

CHAPTER 27

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PART 1

SHORT TITLE, PURPOSE, SCOPE, COMMUNITY DEVELOPMENT OBJECTIVES, INTERPRETATION

§101. Short Title.

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

(Ord. 1351, 6/9/1998 §100; as amended by Ord. 1444, 10/11/2005, §1)

§102. Purpose.

1. The regulations of this Chapter are made in accordance with a comprehensive plan and designed to achieve the following purposes:
 - A. **Promote Orderly Development.** To protect the character and maintain the stability of residential, business and manufacturing areas within the Borough, and to promote the orderly and beneficial development of such areas.
 - B. **Limit Street Congestion.** To limit congestion in the public streets and to protect the public safety and convenience by providing for off-street parking of motor vehicles, and for the loading and unloading of commercial vehicles.
 - C. **Protect Against Hazards.** To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and the general welfare.
 - D. **Regulate Intensity of Use.** To regulate the intensity of use of zone lots, and to determine the area of open spaces surrounding buildings and structures which are necessary to provide adequate light and air circulation around buildings, privacy and convenience of access to property, and to avoid undue concentration of population.
 - E. **Provide Adequate Facilities.** To facilitate the adequate provision of housing, commercial and industrial development, transportation, water supply, sewerage, schools, parks and other public requirements.
 - F. **Establish Standards of Development.** To fix reasonable standards to which buildings or structures shall conform.

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- G. Prohibit Incompatible Uses. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
 - H. Regulate Alterations of Existing Buildings. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
 - I. Conserve Taxable Value of Land. To conserve the taxable value of land and buildings by encouraging the most appropriate use of land throughout the Borough.
2. Such regulations are also made with reasonable consideration, among other factors, to the character of the districts hereinafter set forth and their peculiar suitability for particular uses, and with a view to encouraging the most appropriate use of land throughout the Borough.

(Ord. 1351, 6/9/1998 §101; as amended by Ord. 1444, 10/11/2005, §1)

§103. Scope.

This Chapter establishes zoning districts and permits, prohibits, regulates, restricts and determines within these districts and the boundaries of the Borough of Greenville:

- A. Uses of land, watercourses and other bodies of water.
- B. Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.
- C. Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures.
- D. Density of population and intensity of use.
- E. Protection and preservation of natural resources and agricultural land and activities.

(Ord. 1351, 6/9/1998 §102; as amended by Ord. 1444, 10/11/2005, §1)

§104. Statement of Community Development Goals and Objectives.

This Chapter has been developed as a legislative and administrative tool to help the Borough Council and Planning Commission carry out the general development goals and objectives as prescribed in the Greenville Borough Comprehensive Plan and con-

tained in Section 1, Volume II, of said Plan. A generalized summary of these Community Development Goals and Objectives follow:

- A. Overall Goal. It is the overall goal of the Borough of Greenville to develop and preserve a pleasant, attractive, healthy, safe and convenient environment for living, working, shopping and relaxing.
- B. Land Use. To provide and perpetuate a land use pattern which includes a wide variety of interrelated land uses in proper proportion, which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.
- C. Environmental. To preserve and enhance the natural and cultural environment of Greenville so that people and nature will exist in productive harmony.
- D. Esthetic. To enrich the lives of all residents by striving to improve the esthetic quality and visual impact of the man-made environment and by preserving and enhancing the natural environment.
- E. Transportation, Traffic and Circulation. To provide the safe and convenient circulation and movement of goods and people within the community and to points beyond utilizing all methods practical.
- D. Economy. To establish diversified and enduring economic structure which provides residents with a variety of employment opportunities while at the same time preserving a healthful, secure, and pleasant residential environment.
- E. Housing. Provide adequate housing for all the residents of Greenville.
- F. Community facilities and Services. Provide for facilities, services and utilities of the quantity and quality necessary to meet the physical, social, cultural, recreational and esthetic needs of the community and to do so in a timely and fiscally responsible manner.
- G. Energy Conservation. To promote the conservation of energy in every way possible as a matter of serious public concern.
- H. Historical Preservation. To preserve Greenville's historical heritage for the enjoyment, enrichment, and education of future generations, and to engender and perpetuate an appreciation and respect for Greenville's early efforts and achievements.

(Ord. 1351, 6/9/1998 §103; as amended by Ord. 1444, 10/11/2005, §1)

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§105. Interpretation.

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

(Ord. 1351, 6/9/1998 §104; as amended by Ord. 1444, 10/11/2005, §1)

PART 2
ZONING DISTRICTS

§201. Zoning Districts.

