

Stoneboro Borough

Zoning Ordinance

July 2002

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ARTICLE I

SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION, APPLICABILITY, SEVERENCE & REPEAL

Section 100: Short Title

This ordinance shall be known as the "Stoneboro Borough Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Stoneboro 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 is for reference only.

Section 101: Purpose and Authority

This Zoning Ordinance and its regulations are adopted by authority granted to the Borough under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purposes:

1. To promote health, safety, morals and general welfare;
2. To promote coordinated, orderly, harmonious and practical community development;
3. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses;
4. To lessen congestion and promote public safety and convenience on roads and highways;
5. To secure safety from fire, disaster, panic, pollution hazards and other dangers;
6. To provide adequate light and air;
7. To prevent the overcrowding of land;
8. To avoid undue congestion of population;
9. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewer, schools, parks and other public requirements;
10. To establish reasonable standards to which buildings and development shall conform;
11. To protect and enhance the value of land.

Such regulations are also made with reasonable consideration to the character of the zoning 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

This Zoning Ordinance regulates and restricts within the boundaries of the Borough of Stoneboro, 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 the 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 of 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 roads or highways.

Section 103: Interpretation

In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and general welfare. 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. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling. This Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, 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: Application

The provisions of the Zoning Ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots. Except as provided in this Ordinance, no building, or part thereof, or other structure shall be erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located. Any use that is not listed in a specific zoning district shall be interpreted as prohibited in that district.

Section 105: 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.

The Borough Council hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each zoning district boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words, or boundaries may be declared illegal, unconstitutional, or invalid.

Section 106: Repeal

The enactment of this Zoning Ordinance contained herein shall hereby repeal, in its entirety, the Stoneboro Borough Zoning Ordinance, Ordinance Number 390, adopted August 8, 1984. Any other resolution or ordinance conflicting with the provisions, regulations, limitations, and/or restrictions of this Zoning Ordinance contained herein shall be and the same is hereby repealed to the extent of such conflict.

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 Stoneboro 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. The Ordinance has been developed as a legislative and administrative tool of the Borough to implement said objectives.

Section 201: Community Development Objectives

The Stoneboro Borough Zoning Ordinance shall promote and advance the following vision statement and objectives of the 2001 Stoneboro Borough Community Development visioning session.

201.1: Community Vision

The community of Stoneboro is deeply rooted in history and will be a signature community in terms of attraction, style, historic preservation, cultural enhancement, good schools and beautiful natural features. Stoneboro will continue to be a friendly, safe community while retaining small town sense of community spirit and pride and embracing opportunities to improve the economic and social well being of its people.

201.2: Objectives for Community Development

1. Promote development of an orderly and attractive community;
2. Promote minimum standards for soundness, safety, comfort and compatibility with the existing neighborhood for new housing created from new construction, alteration of existing housing, or conversion of other existing buildings or uses;
3. Promote friendly neighborhood lifestyle and good atmosphere;
4. Preserve and enhance the historic, pedestrian-oriented and small town community style, pattern and character;
5. Enhance cultural activities through schools, churches and fairgrounds;
6. Revitalize downtown Stoneboro;
7. Continue to promote community beautification;
8. Conserve natural and manmade features;
9. Promote regional approach to planning;
10. Continue to protect public and private farms, wetlands and forestlands through Federal/State environmental policies and regional application to planning;

11. Enforce local ordinances and encourage education of ordinances;
12. Continue to support and improve the community park as a recreational center for all.

201.3: Objectives for Land Use, Infrastructure & Public Services

1. Promote flexibility of land uses in and near Stoneboro's downtown to encourage the economic viability and reuse of existing older buildings and development, and thus to promote their preservation;
2. Encourage cooperation between municipalities;
3. Work together to share municipal services;
4. Promote the use of public facilities for all citizens;
5. Preserve rural atmosphere;
6. Assure infrastructure and land use planning are coordinated;
7. Encourage land use patterns that preserve and set aside green and open space;
8. Avoid sprawling development;
9. To provide the safe and convenient circulation and movement of goods and people within the community and to points beyond, utilizing all methods practical;
10. Promote the development of public and/or private recreational activities throughout the Borough;
11. Upgrade existing infrastructure including storm drains, sidewalks and streets;
12. Advocate standards that assure public safety, especially in sidewalks.

201.4: Objectives for Economic Development

1. Promote maintenance and development of recreational facilities that have a regional tourism draw;
2. Promote downtown businesses and those that provide basic necessities (grocery, drugs, etc.);
3. Allow the development of appropriate business growth;
4. Cooperation with surrounding municipalities.

201.5: Objectives for Housing

1. Encourage preservation of historical homes and heritage for the enjoyment, enrichment and education of future generations, and to engender and perpetuate an appreciation and respect for early efforts and achievements;
2. Encourage planned development of affordable housing;
3. Target residential development in and around areas with adequate infrastructure;
4. Maintain our rural/farm areas current level of low-density residential development;
5. Permit the development of mixed-use residential districts;

6. Promote pedestrian friendly residential districts;
7. Provide adequate housing types for all residents;
8. Encourage and promote the development of traditional neighborhood housing.

ARTICLE III ZONING DISTRICTS

Section 300: Zoning Districts

Stoneboro Borough is hereby divided into the following zoning districts:

<u>Full Name</u>	<u>Short Name</u>
Residential Single Family	R-1
Residential General	R-2
Lakefront	L
Central Business	B-1
Mixed Use	B-2
Industrial	I

Section 301: Purpose and Character of Zoning Districts

301.1: Residential Single Family (R-1) – Single-family homes with standards for low-density, larger lots and setbacks, and a more suburban style of development.

301.2: Residential General (R-2) – Residential uses (single and multiple-family) designed to match the style of the existing, older neighborhoods in the Borough, smaller lots and setbacks (new uses conforming to an average block setback) with orientation to the sidewalk and street.

301.3: Lakefront (L) – Recreation and vacation uses and business uses that are oriented to recreation or to the needs of vacationers in the area surrounding/adjacent to Sandy Lake.

301.4: Central Business (B-1) – Stoneboro's downtown and near downtown with a variety of commercial uses and standards to preserve the existing character of development, sidewalk-fronting buildings, pedestrian orientation, dense development including common walls, and commercial uses, primarily at street level, with mixed uses above.

301.5: Mixed Use (B-2) – The same uses as the R-2 and B-1 Zoning District, but a more suburban style with entries, signs and parking oriented to the highway and quality of development enhanced with landscaping requirements and buffer/screening of commercial uses with provisions.

301.6: Industrial (I) – General industrial uses that conform to provisions allowing such uses while insuring the health, safety and welfare of the entire community.

Section 302: Boundaries of Zoning Districts

The boundaries of the zoning districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

302.1: Where a Zoning District Boundary Follows a Street, Alley, Railroad, or Watercourse – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

302.2: Where a Zoning District Boundary Approximately Parallels a Street or Alley – 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.

302.3: Where a Zoning District Boundary Approximately Follows a Lot Line – The lot line shall be interpreted to be the zoning district boundary.

302.4: Submerged Areas – Where areas within the Borough are underwater and are bounded by two (2) or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

302.5: Annexed Lands – Any land annexed to or made a part of the Borough subsequent to the adoption of this Ordinance shall immediately be classified as R-1 Residential Single Family as of the effective date of annexation.

302.6: Vacation 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.

302.7: 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 PERMITTED USES

Section 400: Permitted Principal Uses

The following table lists principal uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article XVI, Definitions. Uses not specifically listed shall not be permitted.

Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional conditions or criteria that apply to that use.

400.1: Table of Permitted Principal Uses

Permitted Uses	R-1	R-2	L	B-1 ¹	B-2 ²	F ³
Single-family dwellings (700.1)	X	X	X		X	
Multi-family dwellings (2-4 units) (700.1)	X	X	X		X	
Multi-family dwellings (5 or more units) (700.2)	X		X		X	
Mobile home parks (700.5)	X					
Public, non-commercial parks & recreation	X	X	X		X	
Public & private schools	X	X	X		X	
Churches	X	X	X	X	X	X
Agricultural uses	X					
Golf courses and driving ranges	X					
Hospitals	X					
Cemeteries		X	X		X	
Boarding houses		X	X		X	
Bed & breakfast establishments		X	X		X	
Group homes	X	X	X		X	
Borough government buildings & services	X	X	X	X	X	X
Reuse of existing or former residential structures for personal & health service establishments or business, professional & government offices.			X			
Retail sales and/or product service				X	X	
Personal & health service establishments				X	X	
Food & grocery stores				X	X	
Eating and drinking establishments				X	X	
Business, professional & government offices				X	X	
Automobile & truck sales and/or service				X	X	
Passenger transportation terminals				X	X	
Parking lots & structures				X	X	
Motels & hotels				X	X	
Clubs, lodges & fraternal organizations				X	X	
Commercial recreation and amusement				X	X	
Funeral homes				X	X	

Veterinary clinic					X	
Industrial establishments for manufacturing, processing, packing & bottling.						X
Industrial research & development establishments						X
Wholesale & warehousing						X
Storage & distribution facilities						X
Sawmills						X
Agricultural processing establishments						X
Truck transportation & loading terminals						X
Power generation stations						X
Forestry	X	X	X	X	X	X
Essential Services	X	X	X	X	X	X
Communications Antennas (705)	X		X		X	X

X- Donates zoning districts that a specific use is a permitted principal use.

¹- See Section 701 for additional criteria for B-1 Zoning Districts.

²- See Section 702 for additional criteria for B-2 Zoning Districts.

³- See Section 703 for additional criteria for I Zoning Districts.

Section 401: Permitted Accessory Uses

The following table lists accessory uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article XVI, Definitions. Uses not specifically listed shall not be permitted.

Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional conditions or criteria that apply to that use.

