal in conformance with all applicable provisions of this Ordinance. Plans shall be prepared at a scale of 1" = 50' or larger.
- (b) **Property Survey** - The Developer shall submit a property survey and/or deed description describing, by metes and bounds, all property proposed for development. Acreage shall be shown on plan or deed.
- (c) **Topographical Maps** - The Developer shall submit an Existing, an Proposed (Grading Plan) Topographic Map of the property. Contours shall be provided at a 2' Contour Interval and shall show existing natural features and proposed changes thereto.
- (d) **Utility Plans** - The Developer shall submit a sewer plan of proposed streets and parking areas, including profiles, typical cross sections and design specs of proposed improvements, including Road Surface, Shoulders, Ditches and Drainage Structures. Streets shall be constructed to the minimum standards of the Mercer County Subdivision and Land Development Ordinance, whichever is applicable. All improvements shall be installed according to design specs prior to issuance of occupancy permits.
- (e) **Street/Thoroughfare and Parking Plan** - The Developer shall submit a plan of proposed streets and parking areas, including profiles, typical cross sections and design specifications of proposed improvements, including Road Surface, Shoulders, Ditches and Drainage Structures. Streets shall be constructed to the minimum standards of the Mercer County Subdivision and Land Development Ordinance, whichever is applicable. All improvements shall be installed according to the design specifications prior to issuance of occupancy permits.
- (f) **Open Space and Landscape Plans** - The Developer shall submit an open space and landscaping plan. Plan shall include any proposed improvements to and within the open space areas plus typical planting plans for all structures.
- (g) **Typical building elevations and Floor Plans** - The Developer shall submit a plan showing the intended building design and layout with proper elevations.
- (h) **Restrictions** - The substance of covenants, grants, easements, or other restrictions imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities, storm water retention facilities, open space facilities, etc.
- (i) **Phased Development Plan** - Development plans which call for construction over a period of years, must be accompanied by a Phased Development Plan showing when each and all sections of the development will be filed (submitted) for final approval. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

- (j) **Soil Erosion and Sedimentation Control Plan** - Prior to final consideration of the plan, the Developer shall submit a Soil Conservation Service approved Soil Erosion and Sedimentation Control Plan.
- (k) **Storm Water Management Plan** - Prior to final consideration of the plan, the Developer shall submit a Soil Conservation Service approved Storm Water Management Plan. Such plan shall be prepared in accord with locally adopted Storm Water Management Plans and/or the guidelines of the Pennsylvania Storm Water Management Act.

The foregoing shall be considered minimum requirements for conditional approval of a Multi-Family Residential Development application. Where unique design concepts or other circumstances exist requiring deviation from the format, the Developer shall submit additional data as is necessary to completely explain the proposal.

- (3) **Application Review** - Upon receipt of a complete development application, the Council shall forward one copy to the Borough Planning Commission and one copy to the Zoning Officer for review and report.

**Review** - The Zoning Officer and Planning Commission shall review the proposed development to determine that it is in compliance with all applicable provisions of the Zoning Ordinance, the Mercer County Subdivision and Land Development Ordinance, and all other applicable regulations of the Borough. In the review and in addition to all other requirements of this Ordinance, the Zoning Officer and planning Commission shall assure that the development application has provided for the following:

- (a) Interior drives and an automobile parking arrangement that prevents blockage of vehicles entering or leaving the site and minimal conflicts between pedestrian/vehicular and vehicular/vehicular points of intersection or contact achieved by the use of architectural barriers.
- (b) Areas for loading and unloading delivery trucks and other vehicles and for the servicing of the premises by refuse collection, fuel and other service vehicles and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- (c) Screened storage of any proposed outside materials that abuts any public right-of-way and any residential district.
- (d) Any proposed display of signs which does not constitute a hazard to public safety by reason of location, content, coloring, or manner of illumination or by any other display method so as to obstruct or detract vision at drives or free ingress from a site, window, fire escape or door.
- (e) Adequate easements or rights-of-way for drainage and utilities.
- (f) Positive drainage away from buildings and proper surface water drainage so as to prevent ponding or the erosion and flooding of abutting properties and streets.
- (g) Any proposed exterior lighting of the premises that does not create a traffic hazard or interfere with the quiet enjoyment of surrounding uses.
- (h) Any proposed screening or landscaping that by reason of location or height does not constitute a traffic hazard.



Within forty-five (45) days of receipt of the application, the Zoning Officer and Planning Commission shall file a written report of their findings with the Borough Council.

- (4) **Plan Approval** -The Council shall render their decision based upon the specific conditions in this section and all other applicable sections of this Ordinance, and transmit it, in writing, to the applicant not later than ninety (90) days following the date of the regular meeting of the Council, next following the date the application is filed; provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
- (5) **Application Amendments** - The Application may be amended or otherwise changed within the ninety (90) day review period without effecting the review time period provided such changes are submitted no less than thirty (30) days prior to the Council meeting at which the decision for approval or disapproval is to be made.
- (6) **Condominiums** - Where the condominium form of ownership is proposed the development shall conform to all applicable sections of Act 82 of 1980, of the Pennsylvania Legislature entitled the "Uniform Condominium Act", in addition to the requirements of this Ordinance.

## **SECTION 702: Development Regulations for Any Business/Commercial or Industrial Use**

### **702.1: Provisions of Use**

Any permitted principal and/or accessory business use shall be subject to the following use regulations.