The Borough of Greenville is hereby divided into the following Zoning Districts:

DISTRICT TITLE	DISTRICT ABBREVIATION
Residential Zoning District	R-1
Residential Family Zoning District	R-2
Residential Medium Density Zoning District	R-3
Public Institutional Zoning District	PI
Commercial – Residential Zoning District -1	CR-1
Commercial – Residential Zoning District -2	CR-2
Central Business Zoning District	C
Light Manufacturing Zoning District	LM
Industrial Zoning District	I

(Ord. 1351, 6/9/1998 §200; as amended by Ord. 1444, 10/11/2005, §1)

§202. Boundaries of Zoning Districts.

The boundaries of Zoning Districts shall be as shown upon the Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts the following rules shall apply:

- A. Where a zoning district boundary approximately follows the center line of a street or alley, the center line of such street or alley shall be interpreted to be the zoning district boundary.
- B. Where a zoning district boundary approximately parallels a street lot line or alley lot line, the 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.
- C. Where a zoning district boundary approximately follows a lot line, the lot line shall be interpreted to be the zoning district boundary.

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- D. Where a zoning district boundary follows a body of water, the boundary shall be interpreted to be as the limit of the jurisdiction of the Borough unless otherwise indicated.
- E. Submerged Areas. All areas within the Borough which are under water and are bounded by two or more zoning districts the boundary lines of these districts shall be extended to the center of the body of water.
- F. Classification of Annexed Lands. Any land annexed to or made part of the Borough subsequent to the adoption of this Chapter, shall immediately be classified in the same zoning district as the area to which it is contiguous, as of the effective date of annexation.
- G. Vacation of Public Ways. Whenever any street or alley is vacated, the zoning district or districts adjoining each side of such street or alley shall be automatically extended to the center of such vacated area.
- H. Lots in Two Zoning Districts. Where a zone boundary line divides a lot or parcel in single ownership at the time of the passage of this Chapter, any use authorized or permitted in either zone by extending a distance not to exceed 50 feet beyond the boundary of the zone in which such use is authorized or permitted.

(Ord. 1351, 6/9/1998 §201; as amended by Ord. 1444, 10/11/2005, §1)

PART 3

RESIDENTIAL ZONING DISTRICTS

§301. Intent of Residential Districts.

The intent of the Residential Districts is to provide zoning districts in which the predominate use will be residential, while providing for those uses that are generally considered residential in character, or that serve the immediate needs of their residential neighborhoods. It is further the intent of these regulations to permit the orderly development of the full range of residential uses and reuses in keeping with the character of the neighborhoods within which such uses take place.

- A. R-1 Zoning District. To provide a zoning district in which the predominate use will be single-family homes with height and area regulations establishing an intensity of land use designed to effect low density residential development therein.
- B. R-2 Zoning District. To provide a zoning district in which the predominate use will be residential with height and area regulations establishing an intensity of land use designed to encourage the proper development of single and two-family dwellings.
- C. R-3 Zoning District. To provide a zoning district in which the predominate land use will be residential and provide for dwelling unit types and densities that permit the development of single-family and two-family dwellings and encourage the construction of medium density, multi-family developments.
- D. RM-3 Zoning District. To provide a zoning district that accommodates the development of health services in a transitional residential area located adjacent to a major hospital.

(Ord. 1351, 6/9/1998 §300; as amended by Ord. 1444, 10/11/2005, §1)

§302. Principal, Accessory, Conditional and Special Exception Uses.

PRINCIPAL USES	DISTRICTS		
	R-1	R-2	R-3
*Single-family dwellings	X	X	X
*Two-family dwellings		X	X
*Multi-family dwellings			X
Conversion of existing structures into duplex or multi-family structures	X	X	X
Public schools and private schools of character similar to the public schools	X	X	X
*Churches, parish houses, church schools and other church uses		X	X
Essential services	X	X	X

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ACCESSORY USES

DISTRICTS

	R-1	R-2	R-3
Private garage	X	X	X
Shelter for household pets (in accordance with Greenville’s Animal Ordinance)	X	X	X
*Fences, walls and similar accessory structures	X	X	X
*Home Satellite Dishes	X	X	X
Storage Shed	X	X	X
Greenhouse	X	X	X
Solar heat collector	X	X	X
*Storage or parking of commercially licensed vehicles	X	X	X
*Parking and storage, or use of major recreational equipment	X	X	X
Tennis court for non-commercial use	X	X	X
*Swimming pool	X	X	X
*Home Occupation	X	X	X
*Parking and loading facilities	X	X	X
*Signs	X	X	X
*Boarding room, or rooming unit in a single-family dwelling		X	X
Public Grounds	X	X	X