401.1: Table of Permitted Accessory Uses

Accessory Uses	R-1	R-2	L	B-1	B-2	I
Garage	X	X	X			
Storage shed	X	X	X			
Swimming pool	X	X	X			
Tennis courts	X					
Private playhouse	X					
Private greenhouse	X					
Private Incinerator	X					
Home Occupations	X	X	X			
Home-based business (700.4)			X			
Farm structures	X					
Sale of agricultural/ nursery products	X					
Shelter for domestic pets	X	X	X			
Boarding unit	X					
Storage/ parking commercially licensed or recreational vehicle	X					
Communications Equipment Building (705)	X	X	X	X	X	X
Other clearly incidental & subordinate uses	X	X	X	X	X	X

X- Donates zoning districts that a specific use is a permitted accessory use.

ARTICLE V

CONDITIONAL USES

Section 500: Procedures for Conditional Uses

Applications for conditional uses shall follow the following review and approval process in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended):

1. Public Notice and Hearing- Public notice shall be provided and a public hearing shall be held by the Borough Council in accord with the Pennsylvania Municipalities Planning Code prior to making a decision on the application.
2. Decision- The Borough Council shall render a decision on the application and any conditions to be required as part of an approved application within 45 days of receipt of the application.

Section 501: Conditional Uses

Conditional uses shall be considered the principal use on a lot unless, otherwise noted. Conditional uses may be granted or denied by the Borough Council in accord with conditions and standards expressed in this Ordinance. Reasonable conditions and safeguards may be attached by the Borough Council when granting a conditional use. Such conditions are to implement the stated objectives of this Ordinance and the Pennsylvania Municipalities Planning Code.

The following table lists conditional uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article XVI, Definitions. Uses not specifically listed shall not be permitted. Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional conditions or criteria that apply to that use.

501.1: Table of Conditional Uses

Conditional Uses	R-1	R-2	L	B-1 ¹	B-2 ²	I ³
Multi-family dwellings of 5 or more units (700.2)		X				
Mobile home parks (700.5)		X				
Public parking lots		X				
Personal & health service establishments			X			
Business, professional & government offices			X			
Establishments for the storage and/or sale of junk (700.7).						X
Sanitary landfill, solid waste transfer stations or similar facility for processing and disposal of solid waste (700.8).						X
Adult entertainment establishments (704)						X
Communications Antennas (705)		X		X		
Communications Towers (705)	X		X		X	X
Mineral Excavation (706)						X

X- Donates zoning districts that a specific use is a permitted conditional use.

¹ - See Section 701 for additional criteria for B-1 Zoning Districts.

² - See Section 702 for additional criteria for B-2 Zoning Districts.

³ - See Section 703 for additional criteria for I Zoning Districts.

ARTICLE VI LOT, YARD & HEIGHT REQUIREMENTS

Section 600: Lot, Yard & Height Requirements

600.1: Table of Lot, Yard & Height Requirements

Zoning Districts	Min. Lot Area	Min. Lot Width	Building Setback ³	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Lot Coverage
R-1 Residential Single Family	20,000 sq. feet with public sewer 40,000 sq. feet with on-lot sewer	100'	Build-to-line	P: 10' A: 5'	P: 30' A: 5'	30'	30%
R-2 Residential General	5,000 sq. feet ¹	50'	Built-to-line	P: 6' A: 5'	P: 20' A: 5'	45'	40%
L- Lakeside Single family DU Two-family DU Business uses Other uses	5,000 sq. ft. 8,000 sq. ft. 8,000 sq. ft. 10,000 sq. ft. ¹	45' 60' 60' 75'	Build-to-line	P: 6' A: 5'	P: 20' A: 5'	45'	40%
B-1 Central Business	None	None	Build-to-line ± 5'	P: None A: 5'	P: 20' A: 5'	45' P: 20' min.	70%
B-2 Mixed Use	10,000 sq. ft. ¹	100'	75'	P: 10' A: 5'	P: 20' A: 5'	45'	50%
I- Industrial	10,000 sq. feet	100'	75'	Equal to height of adjacent structure ²	Equal to height of adjacent structure ²	45'	50%

P – Principal structure(s)

A – Accessory structure(s)

¹ Multi-family dwellings minimum lot area:

4,000 sq. ft. for first dwelling unit

Plus 2,000 sq. ft. for each of next 11 dwelling units

Plus 1,000 sq. ft. each additional dwelling unit

² Minimum yard of 100 feet when adjoining a Residential Zoning District.

³ Setback shall be determined from the road centerline.

Section 601: Setback Determinations

1. Where the façade placement varies between permitted structures along a block, the Zoning Officer shall determine the build-to line by measurement from the curb line to the façade of the nearest structure to the street along the same block. New construction shall be located at or within ten (10) feet behind the build-to line as determined.
2. Build-to line shall be determined by the Zoning Officer. Variances to this shall be approved only by the Zoning Hearing Board.
3. Churches and schools may be placed up to twenty (20) feet beyond the build-to line.
4. Additions to an existing structure shall occur behind the front of the existing structure regardless of the build-to line of the remaining block. Variances to this shall be approved only by the Zoning Hearing Board.

ARTICLE VII

ADDITIONAL USE CRITERIA

Section 700: Additional Criteria for Specific Uses

700.1: All Dwellings

1. A dwelling unit shall have a minimum floor area of 750 square feet.
2. No dwelling structures shall have visible, uncloseable openings that allow penetration of air, outside elements, or animals into the structure's interior.
3. All dwelling structures shall be placed on a basement foundation, concrete pad, piers, or other permanent foundation with footings to a minimum depth of thirty-six (36) inches and secured, anchored, or tied down to withstand a wind pressure of fifteen (15) pounds per square foot on an exposed vertical surface.

700.2: Multi-Family Dwellings of Five (5) or More Units

1. Multi-family buildings shall be constructed to a compatible height and scale of other structures in the neighborhood, including:
 - a. Height of proposed buildings may not exceed the height of adjacent buildings by more than fifteen (15) feet or one (1) full story. Compatibility of roof shapes in relation to the neighboring buildings shall be a consideration in the design of multi-family structures.
 - b. Proposed buildings must have a minimum of one (1) entry door on the front of the building for pedestrian orientation.
 - c. Minimum lot area shall be 4,000 square feet for the first dwelling unit plus 2,000 square feet for each additional dwelling unit up to eleven (11), and 1,000 square feet for each additional unit beyond eleven (11) units.
 - d. Maximum number of eight (8) dwelling units shall be permitted per structure.
 - e. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one (1) exterior exposure.
2. Internal driveways built and maintained for private service to the development shall be paved and shall be located and have capacity to:
 - a. Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/vehicular and vehicular/vehicular movements within the site.
 - b. Provide adequate area for servicing of the site by delivery trucks, refuse collection and other service vehicles without blockage or interference with the use of driveways or off-street parking.

3. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience.
4. Design of storm water management shall meet the requirements as specified in the Mercer County Subdivision and Land Development Ordinance.
5. Maximum rates of storm water runoff from the property after development shall not exceed the rate of runoff prior to development.
6. Drainage of increased storm water runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing onto adjacent properties using the Best Management Practices as specified by the Pennsylvania Association of Conservation Districts.
7. Where access drives meet streets and roads, storm drains may be required where such could connect to a municipal storm system. Additional flow into surface gutters is discouraged.
8. Open space requirements:
 - a. A minimum of ten percent (10%) of the gross area of the development or 1,000 square feet per dwelling unit, whichever is greater, shall be provided for recreation space. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The applicant shall show how such recreation space shall be maintained permanently and shall present implementing documents to ensure such maintenance.
 - b. No part of this open space may be included as part of the buffer or landscape requirements of the property.
 - c. At the determination of the Zoning Hearing Board, this requirement may be reduced by fifty percent (50%) if there is a public park within 500 feet of the proposed development.
9. In addition to the requirements of a zoning permit application (see Article XII), new construction or the conversion of an existing structure into multi-family dwellings of five (5) or more dwelling units shall comply with the following plan requirements:
 - a. A site plan shall be submitted to the Zoning Officer at a scale of 1"=50', 1"=30', or 1"=20' on up to 24" x 36" pages.
 - b. The site plan shall consist of existing property information including the property survey, existing topography shown at two (2) foot contours, existing utilities and all other significant features, whether natural or man-made. The site plan must also show proposed development information including proposed structures, utility connections, parking and access plans, landscaping and buffers, grading and storm water management plan.
 - c. A storm water management plan must be submitted documenting compliance with the previously stated requirements. The storm water management plan must receive a letter of acceptance from the Borough Engineer.

- d. The site plan shall be reviewed by the Borough Planning Commission and shall show proof of compliance with all provisions of this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

700.3: Accessory Dwellings

1. In any zoning district permitting residential uses, an existing single-family or two-family dwelling or an existing lawful accessory structure to a single-family or two-family dwelling may be altered or changed in use to create an accessory dwelling, provided:
 - a. Only one (1) accessory dwelling may be created per single-family or two-family dwelling lot.
 - b. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
 - c. The accessory dwelling shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family or two-family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten percent (10%).
 - d. Conversion of accessory structures to accessory dwellings shall not increase the ground floor area of the original structure.
2. Maximum floor area - The accessory dwelling shall be clearly a subordinate part of the dwelling. In no case shall it be more than thirty percent (30%) of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.
3. Minimum floor area - The accessory dwelling shall have at least 400 square feet of floor area. Any alterations shall not violate requirements for yards or height for a single-family or two-family dwelling.
4. Additional off-street parking spaces shall be provided for the additional dwelling unit as required in Article IX, Parking and Loading Regulations.
5. The design and size of the accessory dwelling shall conform to all applicable standards in health, building, fire and other laws.
6. Any other appropriate or more stringent conditions deemed necessary might be required by the Zoning Hearing Board to protect public health, safety, welfare and the character of the neighborhood.
7. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions, where necessary, to install features that facilitate access and mobility for disabled persons.