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure *or solid wall or solid fence of at least six (6) feet and up to eight (8) feet in height.*
- (2) Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- (3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- (4) Any part or portion of a lot developed for commercial uses which is not used for buildings, other structures, parking or loading spaces or aisles, driveways, sidewalks and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. *Grass shall be kept neatly mowed to a maximum height of 6 inches.* Landscaping with trees and shrubs is permitted and encouraged.
- (5) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

- (7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

## **702.2: Buffer and Screening Requirements for Any Business Use**

Where any permitted principal and/or accessory business use, excluding any government services or public utilities abuts any land zoned Residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A building setback of at least thirty (30) feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use.
- (2) Inclusive in the thirty (30) foot setback a buffer strip at least 15 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use. Buffer strips shall not be used for parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
- (3) The buffer strip shall contain suitable screening of the following type:
  - (a) A sight-obscuring planting of two off-set rows of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area, as determined by the Zoning Officer.
- (4) Areas of the buffer strip not covered with a fence, wall or screening plantings shall be planted with grass or other appropriate ground cover vegetation.
- (5) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 180 days. *Grass shall be kept neatly mowed to a maximum height of 6 inches.*
- (6) Modifications: On lots of less than 20,000 square feet or less, where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

## **702.3: Parking and Loading Regulations**

Subject to the provisions of Article IX.

## **702.4: Sign Regulations**

Subject to the provisions of Article VIII.

# **ARTICLE VIII SIGN REGULATIONS**

## **SECTION 800: PURPOSE**

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the Borough; to maintain and enhance the aesthetic environment and the Borough'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.

## **SECTION 801: APPLICABILITY**

A sign may be erected, placed, established, painted, created, or maintained in the Borough only in conformance with the standards, procedures, exemptions, and other requirements of this Article.

## **SECTION 802: COMPUTATIONS OF SIGNS**

The following principles shall control the computation of sign area and sign height.

### **802.1: 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.

### **802.2: Computation of Area of Multifaced Signs**

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 sign 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.

### **802.3: 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.

## **SECTION 803: PERMITTED PERMANENT SIGNS AND REQUIREMENTS FOR SIGN TYPE, AREA, DIMENSIONS AND LOCATION**

Signs shall be allowed on private property in the Borough and must comply with the requirements for sign type, numbers, area, dimensions and location as specified in Table 803 and the following additional requirements of this Article.

**Table 803: Permitted Permanent Signs and Requirements for Sign Type, Area, Dimensions and Location**

ZONING DISTRICTS	PERMITTED SIGN TYPE	PLACEMENT		NUMBER PERMITTED	MAXIMUM DIMENSIONS		SETBACK	I
		F	B		Area (sq ft)	Height (ft)		
<b>AR R-1 R-2 MHP</b>	★Identification	✓	✓	2 per zone lot	2	5	10' from ROW	
	Home Occupation		✓	1 per zone lot	2	5	N/A	
	Apartment Development	✓	✓	1 per 200' frontage	12	10	10' from ROW	
	Development	✓		1 per 200' frontage	20	10	10' from ROW	
	Institutional	✓	✓	1 per zone lot	20	10	10' from ROW	
	Bulletin Board	✓	✓	1 per zone lot	20	10	10' from ROW	
	⊕Other *Exempt							
<b>B-1 AND I</b>	★Identification	✓	✓	2 per zone lot	2	5	10' from ROW	
	Development	✓	✓	1 per 100' frontage	20	20	10' from ROW	
	Canopy		✓	1 per building	25%	20	N/A	
	Marquee		✓	1 per building	25%	20	N/A	
	Projecting		✓	1 per building	40	20	N/A	
	Wall		✓	1 per building	10%	N/A	N/A	
	Window		✓	3 per building	25%	N/A	N/A	
	♣Miscellaneous Pole	✓		1 per zone lot	40	20	10' from ROW	
	Commercial Message	✓	✓	1 per zone lot	12	20	10' from ROW	
	Changeable Copy	✓	✓	1 per zone lot	30	10	10' from ROW	
Time & Temperature	✓	✓	1 per zone lot	40	20	10' from ROW		

	Bulletin Board	✓	✓	1 per zone lot	24	10	10' from ROW
	Billboards	✓		1 every 5,280 feet	200	20	50' from ROW
	☉Other *Exempt						
<b>DESCRIPTION</b>							
★ =No application permit required	F =Freestanding Sign	B =Building Sign				I = Internal	
☼=The base of the sign shall be located within the property line, but the sign may project into a public sidewalk, provided that no sign shall extend nearer to the perpendicular upward projection of any curb line greater than 3 feet					.% = the percentage of the area of the wall or structure part or which such sign is most nearly parallel		
<p><b>☉OTHER SIGNS</b> = Shall refer to (1) Incidental signs, provided that such sign shall not exceed 4 square feet in area, (2) Flags of government, (3) T advertising the sale or rental of the premises upon which it is located provided it shall not exceed 6 square feet in area and shall be removed within 14 days after the premises are recorded or the premises are rented or leased, and (4) Announcement signs (a) One (1) unlighted Events sign per zone lot, provided that it does not exceed 1. back a minimum of 10 feet from the right-of-way line of any street, and is erected no sooner than 30 days prior to the event it concerns and shall be removed following the close of the event. (b) One (1) unlighted temporary work being performed, sign per street frontage, for architects, contractors, mechanics, painters maintained on the lot where the work is being performed, provided that it does not exceed 15 square feet in area, is set back a minimum of 10 feet from the street, and is removed no later than 30 days after the work is completed.</p> <p><b>*EXEMPT</b> = The following signs shall be exempt from regulation under this Ordinance (1) Any Agricultural identification or agricultural commercial message setback 10 ft. from the right-of-way, (2) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which 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 candidate or issue is up for vote, and are removed no later than 14 days after said election; (5) Posters no larger than 3 square feet in area located on private community events and programs and contain no commercial message; (5) Traffic control signs on private property, such as Stop, Yield, and similar signs Department of Transportation standards and which contain no commercial message of any sort.</p>							

## SECTION 804: TEMPORARY SIGNS ON PRIVATE PROPERTY

Temporary signs are permitted in the Borough. A temporary sign which is only used for a temporary time period and is not permanently mounted may be displayed without a sign application. Temporary signs shall be removed **5 days** after the event or sale of which they are advertising or announcing has ended or they shall be subject to the provisions of Section 808.