700.4: Home-Based Business

Where permitted, a home-based business shall comply with the following:

1. It shall be conducted entirely within either the dwelling unit or accessory structure, provided that such accessory structure is clearly accessory and subordinate to the dwelling.
2. No more than twenty-five percent (25%) of the combined gross floor area of the dwelling and accessory structure(s) shall be devoted to the home-based business.
3. No more than two (2) persons, other than the occupants of the dwelling, shall be employed at the site.
4. Signage for the home occupation shall conform to signage permitted for residential districts.
5. Sufficient off-street parking shall be provided for the home-based business according to the nature of the business, as provided for in Article IX, Parking and Loading Regulations, and shall be located behind the building setback line. Such parking shall be provided in addition to the off-street parking required for the dwelling.
6. The home-based business shall not produce offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, other objectionable effects, traffic, or signs that are not consistent with or characteristic of other dwellings in the area.

700.5: Mobile Home Parks

1. A mobile home park shall have a minimum size of five (5) acres.
2. Parks shall be designed to serve the long-term placement of mobile homes.
3. Individual mobile home lots shall meet the following requirements:
 - a. Each lot shall be immediately adjacent to and have access to an approved internal street without the necessity of crossing any other space.
 - b. Each lot shall have a minimum width of fifty (50) feet and a minimum area of 5,000 square feet.
 - c. Each lot shall have a minimum side and rear yard of ten (10) feet. Mobile home entrances may utilize stoops, landings, patios, or awnings that may extend up to five (5) feet within the ten (10) foot side or rear yard.
 - d. Each lot shall provide off-street parking in accord with requirements in Article IX, Parking and Loading Regulations.
4. The mobile home park and any mobile home lots shall conform to the building setback requirements for the applicable zoning district where the park or its lots abut a public street or road, except that each mobile home lot shall have a minimum distance of twenty (20) feet between a mobile home and the cartway edge of any internal street built and maintained for private use within the park.
5. No mobile homes shall be permitted to have visible, uncloseable openings that allow penetration of air, outside elements, or animals into the structure's interior.

6. All mobile homes shall be placed on a basement foundation, concrete pad, piers, or other permanent foundation with footings to a minimum depth of thirty-six (36) inches and secured, anchored, or tied down to withstand a wind pressure of fifteen (15) pounds per square foot on an exposed vertical surface.
7. Internal streets built and maintained for private service to the development shall be paved and shall be located and have capacity to:
 - a. Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/vehicular and vehicular/vehicular movements within the site.
 - b. Provide adequate area for servicing of the site by delivery trucks, refuse collection, and other service vehicles without blockage or interference with the use of internal streets or off-street parking.
8. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience.
9. Design of storm water management shall meet the requirements as specified in the Mercer County Subdivision and Land Development Ordinance.
10. Maximum rates of storm water runoff from the property after development shall not exceed the rate of runoff prior to development.
11. Drainage of increased storm water runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing onto adjacent properties using the Best Management Practices as specified by the Pennsylvania Association of Conservation Districts.
12. Where access drives meet streets and roads, storm drains may be required where such could connect to municipal storm system. Additional flow into surface gutters is discouraged.
13. Repair, maintenance, storage areas or facilities, and sewage treatment buildings shall be effectively and attractively screened from the mobile home lots, internal streets and public roads or streets by man-made screens or natural plant materials. All mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.
14. A minimum of ten percent (10%) of the gross park area or 1,000 square feet per unit, whichever is larger, shall be provided for recreational space. This recreational space shall be suitable for outdoor recreational activity and shall be easily accessible to all mobile home lots. The applicant shall prepare a recreation plan for the required recreational space, including provisions for maintenance.
15. All mobile home lots within the mobile home park shall be improved for use by independent mobile homes, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal and other utility systems. Underground installation of the utility distribution and service lines is required, except where it is infeasible due to site-specific conditions (such as shallow bedrock).
16. The mobile home park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, streets, sewage disposal and water supply systems, and solid waste collection.

17. Dumpsters serving mobile home parks shall be located within the mobile home park it serves.

700.6: Recreational Vehicle Parks or Campgrounds

1. New recreational vehicle parks and expansions of existing parks shall comply with the applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the recreational vehicle park indicating approval of the Stoneboro Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.
3. Drainage of increased storm water runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.
4. No tent, campsite, or building shall be located within seventy-five (75) feet of a neighboring lot line.

700.7: Establishments for the Storage and/or Sale of Junk

1. The lot on which such are located shall be enclosed on all sides, except for an entrance or exit not over twenty-five (25) feet in width, by a solid wall or fence at least six (6) feet in height and maintained in good condition. As an alternative, an open fence at least six (6) feet in height and surrounded, except for an entrance or exit described above, by evergreens at least six (6) feet in height and planted no further than six (6) feet apart so as to form a solid screen may be used.
2. It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.
3. It shall not exhaust into the air any excessive dust or smoke.
4. Buildings on the property shall be classified as fire-resistant and activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to adjacent properties.
5. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including surface and underground waters, both natural and artificial, unless approved by the Pennsylvania Department of Environmental Protection or other public regulatory agency that has jurisdiction in water quality.

700.8: Sanitary Landfills, Solid Waste Transfer Station, or Similar Facilities for Processing and Disposal of Solid Waste

1. The applicant shall comply with all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection and shall present to the Borough Council an approved permit for the proposed facility from the Pennsylvania Department of Environmental Protection.
2. The applicant shall provide the Borough with a copy of the permit application submitted to the Pennsylvania Department of Environmental Protection and all accompanying site plans, engineering data and other information.

3. The applicant shall grant a right of entry to the proposed facility to Borough Council or its authorized representatives, upon written request by the Borough, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.
4. The Borough Council may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, that do not violate the minimum standards of the Pennsylvania Department of Environmental Protection and that are reasonably necessary to provide maximum protection to the Borough's underground and surface water supplies and to minimize adverse impacts to surrounding properties.

700.9: Dumpsters

1. All dumpsters shall be located on the property for which they are intended to service.
2. Dumpsters shall be screened, as much as possible, from abutting properties and public rights-of-way through use of a fence or landscaping, or placed on the property in a way that it is screened from abutting properties and public rights-of-way by a building or other structure.

Section 701: Additional Central Business (B-1) Zoning District Regulations

701.1: Provisions of Use

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

1. For commercial uses located on corner lots where one (1) street is predominantly residential and one (1) street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.
2. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.
3. 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.
4. Any business establishment shall deal directly with the consumer only and any work done on the premises shall be for sale on the premises.
5. Any display of goods shall be behind the building setback line.
6. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience. Design of storm water management shall meet the requirements as specified in the Mercer County Subdivision and Land Development Ordinance. Maximum rates of storm water runoff from the property after development shall not exceed the rate of runoff prior to development.

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

Section 702: Additional Mixed Use (B-2) Zoning District Regulations

702.1: Provisions of Use

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

1. For commercial uses located on corner lots where one (1) street is predominantly residential and one (1) street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.
2. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.
3. 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.
4. Any business establishment shall deal directly with the consumer only and any work done on the premises shall be for sale on the premises.
5. Any display of goods shall be behind the building setback line.
6. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience. Design of storm water management shall meet the requirements as specified in the Mercer County Subdivision and Land Development Ordinance. Maximum rates of storm water runoff from the property after development shall not exceed the rate of runoff prior to development.
7. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
8. Access driveways and entrances shall be permitted in a number and locations in accord with applicable law. Where a state highway occupancy permit is not required, the Zoning Officer may require the permit applicant to submit engineering data and/or traffic analysis to demonstrate that the proposed plan of access driveways and entrances are of a number and 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 highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access.

702.2: Landscaping Requirements

Uses and/or developments shall provide landscaping in accord with the following paragraphs in order to minimize nuisances and protect patrons from dirt, litter, pollution, noise and glare of lights, and excessive heat. These requirements shall apply where a new use/development is proposed on vacant land, an existing use/development will be expanded in gross floor area by fifty percent (50%) or greater, or an existing use/development is removed and a new use/development is proposed.

1. Any part or portion of a lot developed for Mixed Use (B-2) Zoning District uses that is not used for buildings, other structures, parking or loading spaces, aisles, driveways, sidewalks and designated storage areas, shall be planted and maintained with grass or other all season groundcover vegetation.
2. Grass shall be kept neatly mowed.
3. Landscaping with trees and shrubs is permitted and encouraged.
4. Off-street parking areas shall provide landscaping as follows:
 - a. A minimum five (5) foot wide landscaped planting strip shall be provided where the parking area abuts a street or road, excluding alleys. The edges of said landscape planting strip shall be curbed. The planting strip may be interrupted only for permitted entrances or access driveways.
 - b. At least five percent (5%) of the interior parking area shall be landscaped with plantings, and at least one (1) tree for each ten (10) parking spaces shall be installed. Interior parking lot plantings are required exclusive of other planting requirements. At least fifty percent (50%) of all planting shall occur between the front face of the structure(s) and the street on which the structure(s) fronts.
 - c. Landscaping shall be located in protected areas such as along walkways, in center islands, at the ends of parking bays, or between parking spaces. All landscaping shall be placed so that it does not obstruct the sight distance for automobiles moving within the parking area or entering or exiting the parking area.
 - d. Plant types shall include a mixture of hardy evergreen and deciduous trees. Evergreens should be used along the perimeter of the parking area for screening and deciduous trees should be used for shade within the parking area.

702.3: Buffer and Screening Requirements

Where any Mixed Use (B-2) Zoning District permitted principal and/or accessory use abuts any land zoned residential, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by fifty percent (50%) or greater, or removed and a new use developed.

1. A buffer strip at least ten (10) feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a residential zoning district. 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.
2. The buffer strip shall contain suitable screening, defined as either of the following:
 - a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than four (4) feet and nor more than six (6) feet in height; or
 - b. A sight-obscuring planting of evergreens, not less than four (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 six (6) feet upon maturity, planted at a spacing of the lesser of eight (8) feet or the diameter of a mature specimen of the species being planted.

3. 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.
4. Installation and maintenance of the buffer and screening and other landscaping required by this Section shall be the responsibility of the owner of the property on which the Mixed Use (B-2) Zoning District 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 in a timely manner.
5. Grass shall be kept neatly mowed.

Section 703: Additional Industrial (I) Zoning District Regulations

703.1: General Provisions of Use

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

1. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus, to nearby residences.
2. Access driveways and entrances shall be permitted in a number and in locations in accord with applicable law. Where a state highway occupancy permit is not required, the Zoning Officer may require the permit applicant to submit engineering data and/or traffic analysis to demonstrate that the proposed plan of access driveways and entrances are of a number and location 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 highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access.
3. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted, except within a completely enclosed structure. If the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six (6) feet in height and surrounded, except for an exit and entrance not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than six (6) feet so as to form a solid screen.
4. Adequate storm drainage facilities, as specified in the Mercer County Subdivision and Land Development Ordinance, 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.
5. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
6. Any part or portion of a lot developed for industrial uses that is not used for buildings, other structures, active landfilling areas in approved sanitary landfills, parking or loading spaces, 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.

7. Landscaping with trees and shrubs is permitted and encouraged.
8. Any off-street parking area located in a required front yard building setback shall be located at least five (5) feet from the road right-of-way with the area in between the road right-of-way and parking maintained according to Section 703.1.6.
9. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
10. It shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

703.2: Buffer and Screening Requirements

Where any permitted principal and/or accessory use abuts any residential zoning district, the following buffer and screening are required:

1. A buffer strip at least thirty (30) feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a residential zoning district. Buffer strips shall not be used for buildings, parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
2. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full diameter of no less than twelve (12) feet. The minimum height at the time of planting shall be four (4) feet. Plants shall be situated in two (2) rows within the buffer strip, each row being located at least ten (10) feet from the edge of the buffer strip. Plants in each row shall be spaced no more than twenty (20) feet on-center and the two (2) rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of twelve (12) feet and shall not be trimmed below that height thereafter.
3. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Dead or diseased plants shall be removed and replaced within one (1) growing season.
4. Grass shall be kept neatly mowed.

Section 704: Adult Entertainment Establishment Regulations

704.1: Purpose and Legislative Intent

The location of adult entertainment establishments is of vital concern to the Stoneboro Borough Council, especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Thus, it is a firm belief of 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, exercises the power that has been granted to them. The Borough Council does 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 Stoneboro Borough.

704.2: 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 XIV, Definitions.

For the purpose of this Section, adult entertainment establishments are defined as follows:

1. 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 that are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. 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.
3. 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 that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Model Studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.
5. Adult Motel – A motel or similar establishment offering public accommodations for any consideration, that provides patrons with material distinguished or characterized by an

emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

6. 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 that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. 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 time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
8. Adult Newsrack – Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
9. Adult Theater – A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business that 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.
11. Body Painting Studio – Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.
12. Massage Parlor – Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by 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.
13. Out Call Service Activity – An establishment or business that provides an out call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
14. 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 in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.

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

704.3: Specifications

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.

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, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
3. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

704.4: Minimum Spacing and Proximity Requirements

No adult entertainment establishment shall be located within 1,000 feet of the following:

1. Any other adult entertainment establishment.
2. A dwelling.
3. Any parcel of land that contains any one or more of the following specified land uses:
 - a. Amusement park;
 - b. Camp (for minors' activities);
 - c. Child care facility;
 - d. Church;
 - e. Community center;
 - f. Museum;
 - g. Park;
 - h. Playground;
 - i. School and school bus stops;
 - j. Other lands where minors congregate.
4. The distance between any two (2) 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 in subparagraphs two (2) and three (3) 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.

704.5: Visibility from the Street

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade that 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.

704.6: Sign Requirements for Adult Entertainment Establishments

1. All signs shall be flat wall signs.
2. The gross surface area of a wall sign shall not exceed five percent (5%) of the area of the wall that such sign is a part of.
3. No signs shall be placed in any window. A one and one half (1 1/2) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

Section 705: Wireless Communications Facilities

705.1: Purpose and Legislative Intent

This section applies to the construction, modification and locations of all Wireless Communications Facilities, as defined in 705.2, Definitions, within Stoneboro Borough.

705.2: 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 XVI, Definitions.

1. **Communications 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 omnidirectional or whip antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This 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.
2. **Communications 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.

3. **Communications Tower:** A structure other than a building, such as a monopole, self-supporting, lattice, or guyed tower, designed and used to support Communications Antennas.
4. **Height of a Communications Tower:** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas on the tower.

705.3: Wireless Communications Facilities in Residential Single Family (R-1), Lakefront (L), Mixed Use (B-2), and Industrial (I)

1. Communications Antennas mounted on existing buildings or structures shall be a *permitted use*, subject to the following provisions:
 - a. The placement of the Communications Antenna mounted on existing buildings or structures shall not increase the height of the building or structure by more than twenty (20) feet.
2. Communications Towers shall be a *conditional use*, subject to the following provisions:
 - a. The maximum height of a Communications Tower is one hundred and fifty (150) feet.

705.4: Wireless Communications Facilities in Residential General (R-2) and Central Business (B-1)

1. Communications Antennas mounted on existing buildings or structures shall be a *conditional use*, subject to the following provisions:
 - a. The placement of the Communications Antenna on the existing building or structure shall not increase the height of the building or structure by more than ten (10) feet.
 - b. Communications Antennas mounted on existing buildings and structures shall compliment the colors, materials and design of the existing building or structure as much as possible and shall not change or alter the appearance, character, or design of the existing building or structure.
2. Communications Towers are **NOT** a permitted use in the Residential General (R-2) and/or Central Business (B-1) Zoning Districts.

705.5: Additional Standards for Communications Antennas

1. Communications Antennas mounted on existing buildings or structures shall not extend more than five (5) feet horizontally from the edge of the building or structure to which it is attached and shall not encroach on abutting properties. If a Communication Antenna is attached to an existing building or structure, it shall not have any horizontal extension on any side facing a public right-of-way.
2. Communications Antennas shall be mounted on the existing building or structure in a way to best screen it from abutting properties and public rights-of-way. For example, if a Communications Antenna is to be mounted on an existing building, it should be screened by a roof pitch, parapet or other architectural feature.

3. Communications Antennas shall not be mounted on any existing single-family dwelling or two-family dwelling.
4. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
5. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
6. The applicant shall demonstrate that he/she is licensed by the Federal Communications Commission (FCC) to operate Communications Antennas.
7. Any applicant proposing a Communications Antenna to be mounted on an existing building or 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 structure, considering wind and other loads associated with the Communications Antenna location.
8. Any applicant proposing a Communications Antenna to be mounted on an existing building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the Communications Antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
9. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
10. Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
11. If a Communications Antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Antenna within six (6) months of the expiration of such twelve (12) month period.

705.6: Additional Standards for Communications Towers

1. The foundation and base of any Communications Tower shall be setback from any property line at least seventy-five (75) feet and from any residential property line at least one hundred (100) feet.
2. The applicant shall demonstrate that he/she is licensed by the Federal Communications Commission (FCC) to operate a Communications Tower, and Communications Antennas.
3. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
4. Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

5. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building or structure. A good faith effort shall mean that the applicant show, through certified mail receipts and a copy of the letter, that all owners of potentially suitable buildings or structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed Communications Antennas and related equipment would exceed the structural capacity of the existing building or structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed Communications Antennas and related equipment would cause radio frequency interference with other existing equipment for that existing building or structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing buildings or structures do not have adequate location, space, access or height to accommodate the proposed Communications Antennas and equipment or to allow it to perform its intended function.
 - d. Addition of the proposed Communications Antennas and related equipment would result in electromagnetic radiation from such building or structure exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such buildings or structures.
6. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or an access right-of-way or easement to a public street. The access right-of-way or easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
7. The Communications Towers, Communications Equipment Buildings and all other necessary equipment shall be secured by a fence with a maximum height of eight (8) feet.
8. A landscape buffer shall be planted along the outside of the fence to screen the foundation and base of the Communications Tower, the Communications Equipment Building and the security fence from abutting properties and public rights-of-way.
9. One (1) off-street parking spot shall be provided within the fenced area.
10. Existing trees and other vegetation shall be retained as much as possible to screen the Communications Tower.
11. A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
12. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/

Telecommunications Industry Association and applicable requirements of the Borough Building Code.

13. The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
14. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
15. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency, which has jurisdiction.
16. Communications Towers shall be protected and maintained in accordance with the requirements of the Borough Building Code.
17. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.

705.7: Communications Equipment Buildings

1. The Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.
2. The floor area of the Communications Equipment Building shall not exceed 250 square feet
3. Communications Equipment Buildings servicing Communications Antennas mounted on existing buildings or structures shall be placed in a location to best screen it from abutting properties and public rights-of-way.
4. Communications Equipment Buildings proposed for the Residential General (R-2) and/or Central Business (B-1) Zoning Districts shall additionally be screened with landscaping if placed on the ground, or if constructed on the existing building or structure, shall compliment the colors, materials and design of the existing building and structure as much as possible and shall not change or alter the appearance, character, or design of the existing building or structure.
5. Communications Equipment Buildings servicing Communications Towers shall be placed within the fenced area of the tower.

Section 706: Mineral Excavation

1. Mineral excavation, as defined in Article XVI, Definitions, shall be permitted in the Industrial (I) Zoning District only as a conditional use upon application to and approval by the Stoneboro Borough Council. Conditional approval and these regulations do not apply

where such mineral 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 mineral 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 has the opportunity to participate in the inspection.

ARTICLE VIII SIGN REGULATIONS

Section 800: Application

Signs may be erected and maintained only in compliance with all applicable provisions of this Ordinance and any regulations of the Borough relating to the location, size, height, lighting, alteration, or maintenance of signs, as defined by this Article.