## SECTION 805: SIGN DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) 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 wall, frame or structure.
- (2) 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.
- (3) Any sign which projects or is placed or erected over a public way shall provide a vertical clearance of 10 feet above a sidewalk, private drive or parking lot and 18 feet above a public street.
- (4) No direct light or significant glare from any sign shall be cast onto any zone lot that is zoned and used for residential purposes.
- (5) Bare bulb lighting or neon lighting, unshielded from the passing public shall be prohibited.
- (6) A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within fifty (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.
- (7) 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.

## **SECTION 806: SIGN LOCATION AND DESIGN APPLICATION**

All permanent sign applications of any kind shall be submitted to the Zoning Officer in such form as he or she may prescribe and shall contain at least the following information:

- (1) Name, address and telephone number of the applicant.
- (2) 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.
- (3) 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.
- (4) Name of person, firm, corporation or association erecting, altering or moving said sign.
- (5) Written consent of the owner of the land on which the sign is to be erected, altered or relocated.
- (6) Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable laws of the Borough.

### **806.1: Master Signage Plan**

If more than one new sign is proposed for a zone lot or if one or more additional new signs 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 signs. The master signage plan shall indicate the types, dimensions, area and total combined sign area for all proposed and existing individual signs of any type, 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.

### **806.2: Actions on Sign Applications**

The Zoning Officer shall act on all sign applications in accordance with the procedures contained in Article XII, Section 1203 through 1206, Administration and Enforcement.

## **SECTION 807: SIGNS IN THE PUBLIC RIGHT-OF-WAY**

No signs shall be allowed in the public right-of-way except for the following:

### **807.1: Permanent Signs**

Permanent signs, including:

- (1) 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;
- (2) Bus stop signs erected by a public transit company;
- (3) Informational signs of a public utility regarding its poles, lines, pipes or facilities; and

### **807.2: Temporary Signs**

- (1) Such signs shall be no more than three (3) square feet in area each.

### **807.3: 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.

### **807.4: 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 Borough 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.

## **SECTION 808: TERMINATION OF NON CONFORMING SIGNS**

### **808.1: Removal of Non-Conforming Signs**

When a non-conforming sign is taken down or moved 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.

### **808.2: Damaged or Destroyed Non-Conforming 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 (1) sign contractor mutually agreed to by the owner and the Borough.

### **808.3: 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.

### **808.4: Obsolete Signs**

Any sign now or hereafter existing which no longer advertises or identifies a bonafide event, or 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 ten (10) days after written notification from the Zoning Officer, such notice to be sent by certified mail.

## **ARTICLE IX PARKING AND LOADING REGULATIONS**

# SECTION 900: OFF-STREET PARKING AND/OR LOADING FACILITY REQUIREMENTS

## 900.1: New Use of a Structure and/or Land

Parking and/or loading facilities for new uses of any structure or land shall be provided in accordance with the following schedules.

## 900.2: Increase in Intensity of Use of a Structure and/or Land

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

## 900.3: Change in Use of Structure and/or Land

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use.

## 900.4: Size of Parking and Loading Spaces

- (1) Parking Space - Not less than nine (9) feet wide and eighteen (18) feet long.
- (2) Loading Space - Not less than twelve (12) feet wide and thirty (30) feet long and fourteen (14) feet high.
- (3) Loading Space for wholesale or industrial uses - twelve (12) feet wide and fifty (50) feet long.
- (4) Space Shall Not Include: Aisles or turnaround area.

## 900.5: Required Parking Spaces for Each Use

Residential Uses	Required Parking Spaces
Apartment Hotel, Apartment House	2.0 for each dwelling, apartment or rooming unit or any combination unit, plus one additional space per every 5 units.
Boarding Units, Convalescent Unit, Lodging Unit or Rooming Unit.	1.0 for each sleeping unit, plus one additional space per every 5 units.
Convalescent Home, Hospital, Sanatorium, Sanitarium, or Institutional Home	1.0 for each 400 square feet of gross floor area.
Manufactured Housing Park,	2.0 for each Manufactured Housing Unit
Dwelling	1.0 for each dwelling unit.
Home Occupation	1.0 in addition to spaces required for the dwelling plus 1.0 for each additional employee. (not to exceed 4 spaces or 650 S.F. of parking)
Business Uses	Required Parking Spaces
Boarding House, Rooming House, Lodging House	1.0 for each rooming unit plus 1.0 additional space if over 5 units.
Business School or College	1 for each 200 square feet of gross floor area.