Section 801: Purpose

These regulations are designed to keep the signs of Stoneboro Borough simple and in character with the historic values of the community, to maintain the views of the Courthouse and other historic buildings, and to address the following community development objectives:

1. Continue to promote community beautification;
2. Develop community vision for historic preservation;
3. Market local and regional retail opportunities and tourism.

Section 802: Sign Terms and Concepts

1. Sign – A sign is any structure, device, object, or display either painted, attached, or standing situated indoors or outdoors that is used to identify, advertise, or attract attention to a business, product, service, organization, event, or location by the use of colors, letters, words, symbols, or images.
2. Master Signage Plan - A plan shall be submitted to the Zoning Officer for the purpose of determining, for the benefit of the public, that all signs within the Borough provide for the health, safety, welfare and morals of the citizens and visitors of the Borough and meet the requirements of this Ordinance, while allowing for the efficient use of signs for the benefit of the property.

Section 803: General Provisions and Exceptions

803.1: Signs Allowed in All Zoning Districts

1. One (1) sign shall be required, for the purpose of 911 identification, that may include name, address and street number for the building or property, with a maximum size of two (2) square feet.
2. Federal or state historic markers or monuments provided they are four (4) square feet or less.
3. Institutional or bulletin board signs, signs of permanent character, or structures having changeable words or numbers indicating the services or events to be conducted upon the

premises where the sign is located. Typically used by schools or churches and included upon a structure not exceeding twenty-four (24) square feet.

4. Off-site signs may be permitted provided they are included in the master signage plan for the property on which they are placed and meet the area calculations for the zoning district.
5. Window Signage –painted or otherwise attached lettering shall not cover greater than twenty-five percent (25%) of the window area. Any poster, picture, or display attached to the window or within six (6) inches and obstructing clear sight into or from within the building in any way shall be considered part of the twenty-five percent (25%).

803.2: Signs Allowed in Residential Zoning Districts

Signs acceptable for use by permitted uses within the specific residential districts:

1. Attached Signs – Maximum height of twelve (12) feet or not higher than the second (2nd) story windowsills of the building, having a maximum size of four (4) square feet with a clear height of ten (10) feet if projecting over a sidewalk or access.
2. Ground Signs – two (2) square feet per side supported by or erected upon the ground and having a maximum height of four (4) feet.
3. Master Signage Plan – Total area of all signs in combination shall total four (4) square feet or less.
4. Lighting for Signs- No sign in a Residential Zoning District shall contain lighting in any way, whether from direct illumination of a sign, back lit signs, or from indirect lighting.

803.3: Signs in B-1, B-2, and I Zoning Districts

Signs acceptable for use by permitted uses within the specific districts:

1. Allowable signage areas shall be twenty-five (25) square feet per road frontage plus two (2) square feet for each additional ten (10) linear feet of road frontage exceeding one hundred (100) feet, including address, company identification signs, and directional signage.
2. Projecting or overhanging sign provided:
 - a. It is not less than ten (10) feet above the sidewalk;
 - b. It projects a maximum of sixty (60) inches from the building wall and no closer than three (3) feet from the curb line;
 - c. Maximum height is fourteen (14) feet or not higher than the sill of the second (2nd) story windows of the building.
3. Company identification sign consisting of the name of the business contained within the building, provided:
 - a. It is attached flush or painted directly to the building or accessory structure;
 - b. It is illuminated by exterior, indirect and concealed lighting;
 - c. It is scaled to the building in that it is placed above the first (1st) floor and below the sill of the second (2nd) floor (or where historically evident previous signs were

placed, as evidenced by old paint, bolt marks, appropriate cornice treatments remain, etc.).

4. Mixed Use (B-2) Zoning District – Only signs in the Mixed Use (B-2) Zoning District may be internally lit and only if all other height, area and character requirements are met as proved by the overall master signage plan.

803.4: Temporary Signs Permitted in All Zoning Districts

1. Sandwich Boards - Signs of an A-frame type of four (4) square feet per side, that may be used during normal hours of the business it is advertising, placement must not impede pedestrian traffic (five (5) feet of access free and clear of obstructions). Typically used to promote special sales or menus.
2. Real Estate Signs - Four (4) square feet, promoting the sale or rental of property and removed within seven (7) days of closing or rental of the property.
3. Development Signs - Twelve (12) square feet for developments of three (3) or more lots, removed within seven (7) days of project completion (occupancy or recording).
4. Work Being Performed Signs - Six (6) square feet, removed within seven (7) days after completion of work or expiration or revoking of building permit.
5. Political Signs - Provided they are removed within five (5) days after the election.
6. Announcement Signs, Banners, or Special Displays - Twelve (12) square feet, maximum time of display thirty-five (35) days, when authorized by Borough Council.
7. Temporary Signs - Two (2) square feet or smaller advertising garage sales or similar events, maximum time of display ten (10) days, and may not be attached to utility poles or traffic sign supports.

803.5: Signs Prohibited

The following types of signs shall not be permitted in order to maintain the historic character and pedestrian orientation of the Borough:

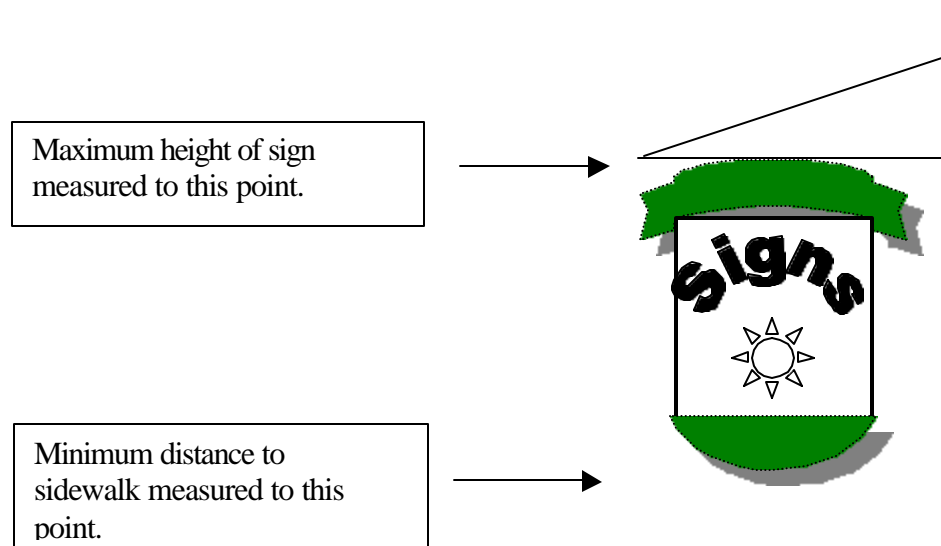
1. Signs that resemble or imitate State or Borough Traffic Control signs;
2. Portable, freestanding, or transportable trailer signs;
3. Signs with flashing illumination or neon lighting;
4. Animated, revolving, or rotating signs;
5. Billboards- a sign having a surface area of fifty (50) square feet or more;
6. Roof or canopy signs – a sign attached to, or painted onto, the roof of any structure (including wording upon a canopy or structural awning);
7. No sign may be placed within the street right-of-way or on utility poles, street markers, or official transportation signs.

Section 804: Design and Measurement Requirements

1. Signs shall be set behind the right-of-way and may not block visibility or create a traffic hazard.
2. Overall master signage plan shall be reviewed as part of the zoning permit application required by all permanent signs in the Borough (Section 805.1).

804.1: Measurement of Sign Areas

1. Signs shall be of simple design using primary shapes (square, rectangle, circle,) containing a minimum of words to convey the purpose of the use of the property upon which the signs are placed. Areas of signs shall meet the requirements of the zoning districts as outlined in Section 803.
2. Any ornamental scroll work or decorative bracing used above or below the sign shall NOT be included in the calculation of the sign area, provided it contains no additional wording and does not exceed the size of the main sign by fifty percent (50%).
3. The entire sign and all attachments will be included for the purpose of meeting all height requirements.
4. In the example shown below, the square is used for calculation of the area of the sign.



804.2: Lighting

1. Lighting shall be exterior, indirect and concealed lighting, except as otherwise permitted in the Mixed Use (B-2) Zoning District.
2. No sign lighting shall cause glare onto adjacent property or street right-of-way.
3. No flashing, neon, or animated signs shall be permitted.

804.3: Construction

1. Construction of signs shall be by accepted building standards meeting the requirements for the health, safety and welfare of the public.
2. Information regarding the proposed construction, materials and connections to the property shall be provided in the master signage application as noted in Section 805.1.

Section 805: Permits and Fees for Signage

All signs, except those noted in Section 803.1, require application for a zoning permit following the approval of a master signage plan.

805.1: Master Signage Plan Requirements

As a means of determining that signage meets any and all requirements as stated in this Ordinance, a master signage plan shall include the following information:

1. Location of the property and the location of every sign to be placed on the property, including proof that such placement is safe, does not obstruct traffic, nor cast glare onto the public right-of-way;
2. Illustration showing the size, wording and style of each sign to be used;
3. Materials to be used, type of connection to property and type and placement of lighting;
4. Application for zoning permit on a form provided by the Zoning Officer that includes the name, address, phone number and signature of the person responsible for maintenance or removal of the sign(s) if or when necessary.

805.2: Fees and Fines

1. Master signage plan application and permit shall be accompanied by a fee in an amount as set annually by Borough Council to cover the costs of application review and administration of permits.
2. Fine to be set by Borough Council for placing a sign prior to application approval. The fine shall be enforced for each thirty (30) days of non-compliance with the permit requirements.
3. A fine to be set for failure to remove or safely maintain a sign.

ARTICLE IX PARKING AND LOADING REGULATIONS

Section 900: Off-Street Loading and Parking Requirements

900.1: Applicability

Off-street loading and parking spaces shall be provided in accordance with the specifications of this Section in all zoning districts whenever:

1. Any new use of land or structure(s) is established;
2. An existing use of land or structure(s) is enlarged through addition of dwelling units, gross floor area, lot area, or other means;
3. An existing use of land or structure is changed to a different use or a new use is added;
4. Such new, enlarged, or changed use or structure shall fully comply with the specifications of this Section prior to being given a certificate of use and occupancy.