Club	1.0 for each 200 square feet of gross floor area.
Eating and/or Drinking Establishment	1.0 per 200 square feet of gross floor area.
Hotel, Motel, Tourist Court	1.0 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25.
Mortuary or Funeral Home	1.0 for each 1000 square feet of gross floor area used for mortuary purposes plus 1.0 additional for each dwelling unit.
Office/Retail/Service Establishments	1.0 for each 200 square feet of gross floor area.
<b>Transportation Uses</b>	<b>Required Parking Spaces</b>
Automotive Service Establishment	1.0 for each 500 square feet of gross lot area or 1.0 for each 200 square feet of gross floor area whichever requires the greater number of spaces.
Transportation Terminal Establishment	1.0 for each 500 square feet of gross floor area.
<b>Wholesale Uses</b>	<b>Required Parking Spaces</b>
Warehouse and/or Wholesale Establishment	1.0 for each 500 square feet of gross floor area.
<b>Industrial Uses</b>	<b>Required Parking Spaces</b>
Industrial Plant, Manufacturing	1.0 for each 2.0 employees on largest shift.
Other Industrial Uses	1.0 per employee on the largest shift, plus 1.0 per company vehicle regularly stored on premises.
<b>Community Facilities</b>	<b>Required Parking Spaces</b>
Governmental Facility, Service Structure, and/or Use (Other than a place of public assembly)	1.0 for each 200 square feet of gross floor area.
Church, Church School, Church Use	1.0 for each employee and 1.0 for each 200 square feet of gross floor area.
Group Housing-Dormitory, Fraternity House, Sorority House, Nurses House, Youth Home, Hospital or Similar Institutional Housing	1.0 for each sleeping room or 1.0 for each 500 square feet of gross floor area.
School, College, Day Nursery School, High school	1.0 for each classroom plus in a 1.0 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity or sorority house and/or office establishment.
Place of Public Assembly such as an Auditorium, Hall, Gymnasium, or Theater	1.0 for each 3 units of seating capacity.
<b>Public Utility Facilities</b>	<b>Required Parking Spaces</b>
Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment)	1.0 for each employee but not less than 3.0 spaces.
<b>Mixed Uses</b>	<b>Required Parking Spaces</b>
Any Mixed Uses	The sum of the various uses computed separately.

**900.6: Required Loading Spaces**

Uses	Required Loading Spaces
Any Apartment Hotel, Apartment House, Multiple Family Dwelling, Community Facility, Public Utility Use, Business Use, Transportation Use, Agricultural Products Processing Use, Wholesale Use or Industrial Use which has an aggregate gross floor area of 10,000 square feet or more.	1.0 plus 1.0 additional space for each 20,000 square feet of aggregate gross floor area, provided: (a) not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 90,000 square feet in which case there shall be 1.0 additional space for each additional 40,000 square feet in excess of 20,000 square feet.
Mixed Uses	Required Loading Spaces
Any Mixed Uses	The sum of the various uses computed separately.

**SECTION 901: GENERAL PROVISIONS**

**901.1: Location of Required Parking Facilities**

The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve.

**901.2: Location of Required Loading Facilities**

The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

**901.3: Use of Required Parking and/or Loading Facilities by Another Use**

Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review of the Zoning Hearing Board.

**901.4: Encroachment and Reduction**

A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

**901.5: Off-Street Parking and Loading Spaces for Uses Not Specifically Mentioned**

For any use not specifically mentioned in the previous sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

**ARTICLE X  
SUPPLEMENTARY REGULATIONS**

**SECTION 1000: SUPPLEMENTARY LOT AND YARD REGULATIONS**

### **1000.1: Number of Principal Structures on a Lot**

Except in the case of permitted planned development for a cemetery, church, college, multiple-family dwelling development, farms with more than 100 acres, governmental or governmental authority facility, hospital, nursing home, public utility facility, school or planned commercial or industrial development, not more than one principal structure shall be located on a lot.

### **1000.2: Subdivision of Lot**

The subdivision of lot(s) shall only be permissible if in accordance with this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

### **1000.3: Yard, Width and Area Exceptions for a Lot of Record**

A one-family detached dwelling may be constructed on any lot of record in the residential districts at the effective date of the Zoning Ordinance.

### **1000.4: Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots**

On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

### **1000.5: Projection into and Occupancy of Yards or Other Open Spaces**

The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

- (1) Steps, Stoop, Window Sill, Awning, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney - Provided it shall not project more than four (4) feet beyond the face of the wall.
- (2) Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress - Provided it shall not project more than four (4) feet beyond the face of the wall.

### **1000.6: Porches, Carports, and Similar Attached Accessory Structures Whether Open or Enclosed**

Shall be located in compliance with minimum yard and setback requirements.

### **1000.7: Fences**

The yard and setback requirements of this Ordinance shall not be deemed to restrict any otherwise lawful fence provided that:

- (1) No fence shall be located within the right-of-way of any public road.
- (2) A property line survey shall be required as part of the permit for the placing of a fence upon the property line.
- (3) Farms, as defined by this ordinance, shall be exempt from all fencing regulations.

### **1000.8: Visibility at Intersections and Driveways**

On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than 3 feet above the curb line within the triangle formed by the street centerlines and a straight line joining points which are 30 feet distant from the point of intersection. (Like consideration of 15 feet measured along the edge of the cartway shall be maintained where driveways intersect with streets.)

## **SECTION 1001: SUPPLEMENTARY HEIGHT REGULATIONS**

### **1001.1: Height Measurement**

Measurement of height shall be the vertical height from the elevation of finished grade at the front of the structure to:

- (a) In the case of flat roof structures - highest point of coping.
- (b) In the case of mansard roof structures - deck line of roof.
- (c) In the case of gable or hipped roof - average height of roof peaks.