900.2: Off-Street Loading

Every commercial and industrial use that requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The permit applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate. Each off-street loading space shall not be less than ten (10) feet wide by fifty (50) feet long. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space.

900.3: Off-Street Parking

Every use shall provide off-street parking as specified in this Section. Each off-street parking space shall not be less than nine (9) feet wide by eighteen (18) feet long, exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition. The minimum number of off-street parking spaces for each use is specified below:

Use	Required Parking Spaces
Single & multiple family dwellings	2 for each dwelling unit
Mobile home parks	2 for each mobile home lot
Housing for senior citizens	1 for each dwelling unit
Hotels & motels	1 for each guest room
Funeral homes & mortuaries	25 for the first parlor plus 10 for each additional parlor
Hospitals and nursing homes	1 for each bed
Churches	1 for each 3 seats

Use	Required Parking Spaces
Schools	1 for each teacher and staff plus 1 for each 4 classrooms plus 1 for each 4 high school students
Auto sales & service	1 for each 200 sq. ft. gross floor area
Roller rinks	1 for each 200 sq. ft. gross floor area
Boarding, lodging or rooming house	1.5 for each sleeping room
Sports arenas, stadiums, theaters, auditoriums, assembly halls	1 for each 3 seats
Community buildings, social halls, dance halls, clubs & lodges	1 for each 60 sq. ft. of public floor area
Bowling alleys	5 for each alley
Banks & offices	1 for each 250 sq. ft. gross floor area
Medical offices & clinics	8 for each doctor
Dental offices	5 for each doctor
Retail stores	1 for each 200 sq. ft. gross retail area
Fast food & drive-in restaurants	1 for each 2 patron seats
Furniture stores	1 for each 400 sq. ft. gross floor area
Food supermarkets	1 for each 200 sq. ft. gross floor area
Trailer & monument sales	1 for each 2,500 sq. ft. lot area
Restaurants, taverns & night clubs	1 for each 2.5 patron seats
Industrial & manufacturing establishments, warehouses, wholesale & truck terminals	1 for each employee on the largest shift plus 1 for each 10,000 sq. ft. for visitors up to 10 additional spaces
Miniature golf	1 for each 325 sq. ft. of developed lot area
Commercial recreation (not otherwise covered)	1 for each 3 persons maximum occupancy
For uses not specified herein	1 for each 2 patrons or occupants of the use at peak use times
For a mixture of above uses	The sum of the various uses computed separately

900.4: Parking and Access Requirements for Central Business (B-1) Zoning District

1. For existing structures, parking requirements in the Central Business (B-1) Zoning District are waived due to the availability of public parking and the character of the existing structures. Where parking is provided on the property, it shall conform to the standards of this Ordinance.
2. For new mixed-use structures in the Central Business (B-1) Zoning District, parking requirements may be reduced to one (1) space per use or dwelling unit, when such

buildings provide storefront area at street level along the build-to-line and provide residential dwelling units or office space on additional floors.

3. Access driveways and entrances shall not be permitted along frontages of properties unless a property or properties in combination containing existing or proposed development have no legal access, whether improved or unimproved, to said property or properties.

Section 901: General Provisions

901.1: Construction Standards

Parking areas for the storage of five (5) or more automobiles in any zoning district shall be constructed in compliance with the following minimum standards:

1. Parking areas shall be hard surface asphalt or concrete constructed in accord with an acceptable engineering practice.
2. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck).
3. Parking areas shall be so designed to provide positive drainage to natural watercourses and/or municipal storm water systems.
4. Entrance and/or exit curb cuts shall be a minimum of eighteen (18) feet for two-way traffic and nine (9) feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum five (5) foot radius on each side.
5. Ramps shall slope to street gutter.
6. Striping and Bumpers - each parking space shall be designated by four (4) inch wide painted strips, nine (9) feet center to center by eighteen (18) feet long, angled to best advantage for each of ingress and egress.
7. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.
8. Screening or Fencing - where parking areas abut residential property on any side, adequate screening of car lights shall be provided by a thick hedge or solid fence a minimum of four (4) feet in height and not higher than six (6) feet.
9. Area Lighting - where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in accord with applicable codes.
10. In areas where no curb currently exists, curbed planting islands of ten (10) feet minimum width shall be provided with appropriately spaced breaks so as to clearly designate ingress and egress points between the parking area and any adjacent street or roadway.

901.2: Location of Off-Street Loading and Parking Spaces

Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. The Zoning Officer may permit off-street parking spaces to be on a private lot wholly within 300 feet of the lot of said use if it is impractical to provide off-street parking on the same lot as said use. In such cases, the private lot shall be in same ownership as

said use or be available in the long-term to the owner of said use via other documented means including deed restriction, lease, or other similar legal interest.

901.3: Availability of Public Parking

The Zoning Hearing Board may grant a variance to the off-street parking requirements of a use upon determination that it is both impractical to provide off-street parking on the same lot as said use and that there is adequate off-street or on-street public parking available within reasonable walking distance of said use.

901.4: Shared Use of Required Loading and Parking Spaces

In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use. The Zoning Hearing Board may grant a variance to allow shared use of spaces where normal periods of use are staggered and will not result in parking use conflicts.

901.5: Encroachment or Reduction

A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section.

Section 902: Parking and Storage of Major Recreational Equipment and Non-Agricultural Commercial Vehicles

902.1: Definitions

Major Recreational Equipment: For purposes of these regulations, major recreational equipment includes travel trailers, motor homes, camper/tent trailers, pickup campers or coaches, boats and boat trailers, and the like, as well as cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

Commercial Vehicle: For purposes of these regulations, commercial vehicle is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport sixteen (16) or more persons including the driver; or c) is used to transport hazardous materials.

902.2: Parking or Storage

No major recreational equipment or non-agricultural commercial vehicle may be parked or stored on a lot in a residential district, except in a garage or car port or behind the nearest portion of a building to a street, provided, however, that:

1. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four (24) consecutive hours during loading or unloading;
2. No more than one (1) non-agricultural commercial vehicle may be parked or stored on a lot.

902.3: Occupancy

No major recreational equipment or commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that travel trailers, motor homes, camper/tent trailers, pickup campers, or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

1. The temporary parking or occupancy period shall not exceed seven (7) days;
2. Such vehicles and/or trailers shall have adequate off-street areas to be parked behind the nearest portion of the principal building to a street.

902.4: Derelicts

No major recreation equipment or non-agricultural commercial vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it was intended.

ARTICLE X

SUPPLEMENTARY REGULATIONS

Section 1000: Supplementary Lot and Yard Regulations

1000.1: Number of Principal Structures on a Lot

Not more than one (1) principal structure shall be located on a lot except in the case of planned developments associated with permitted uses, for example, a cemetery, church, college, multi-family dwelling development, farms, governmental or governmental authority facility, hospital, nursing home, public utility facility, school, or planned commercial or industrial development.

A plot plan showing the location and arrangement of multiple structures in planned developments shall be submitted with the zoning permit application. Building arrangements and spacing within such developments shall comply with any additional regulations specified elsewhere in this Ordinance.

1000.2: 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 provided the projection into the yard shall not exceed four (4) feet:

1. Steps, stoop, window sill, awning, belt course, similar architectural features, rain leader, and/or chimney;
2. Exterior stairway, fire tower, balcony, fire escape, or other required means of egress.

1000.3: Porches, Carports and Similar Attached Accessory Structures Whether Open or Enclosed

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

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: Subdivision of Lot

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

1000.6: Use of Yards for Fences

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

1. In any residential zoning district, no fence or wall shall exceed a height of three (3) feet in any front yard or eight (8) feet in any side or rear yard;
2. No fence shall be located within the right-of-way of any public street or road.

1000.7: Use of Yards for Driveways and Parking

Residential Uses – Yard areas for residential uses may contain a driveway and a turnaround area.

Other Uses – Yard areas for other uses may contain driveways and turnaround areas and may include off-street parking spaces.

Uses in R-1 and R-2 Zoning Districts – Front yards shall be kept free of parking, except in permitted driveways, and parking shall be related to the use of the lot and not for service to other uses on other lots.

1000.8: Visibility at Intersections and Driveways

On a corner lot in any zoning district, no structure, sign, solid fence or wall, hedge, or other planting shall be erected, placed, or maintained at a height of more than three (3) feet above the curb line within the triangle formed by the street lot lines and a straight line joining said street lot lines at points which are twenty (20) feet distant from the point of intersection of the street lot lines.

Section 1001: Supplementary Height Regulations

1001.1: Exceptions to Height Requirements

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

1. 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, Communications Antenna, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment, roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus one (1) foot horizontally for each two (2) feet in which it exceeds the maximum height permitted in the zoning district in which it is located.
2. 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 the building was actually designed and constructed to support the additional stories necessary for such height.

Section 1002: Floodplain Regulations

All lands within the jurisdiction of Stoneboro Borough that are located within any General Floodplain Districts (FA), Floodway Districts (FW), and Flood-Fringe Districts (FF), as specified by the Stoneboro Borough Floodplain Management Ordinance (Ordinance No. 2 of 1983), are subject to the provisions of said regulations.

ARTICLE XI

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1100: Intent and Standards

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

1100.1: Intent

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved.

1100.2: Standard

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming structure shall not be extended or enlarged after passage of this Ordinance by any means including attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board, provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this Zoning Ordinance.

1100.3: Construction in Progress

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 zoning 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 lot fails to meet the requirements for area or width, or both, that are applicable in the zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the zoning 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 (2) 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 zoning 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 that does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made that 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:

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.
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.
3. If any such non-conforming use of land is abandoned by discontinuance 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 zoning district in which such land is located.