### **1001.2: Height Regulations Not Apply**

The maximum height limitations for this Section shall not apply to:

- (1) The Following Principal Structures: Church, college, elderly housing structure, hospital, cellular phone, radio or television tower, or public utility structure which is a permitted use and is located in any Zoning District, provided:
  - (a) If over 22 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.
- (2) The Following Appurtenances Attached to or Part of a Principal or Accessory Structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
  - (a) It shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each 2 feet in which it exceeds the maximum height permitted in the Zoning District in which it is located.
- (3) Existing Designed Structures: The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:
  - (a) The building was actually designed and constructed to carry the additional stories necessary for such height.

## **SECTION 1002: AGRICULTURAL DEED NOTATION**

The recording of any lot in the Borough shall include the following statement within the recorded deed:

" \_\_\_ property is located in an agricultural community and the owner\resident must tolerate the noise, dust, traffic and odors, which are inherent parts of normal farming practices."

## **SECTION 1003: SUPPLEMENTARY USE REGULATIONS**

A use which is not explicitly listed as a permitted principal, accessory, conditional, or special exception within the regulations of a Zoning District may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that Zoning District. Such uses shall be permitted only upon the judgement and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Borough.

## **ARTICLE XI**

### **NON-CONFORMING USES, STRUCTURES AND LOTS**

#### **SECTION 1100: INTENT AND STANDARDS**

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial uses shall meet the Provisions of Use for the Industrial District and likewise any non-conforming commercial uses shall meet the Provisions of Use requirements for the Business District when they are either enlarged or expanded.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

#### **SECTION 1101: NON-CONFORMING LOTS OF RECORD**

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

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

## **SECTION 1102: NON-CONFORMING USES OF LAND**

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

**1102.1** - No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1100 of this ordinance.

**1102.2** - No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

**1102.3** - If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **SECTION 1103: NON-CONFORMING STRUCTURES**

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

**1103.1** - A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

**1103.2** - Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.

**1103.3** - Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **SECTION 1104: NON-CONFORMING USES OF STRUCTURES**

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**1104.1** - An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon

granting of a variance by the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial structures shall meet the Provisions of Use for the Industrial District and likewise any non-conforming commercial structures meet the Provisions of Use requirements for the Business District when they are either enlarged, extended, constructed, reconstructed or structurally altered.

**1104.2** - Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**1104.3** - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

**1104.4** - Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

**1104.5** - When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

**1104.6** - Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

## **SECTION 1105: REPAIRS AND MAINTENANCE**

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION 1106: USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES**

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

# **ARTICLE XII ADMINISTRATION AND ENFORCEMENT**

## **SECTION 1200: OFFICE OF ZONING OFFICER**

### **1200.1: Creation of Office**

The Office of Zoning Officer is hereby created.

### **1200.2: Appointment**

The Zoning Officer shall be appointed by the Board of Council as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Board of Council shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Borough.

### **1200.3: Official Records**

An Official Record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

### **1200.4: Compensation of the Zoning Officer**

The compensation of the Zoning Officer shall be as determined by the Board of Council.

## **SECTION 1201: DUTIES AND POWERS OF THE ZONING OFFICER**

The Zoning Officer shall interpret and enforce all provisions of the Zoning 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 the Zoning Ordinance.

### **1201.1: Permits and Certificates of Use and Occupancy**

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses which are permitted as a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

### **1201.2: Annual Report**

The Zoning Officer shall annually submit to the Board of Council a report of all Permits and Certificates of Use and Occupancy, notices issued and orders.

### **1201.3: Right of Entry**

The Zoning Officer shall have the authority to enter at any reasonable hour any land and/or structure in the Borough to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, the Zoning Officer shall provide proper identification.

### **1201.4: Registration of Non-Conforming Uses and Structures**

The Zoning Officer shall identify and register and make available upon request to the public a list of all non-conforming uses in all Zoning Districts that: (1) existed at the time the Ordinance was adopted or (2) are created by subsequent amendments to this Ordinance.



## **SECTION 1202: APPLICATION FOR PERMIT AND CERTIFICATE OF USE AND OCCUPANCY**

### **1202.1: When Permit is Required**

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, or extend or displace the use of any building, other structure and/or land in the Borough without first filing an application with the Zoning Officer in writing and obtaining the required Permit.

### **1202.2: When Permit is Not Required**

A permit shall not be required in instances involving the erection, enlargement, construction, reconstruction, or alteration of a building or structure which is **less than 100 square feet** in area nor for any building or structure used primarily for agricultural purposes.

### **1202.3: When a Certificate of Use and Occupancy is Required**

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Zoning Officer.

### **1202.4: Forms of Application**

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1204.

### **1202.5: Plot Diagram**

Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the permit. One copy shall be returned to the applicant indicating approval or disapproval, one copy shall be retained by the Zoning Officer.

### **1202.6: Amendments to a Permit**

Amendments to a permit or other records accompanying it may be filed at anytime before completion of the work. The Zoning Officer shall approve all such amendments except for those to permit which have been authorized by action of the Zoning Hearing Board in which case the Board shall approve any amendments. Amendments shall be deemed part of the original application.

### **1202.7: Expiration of Permits**

If work described in any permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written

notice shall be given by the Zoning Officer to the persons affected.

Upon expiration of a permit, work may not continue until either a permit renewal or a new permit has been obtained. The Zoning Officer may issue a permit renewal when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The permit renewal shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit renewal.