Section 1103: 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 zoning 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:

1. An existing structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered, except as specified.
2. A non-conforming use may be extended throughout any parts of a building that 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.
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 zoning 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.

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 zoning district in which such structure is located, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.

Section 1104: 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:

1. A structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after moved.

Section 1105: Damage or Destruction of Non-Conformities

Any non-conforming building, structure, or use that is damaged or destroyed by fire or any other means beyond the control of the property owner may be reconstructed and used as before, if such reconstruction is commenced within one (1) year of the date of said damage or destruction. The reconstructed building and use may cover no greater area and contain no greater cubic content than the building and use prior to damage or destruction and must conform to lot, yard, and height requirements of the zoning district and provide required off-street loading and parking spaces for the intended use(s), unless a variance is granted by the Zoning Hearing Board.

Section 1106: 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 variance.

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 1107: Special Exceptions and Conditional Uses Not Non-Conforming Uses

Any use for which a special exception or conditional use is authorized, 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 zoning 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 Borough Council as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Borough Council shall establish qualifications for the position of Zoning Officer that 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 Borough 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 that does not conform to the Zoning Ordinance.

1201.1: Zoning Permits and Certificates of Use and Occupancy

The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses that are permitted as a conditional use shall be issued only upon approval of the Borough Council. Zoning permits and certificates of use and occupancy for construction and uses that are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

1201.2: Annual Report

The Zoning Officer shall annually submit to the Borough Council a report of all zoning permits and certificates of use and occupancy, notices issued and orders.

1201.3: Inspections

The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an *active or pending* application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this Zoning Ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining

permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

Section 1202: Zoning Permit

1202.1: When Zoning Permit is Required

A zoning permit shall be required for any of the following (except where otherwise indicated in this Ordinance):

1. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Borough.
2. Construction, erection, enlargement, reconstruction, or structural alteration of any building, structure, and/or sign including placement of a mobile home on a property.

An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine of \$25.00 shall be added to the cost of the zoning permit for failure to obtain a zoning permit before construction.

1202.2: When a Certificate of Use and Occupancy is Required

It shall be unlawful to use and/or occupy any building, other structure, and/or land for which a zoning 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 purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this Ordinance. 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 and may be on the same form.

1202.3: Forms of Application

The application for a zoning 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.

1202.4: 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 that the Zoning Officer may require to make a decision on the zoning permit. One (1) copy shall be returned to the applicant indicating approval or disapproval, one (1) copy shall be retained by the Zoning Officer.

1202.5: Additional Application Requirements for Uses Specified in Article VII, Additional Use Criteria

An application for a use specified in Article VII, Additional Use Criteria, shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria and standards specified for that

use in Article VII. If such use is a conditional use or special exception, further information and drawings may be required by the Borough Council or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

1202.6: Amendments to a Zoning Permit

Amendments to a zoning 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 zoning permits that have been authorized by action of the Borough Council or Zoning Hearing Board in which case the Council or Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

1202.7: Expiration of Zoning Permits

If work described in any zoning permit has not begun within 180 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 (1) 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 zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one (1) 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 extension.

Section 1203: Action on Zoning Permits and Certificates of Use and Occupancy

1203.1: Action on Zoning Permit Application

The Zoning Officer shall act on all applications for zoning permits and amendments thereto within ten (10) days after filing except where otherwise indicated. He/she shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit. He/she shall also review the application to ensure that the proposed activities comply with the Borough Floodplain Management Ordinance (Ordinance No. 2 of 1983). If the application and preliminary inspection indicate compliance with the Zoning Ordinance and the Floodplain Management Ordinance, a zoning permit shall be issued. Disapproval of a zoning permit shall be in writing to the applicant.

1203.2: Posting of Zoning Permit

The zoning 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 Zoning Permit

The Zoning Officer may revoke an issued zoning 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 zoning permit shall notify the Zoning Officer of such completion. The Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved zoning 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 zoning permit and complies with the Zoning Ordinance, he/she shall issue a certificate of use and occupancy for the use indicated in the zoning 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 ten (10) days after receiving notice of completion of the permitted work.

Section 1204: Fees

1204.1: Payment of Fees

No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Borough Council have been paid.

1204.2: Exemptions

Any accessory structure used solely for agricultural purposes or any building less than one hundred (100) square feet in floor area shall be exempt from payment of fees.

Section 1205: Enforcement Notice

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he/she shall initiate enforcement proceedings by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Borough Secretary and Borough Solicitor. As specified in the Planning Code, the enforcement notice shall state the nature and location 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 Council to authorize the Borough Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Pennsylvania Municipalities 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 special exceptions and/or variances 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:

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.
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 Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) 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 Borough 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 Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any below-listed 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:

1. Other principal uses not explicitly permitted within a zoning district: A use that 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 as a special exception 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.

ARTICLE XIV AMENDMENT

Section 1400: Procedure for Amendments

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

1. Initiation: Any amendment may be initiated by:
 - a. The Borough Planning Commission;
 - b. The Borough Council;
 - c. A notarized petition to the Borough Council by the owner of the property involved or by a party having legal interest therein.
2. Public Review and Input: Before voting on the enactment of an amendment, the Borough Council shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:
 - a. A public hearing on the proposed amendment;
 - b. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land;
 - c. Referral of the proposed amendment to the Borough Planning Commission and Mercer County Regional Planning Commission;
 - d. Planning Commission for review and comment.
3. Application Form: An application for amendment shall be submitted in a form prescribed by the Borough 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.
4. Fee: Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Borough Council.

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 Borough 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

DEFINITIONS

Section 1600: General Interpretation

For the purposes of this 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", "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 1601: Definition of Terms

Abutting: Having property or district lines in common, for example, two (2) lots are abutting if they share a common property line.

Access: A way of approaching or entering a property.

Accessory (Building or Use): A building or use is accessory if it (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and (4) is located on the same zoning lot as the permitted principal use.

Accessory Apartment: A separate, complete housekeeping unit that (1) is contained within the structure of a single-family dwelling but can be isolated from it, or (2) is contained within an existing accessory building.

Addition: Any construction that increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

Agent of Owner: Any person who can show written proof that he/she has the authority to act for the property owner.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products, fur animals, fruits of all kinds, vegetables, or lands devoted to soil conservation.

Alley: The space or area between the rear or side lot lines of lots that has a minor right-of-way width of twenty (20) feet or less that is dedicated for the public use of vehicles and pedestrians and that affords secondary access to an abutting lot.

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, that would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his/her heirs, successors and assigns.

Awning: 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 (1/2) or more than one-half (1/2) of its floor-to-ceiling height below the average grade of adjoining ground.

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

Block: The length of a street between two (2) street intersections, or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Boarding House (also Rooming House): A dwelling unit, or part thereof, in which, for compensation, lodging and meals are provided. Personal and financial services may be offered as well.

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

Build-to-line: A line, established at a certain distance from the right-of-way, along which a building shall be built.

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 mobile homes.

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 sidewalls of all, except the end structures, are party walls.

Building, Detached: A building that has no party wall.

Building, Principal: A building in which the primary use of the lot on which the building is located is conducted.

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

Building Setback Line: A line on a lot plan that marks the building setback.

Canopy: A canopy shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a pedestrian or vehicular thoroughfare, and carried by a frame supported by the ground or sidewalk.

Carport: A roofed structure having two (2) or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty percent (50%) of such wall area must remain open. In addition, the carport shall not extend into any required yard.

Cartway: The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs.

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 Facility: Provides out-of-home care for part of a 24-hour day to children fifteen (15) years and younger including care provided in public or private profit or nonprofit facilities. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times childcare is provided. This Ordinance identifies three levels of childcare facilities consistent with current regulations of the Commonwealth of Pennsylvania:

Church: A building used for non-profit purposes by a recognized and legally established sect solely for the purpose of 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 Vehicle: For purposes of this Ordinance is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport sixteen (16) or more persons including the driver; or c) is used to transport hazardous materials.

Conditional Use: A permission or approval granted by the Borough Council to use land in a zoning district for a purpose other than that permitted outright in that district. Conditional uses are specified in the Zoning Ordinance and may be approved or denied by the Borough Council only in accordance with the express standards and conditions set forth herein. The Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the Zoning Ordinance in accord with the Pennsylvania 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 mobile homes.

Convalescent Home: A facility that provides nursing services and custodial care on a 24-hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

Conversion: Changing the original purpose of a building to a different use.

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

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

Curb Level: The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure measured at the centerline of such 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.

Day Care Center: A state-certified facility providing care for seven (7) or more children where the childcare area is not a family residence.

Dedication: The transfer of property from private to public ownership.

Deed Restriction: See Covenant.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the subdivision of land, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

Domestic Pet: Animals integrated into and that may become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship – traditionally dogs, cats, small birds, etc.

Driveway: A private roadway providing access for vehicles from a public or private street to a parking space, garage, dwelling, or other structure.

Dwelling: A building or part of a building containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one (1) or more families.

Dwelling, Multiple-Family: A building having three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling, Single-Family: A building designed for and used exclusively for occupancy by one (1) family.

Dwelling, Two-Family: A building having two (2) dwelling units and designed to be used or occupied as a residence by two (2) families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling Unit: A building or portion thereof providing complete house keeping facilities for one (1) family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings and similar portable structures. All dwelling units shall have a minimum of 750 square feet of residential floor area (as defined herein).

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

Enlargement: A construction activity that increases the size of a building or other structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or authorities of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety, or general welfare, excluding Communications Antenna and Communications Towers, as defined herein.

Family: A group of individuals not necessarily 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 Home: A state-certified family residence with one (1) caregiver providing care for four (4), five (5), or six (6) children unrelated to the caregiver.

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

Floor Area, Gross: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area, Residential: The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, that does not involve any land development.

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.

Garage, Private: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

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

Group Day Care Home: A state-certified facility providing care for no more than twelve (12) children where the child care area is a family residence.