## **SECTION 1203: ACTION ON PERMITS AND CERTIFICATES OF USE AND OCCUPANCY**

### **1203.1: Action on Permit Application**

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a Permit. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

### **1203.2: Posting of Permit**

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

### **1203.3: Revoking a Permit**

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

### **1203.4: Action Upon Completion**

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved Certificate of Use and Occupancy within 10 days after receiving notice.

## **SECTION 1204: FEES**

### **1204.1: Payment of Fees**

No Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Board of Council have been paid. *Fee schedule available at the Borough office.*

## **SECTION 1205: ENFORCEMENT NOTICE**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

## **SECTION 1206: PROSECUTION OF VIOLATION**

If the Enforcement Notice is not complied with, the Zoning Officer shall request the Borough Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

# **ARTICLE XIII ZONING HEARING BOARD**

## **SECTION 1300: CREATION, MEMBERSHIP AND ORGANIZATION**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

## **SECTION 1301: JURISDICTION AND FUNCTIONS**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **SECTION 1302: HEARINGS**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **SECTION 1303: TERMINATION AND MODIFICATION OF PERMIT**

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

### **1303.1: Termination of Permits**

If after a Permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

### **1303.2: Modification of a Permit**

Any Permit so issued shall not be modified except by action of the Board.

## **SECTION 1304: PARTIES APPELLANT BEFORE THE BOARD**

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

## **SECTION 1305: APPLICATIONS AND FEES**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Board of Council and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **SECTION 1306: SPECIAL EXCEPTIONS**

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

### **1306.1: Other Principal Uses Not Explicitly Permitted Within a Zoning District**

A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Borough.

### **1306.2: For the Modification of Off-Street Parking and Loading Facility Requirements in any Zoning District, provided:**

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

Zoning Ordinance as herein specified.

### **1306.3: MINERAL EXCAVATION REGULATIONS**

- (1) Excavation of sand, gravel, coal, oil, natural gas or other minerals from the ground may be permitted in any Zoning District only as a conditional use upon application to and approval by the Clark Borough Board of Council, after referral to the Clark Borough Planning Commission for review and recommendations. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the Zoning District.
- (2) Prior to approval of the excavation activities by the Borough Council, the applicant for a conditional use shall comply with the following conditions:
  - (a) An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Borough Council.
  - (b) The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Borough Council in order that the Council have the opportunity to participate in the inspection.

## **ARTICLE XIV AMENDMENT, SUPPLEMENT OR CHANGE**

### **SECTION 1400: PROCEDURE FOR AMENDMENTS**

The Zoning Ordinance or parts thereof may be amended or repealed by the Board of Council in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

- (1) Any amendment, or repeal may be initiated by:
  - (a) The Borough Planning Commission.
  - (b) The Board of Council.
  - (c) A notarized petition to the Board of Council by the owner of the property involved or by a party having interest therein.
- (2) Proposed amendments shall be submitted to the Board of Council at a regular or special meeting of the Board of Council.
- (3) Before voting on the enactment of an amendment, the Board of Council shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Borough Planning Commission and Mercer County Regional Planning Commission for review.
- (4) An application for amendment shall be submitted in a form prescribed by the Board of Council containing the following minimum information:

- (a) Name, address, and phone number of the applicant or his agent.
  - (b) The applicant's legal interest in the affected property(ies).
  - (c) A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.
- (5) Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of Borough Council. *Fee schedule available at the Borough office.*

## **ARTICLE XV APPEALS**

### **SECTION 1500: ZONING APPEALS**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Board of Council or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **ARTICLE XVI VALIDITY**

### **SECTION 1600: SEVERANCE**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

## **ARTICLE XVII REPEAL**

### **SECTION 1700: REPEAL OF THE 1977 ZONING ORDINANCE**

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Clark Borough Zoning Ordinance as adopted April 5, 1977 and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the 1977 Clark Borough Zoning Ordinance shall be valid or applicable as law in the Borough.

# ARTICLE XVIII DEFINITIONS

## SECTION 1800: GENERAL INTERPRETATION

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

## SECTION 1801: DEFINITION OF TERMS

**Abutting.** Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Addition.** Any construction which increases the size of a building such as a porch, attached garage or carport, or new roof or wing.

**Agent or Owner.** Any person who can show written proof that he or she has the authority to act as the property owner.

**Agri-Business (Agricultural Business).** Any business or industry supplying services, goods, or involved in the manufacture and/or processing of agricultural products for retail or wholesale purposes.

**Agricultural Services.** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

**Agricultural Soils, Prime.** Soil established to be as prime by the Mercer County Soil Conservation Service including the capability groupings I thru IV. Productivity of soil classes differs only in the degree of soil management.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot, but not intended for general traffic circulation.

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

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, roof, columns, beams and girders.

**Apartment House.** A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

**Apartment Unit.** One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

**Automotive Garage.** A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer.)

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

**Automotive and/or Trailer Sales Establishment.** The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

**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.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**Basement.** Portion of a building partly underground, having one-half (2) or more than one-half (2) of its floor-to-ceiling height below the average grade of adjoining ground.

**Board of Council.** The Board of Council of Clark Borough, Mercer County, Pennsylvania.

**Boarding House (also rooming house).** A building or portion thereof, arranged or used for sheltering and feeding for compensation, individuals who are not members of the proprietor's family.

**Boarding Unit.** Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**Breezeway.** Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including Manufactured Housings.

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

**Building, Attached.** A building where both side walls of all except the end structures are party walls.

**Building, Detached.** A building which has no party wall.



**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot from the centerline of any road within which no building or structure shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot which marks the building setback.

**Bulk Storage & Distribution Facility.** The storage and distribution of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**Carport.** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**Cartway.** That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Car Wash.** Any building or premises or portions thereof used for washing automobiles.

**Centerline.** The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Center.** Provides out-of-home care for seven (7) or more children for part of a 24-hour day to children 15 years and younger, including care provided to a child at the parents work site when the parent is not present in the child care space, and including care provided in public or private profit or non-profit facilities. Also, care provided before or after the hours of instruction at non-public and private nursery schools and kindergartens. Definition does not apply to care provided: by a relative; in places of worship during religious services; in a facility where the parent is present at all times child care is provided; during hours of instruction in non-public or private nursery school or kindergarten.

**Church.** A building and/or accessory buildings for public religious worship.

**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Fraternal Organizations.** An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Establishment.** An activity carried out for pecuniary gain.

**Community Facility.** A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Conditional Use.** A permission or approval granted by the Board of Council to use land in a district for a purpose other than that permitted outright in that district. Conditional uses may be approved or denied by the Board of Council only in accordance with the provisions of the PA Municipalities Planning Code (Act 247 of 1968, as amended).

**Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or

relocation of a building or structure, including the placement of Manufactured Housings.

**Convalescent Home.** A dwelling converted into quarters or new building constructed with quarters for the full-time convalescent or chronic care of persons who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Convenience Store.** A retail establishment of limited size (less than 5,000 sq. ft. of building) designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

**Conversion.** The change in a use or a structure.

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Court, Inner.** A court surrounded on all sides by an exterior wall of a structure or by such walls and a lot line.

**Court, Outer.** A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

**Covenant.** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Coverage.** That percentage of the lot or site area covered by a principal and accessory structures.

**Curb Level.** The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

**Curb Line.** The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

**Dedication.** Gift, donation or transfer of property from the owner to another party.

**Deed Restriction.** See Covenant.

**Development.** Any man-made change to improved or unimproved parcel, including but not limited to buildings or other structures, the subdivision of land, the placement of Manufactured Housing, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**District.** A district or a zone shall be any portion of the territory of the Borough of Clark within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In Business.** A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

**Driveway.** A private roadway providing access for vehicles to parking space, garage, dwelling or other structure.

**Dwelling.** A building arranged and used for permanent residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

**Dwelling, Multiple-Family.** A permanent building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own entrance door from the exterior or from an interior hallway. The dwelling units may be either semi-detached

with families living on either side of a common party wall, or stacked with one dwelling unit over another.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for occupancy by one family.

**Dwelling Unit.** A building or portion thereof that is used by a single family for maintaining a household. The term shall not include cellar dwellings, but shall include all other structures designed or used for living purposes, including

- Manufactured homes having at least 900 square feet of residential floor area and meeting the Manufactured Housing Standards of the U.S. Department of Housing and Urban Development
- *Prefabricated dwellings having at least 450 square feet of residential floor area.*

**Easement.** A right given by the owner of land to another party for specific limited use of that land.

**Eating and Drinking Establishments.** Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshments stands selling prepared foods and drinks for immediate consumption.

**Educational Facilities.** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**Enlargement.** A construction activity which increases the size of a building or other structure.

**Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding Communication towers and Communications Antennas, as defined herein.

**Family.** a group of individuals related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**Family Day Care.** A home occupation in which a dwelling=s primary resident(s) provides supervision/care to no more than six (6) persons and must comply with State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

**Farm.** A lot, parcel or tract of land used for agricultural purposes on which the principal structure shall be the agricultural building(s).

**Flood.** A temporary overflowing of water on to land which is usually devoid of surface water.

**Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two building, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Fuel Service Stations.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories

**Garage, Private.** A detached accessory building or a portion of a principal building used only for the storage of private motor vehicles by the families resident upon the premises. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

**Government Facility.** Any building, land area or other premises or portions thereof used by any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, Borough, authority, district, or other governmental unit.

**Grade.** The degree of raise or descent of a sloping surface.

**Greenhouse.** A building, or portion of, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment. *When same is used for retail or commercial sale of plants it shall be classified as a Nursery.*

**Health Care Facility.** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions.

**Height of Building.** The vertical distance from the grade to the highest point on a building. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home Craft Operations.** A home occupation in which the following activities are conducted by the primary resident(s) of the dwelling; rug weaving, ceramic working, lapidary work, and home baking.

**Home Occupation.** An accessory use carried on entirely within a dwelling and/or a permitted accessory structure that is consistent with the character and function of the residential district and meets the provisions outlined in section 505.3 of this Ordinance.

**Home Studios.** A portion of a dwelling used by the primary resident(s) of the dwelling for work involving such creative or artistic activities as painting, photography, composing, writing, or sculpting.

**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, Animal.** A structure designed or converted for the care of and/or treatment of sick or injured animals.

**Hotel.** A facility offering transient lodging accommodations to the general public and offering additional services such as restaurants, meeting rooms and recreation facilities.

**Housing Unit.** Same as Dwelling Unit.

**Industrial Research & Development Facilities.** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Junk.** Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**Junk Yard.** The use of more than 200 square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more junk vehicles stored on any lot outside of a building or not inside a wall or fence shall be considered a junk yard.

**Kennel.** An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**Land.** The solid portion of the earth's surface which is capable of being used or occupied.

**Land, Developed.** "Improved land" with buildings.

**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw.** Vacant land unsubdivided and unimproved (without utilities or streets).

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Loading Space.** An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

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

**Lot Area.** The total area within the lot lines of a lot.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The average horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage.** An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a road.