Group Home: A single dwelling unit that is occupied, on a permanent basis, by a group of unrelated persons with some sort of disability in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

Height of Building: The vertical distance from the grade to the highest point on a building.

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

Home-Based Business: A business or professional use conducted within a dwelling or its accessory structure(s) that is conducted in whole or part by the occupant(s) of the dwelling unit and that remains subordinate and incidental to the residential use.

Home Occupation: A business or professional occupation that (1) only the occupant(s) of a dwelling unit is (are) engaged; (2) occurs within the dwelling unit or customarily subordinate accessory structure; (3) remains subordinate and incidental to the residential use; and (4) does not alter the appearance or essential character of the residential use or have signs, parking, traffic, lighting, odors, noise, etc., uncharacteristic of a residential use.

Hospital: A private or public institution where the sick or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc. during illness or injury.

Hospital, Veterinary: A structure designed or converted for the care of and/or treatment of sick or injured domestic animals.

Hotel: A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

Housing Unit: Same as dwelling unit.

Junk: Any worn, cast off, or discarded articles or material that is/are ready for destruction or that has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such article or material that is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material that, unaltered, does not need 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 Dealer: Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Borough of Stoneboro.

Junkyard: The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage,

keeping, or abandonment of junk. A "junkyard" shall include an automotive wrecking yard. Three (3) or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junkyard.

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

Land, Developed: "Improved land" with buildings.

Land, Improved: "Raw land" that has been provided with basic utilities such as water, sewer, streets and sidewalks, but not buildings.

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

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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: The basic development unit, an area with fixed boundaries, used or intended to be used customarily by one (1) building and its accessory building(s) and not divided by any road or alley. A "zoning lot" must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street. A lot shall not include any portion of the street right-of-way.

Lot Area: The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) 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 mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Frontage: See "Frontage".

Lot, Interior: A lot whose side lot lines do not abut a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The line separating the lot from a street 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 or a side lot line separating a lot from a street is called a side street lot line.

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

Lot, Non-Conforming: A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto that does not completely conform with the area regulations and other provisions prescribed for the zoning district in which it is located.

Lot of Record: A lot that is part of a recorded subdivision or a parcel of land that 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.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, but not extending the full width of the structure, generally designed and constructed to provide protection from the weather.

Mineral Excavation: The excavation or extraction of any earth products of natural mineral deposit, including but not limited to limestone and dolomite, sand and gravel, rock and stone, salt, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas, except where such excavation is for purposes of grading for a building lot or roadway.

Mobile Home: A transportable, self-contained, dwelling designed for occupancy by one (1) family and designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels and that may be temporarily or permanently affixed to land, used for nontransient residential purposes, constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing, and upon arrival at the site where the mobile 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 on foundation supports, connections to utilities and the like.

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 not be considered as a mobile home.

Mobile Home Lot: A parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park: A parcel of land under single ownership that has been specifically planned and improved for the long-term placement of two (2) or more mobile homes for non-transient use in a safe and desirable manner.

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.

Nursing Home: A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.

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 that 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.

Personal Care Home: A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing lodging, food and some support services to the aged, ill, or disabled.

Personal Storage Unit: A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

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, Act 131 of 1992, Act 67 and 68 of 2000, 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 (1) or more lots or portions thereof that 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.

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

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

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

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

Recreational Equipment, Major: Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motor homes, camper/tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. Specific definitions include:

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

Pickup Camper or Coach: A structure designed primarily to be mounted on a pickup truck or truck chassis with sufficient support and facilities to render it suitable for use as a temporary dwelling for travel, recreational, or vacation purposes.

Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. It can be either a converted truck, bus, or a custom-built unit.

Camping/Tent Trailer: Usually consists of a fold-out tent mounted completely on a low trailer.

Recreation Space: An area of land unoccupied by a building and/or other structure that is maintained to permit human use and recreation.

Recreational Vehicle Park: A plot of land upon which two (2) 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.

Road: Any street, highway, or other public roadway that 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.

Setback: See "Building Setback".

Sign: As defined in Article VIX of this Ordinance.

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 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. Special Exceptions are granted by the Zoning Hearing Board.

Story: A part of a building comprised between a floor and a floor or roof next above.

Street: See "Road".

Structure: A combination of materials forming a construction for occupancy and/or use including, among other, a building, stadium, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall and a sign.

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 legal structure existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto that does not completely conform to the height regulations, area regulations and other provisions prescribed for the zoning district in which it is located.

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 (2) 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.

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.

Trailer: Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

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

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, Non-Conforming: A legal use of a building, other structure, and/or land existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, that does not completely conform with the use regulations and other provisions prescribed for in the zoning district in which it is located.

Use, Principal: The main or primary purpose for which a building, other structure, and/or land is designed, arranged, or intended, or for which it may be used, occupied, or maintained under the Zoning Ordinance. All other uses on the same lot and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

Utility, Private or Public: (1) Any agency that, 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 application in specific cases, from the terms of the Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the zoning regulations will result in

unnecessary hardship, and so that the spirit of the zoning regulations will be observed and substantial justice done.

Visual Obstruction: Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them that 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, 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.

ARTICLE XVII
EFFECTIVE DATE & ADOPTION

Section 1700: Effective Date

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by the Borough Council of Stoneboro Borough, Mercer County, Pennsylvania.

Section 1701: Adoption

We hereby certify that the Stoneboro Borough Zoning Ordinance was adopted by the Borough Council of Stoneboro Borough, Mercer County, Pennsylvania this _____ day of _____, A.D., _____.

Stoneboro Borough, Mercer County, Pennsylvania

PRESIDENT OF BOROUGH COUNCIL

(SEAL)
ATTEST:

BOROUGH SECRETARY

MAYOR

**ARTICLE XVIII
CERTIFICATION**

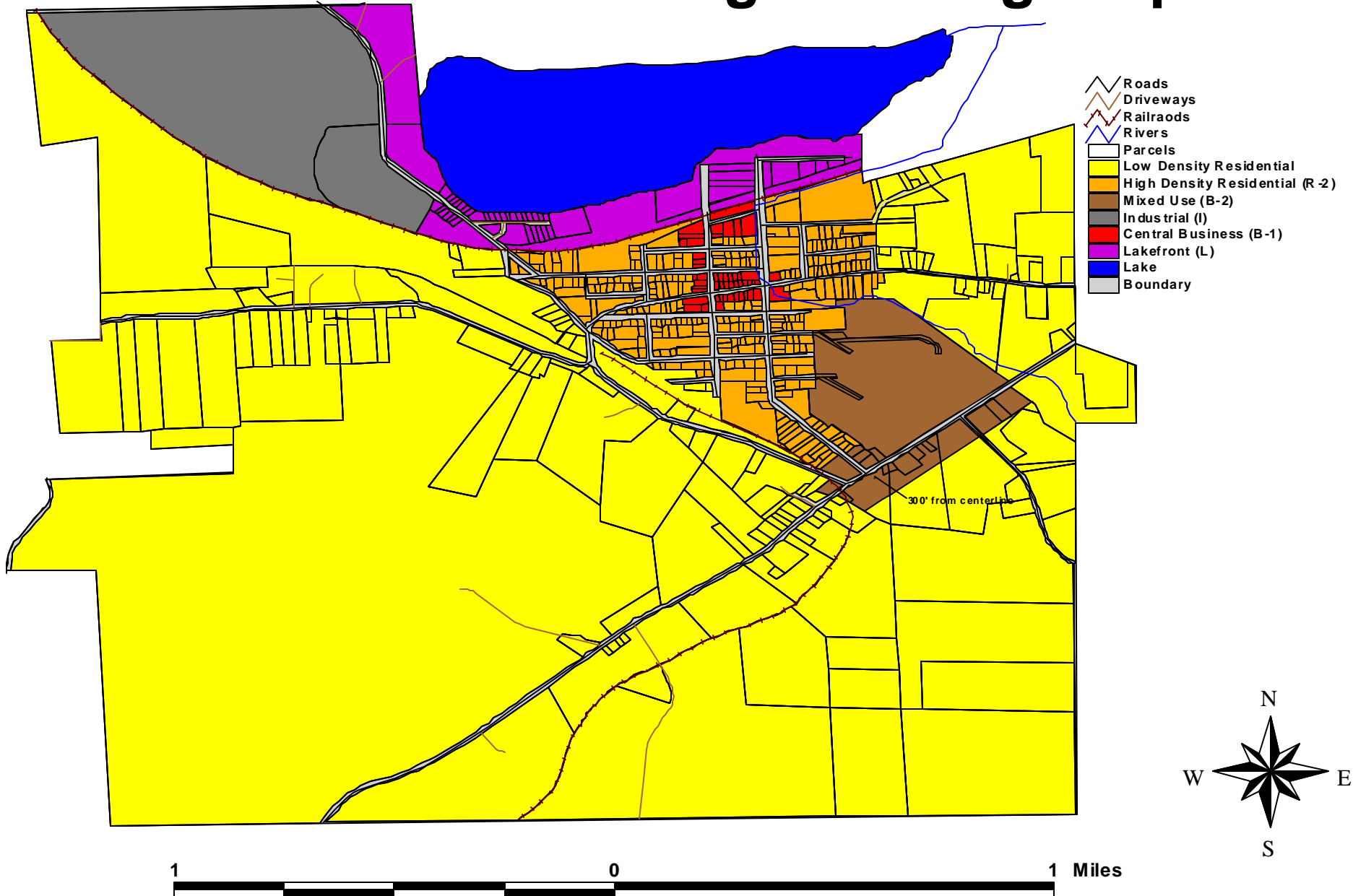
Section 1800: Certification

I do hereby certify that the foregoing is a true copy of Ordinance Number _____, adopted by the Borough Council of Stoneboro Borough, Mercer County, Pennsylvania on

_____, A.D., _____.

BOROUGH SECRETARY

Stoneboro Borough Zoning Map



Stoneboro Borough Downtown Zoning Map