**Lot Lines.** The property lines bounding the lot.

**Lot Line, Alley.** A lot line separating the lot from an alley.

**Lot Line, Front.** The line separating the lot from a road right-of-way.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot line other than a front or rear lot line.

**Lot, Non-Conforming.** A lot the area or dimension of which was lawful prior to the adoption or amendment of a 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.

**Lot of Record.** A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Manufactured Home.** Manufactured homes are built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same, or similar electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location, connections to foundation supports and utilities.

- Prefabricated units designed to be assembled or joined together, upon arrival at the site and requiring extensive finishing operations, prior to occupancy (excluding location on foundation and connection to utilities) shall be considered a prefabricated home rather than a manufactured home.

**Manufactured Home Lot.** A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

**Manufactured Home Park.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes.

**Marquee.** Any permanent roof-like 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.

**Membership Organization Facility.** A building, land area or other premises, or portion thereof, used for

organizations operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members.

**Mortuary.** A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Motor Freight Terminal.** A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

**Nursery, also Greenhouse.** Land or greenhouses used to raise flowers, shrubs, or plants for sale.

**Nursing Home.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**One Hundred Year Flood.** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent change of occurring each year, although the flood may occur in any year).

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** An open space on a lot used as an accessory use for the parking of automotive vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning.** A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person.** An individual, association, co-partner or corporation.

**Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Plat.** A map, plan or chart of a section or subdivision of the Borough indicating the location and boundaries of individual lots.

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

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

**Primary Residence.** A residence that is the home of the occupants more than one-half of the year.

**Primary Resident(s).** The occupants that live in a dwelling more than one-half of the year.

**Principal Structure.** See Structure, Principal.

**Private Recreation Facility.** A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

**Professional Home Office.** A office located in a dwelling in which the dwelling=s primary resident(s) conducts business that does not require the assistance of outside employees nor requires personal daily communication with associates or customers. Professions that function as a home occupation in a professional home office shall be limited to the following: accountant, architect, lawyer, insurance agent, planner, land surveyor, engineer, telemarketer, and computer programmer.

**Projections (into yards).** Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**Public Hearing.** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with, the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84), known as the ASunshine Act.@

**Public Notice.** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the Borough, and any other governmental entity, or any non-profit organization which are open to the general public.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

**Recreational Vehicle Park.** A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Retail Sales Establishments.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Road.** Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Seamstress/Tailor Service.** A home Occupation in which a dwelling=s primary resident(s) is involved in the



operation of such services that does not require the assistance of outside employees nor renders services on a daily basis to customers.

**Setback.** See "Building Setback".

**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.

- **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 3 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.

- **Billboard.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

- **Building Marker.** Any sign indicating the name of a building and date and incidental information about its construction which 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.

- **Bulletin Board.** A sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such sign is maintained.

- **Canopy Sign.** Any sign that is a 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 calls 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 5 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/Business 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 non-residential principal use permitted in any Residential Zoning District.
- **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.
- **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.
- **Sign Setback.** The distance from the property line to the nearest part of the applicable sign, measured perpendicularly to the property line.
- **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 distant 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 of, 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.

**Site.** A plot of land intended or suitable for development.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

**Special Exception.** A provision which may be granted by the Zoning Hearing Board that permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district.

**Story.** A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including cellar.

**Story, Half.** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below.

**Street.** See "Road".

**Structure.** A combination of materials forming a construction for occupancy and/or use or ornamentation whether installed on, above, or below the surface of land or water.

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Non-Conforming.** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Swimming Pool.** A swimming pool shall be considered a permanent structure, if the construction or erection

thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

**Terminal.** (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Terrace.** A natural or artificial embankment which is higher than the curb level.

**Terrace, Height of.** The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

**Trade School (Industrial School).** A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

**Trailer.** Any licensed or un-licensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Transient.** Any individual residing or stopping in the Borough for less than thirty (30) days at one time.

**Trucking Facility.** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

**Unit.** Living quarters inside of a larger dwelling unit, which do not contain complete housekeeping facilities.

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

**Use, Conditional.** A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

**Use, Non-Conforming.** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the Zoning Hearing Board upon appeal in specific cases, in accordance with the Pennsylvania Municipalities Planning Code, Article VI and IX of, Act 247, as amended.

**Visual Obstruction.** Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

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

**Yard, Minimum Dimension.** The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

**Zoning Map.** Clark Borough Zoning Map.

**Zoning Officer.** The agent or official designated by the Clark Board of Council and charged by law with the administration and enforcement of the Zoning Ordinance.

## **ARTICLE XIX EFFECTIVE DATE**

### **SECTION 1900: EFFECTIVE DATE**

The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Board of Council of Clark Borough, Mercer County, Pennsylvania.

We hereby certify that the Clark Borough Zoning Ordinance was adopted by the Board of Council of Clark Borough, Mercer County, Pennsylvania this November 7, 2000.

**Borough of Clark  
MERCER COUNTY, PENNSYLVANIA**

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**CHAIRMAN - Board of Council**

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**Member of Council**

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**Member of Council**

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**Member of Council**

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**Member of Council**

(SEAL)

ATTEST:

\_\_\_\_\_  
**BOROUGH SECRETARY**

**ARTICLE XX  
CERTIFICATION**

**SECTION 2000: CERTIFICATION**

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_, adopted by the Board of Council of Clark Borough, Mercer County, Pennsylvania on November 7, 2000

\_\_\_\_\_  
**BOROUGH SECRETARY**