DISTRICTS

CONDITIONAL USES

	R-1	R-2	R-3
*Group home	X	X	X
*Personal Care Residence	X	X	X
*Conversion and reuse of abandoned schools or other public buildings for non-residential use	X	X	X

DISTRICTS

SPECIAL EXCEPTION USES

	R-1	R-2	R-3
*Hotel or motel and related ancillary facilities			
*Conversion of residential house into a bed & breakfast establishment	X	X	X

KEY

SYMBOL

ACTION

- X Permitted Use
- * See Part 9, §901 for additional criteria

KEY

SYMBOL ACTION

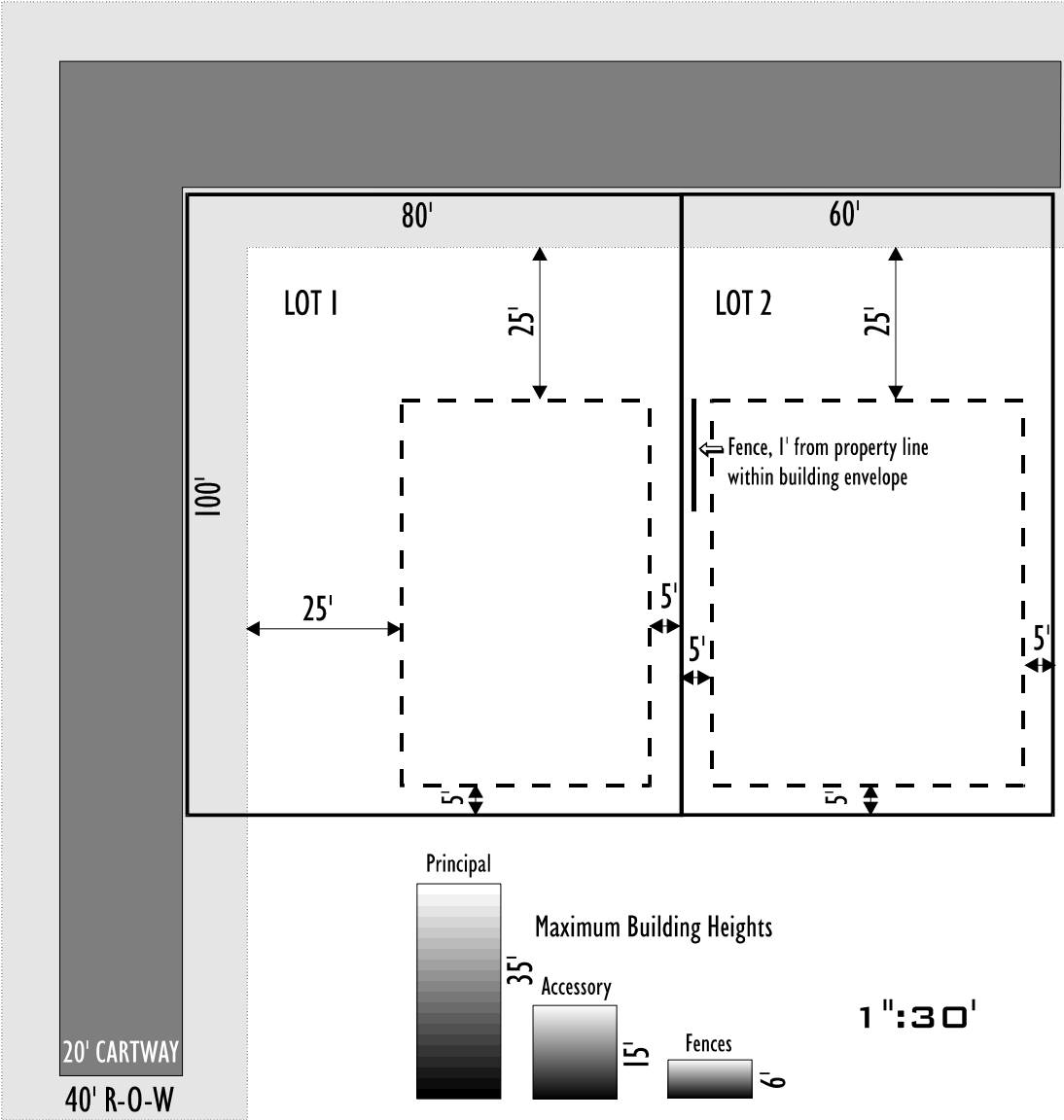
A use which is not listed may be permitted subject to the conditions outlined in Article XIV

(Ord. 1351, 6/9/1998 §301; as amended by Ord. 1444, 10/11/2005, §1)

§303. Density, Yard, Lot, Height and Area Requirements.

Development in all four residential districts shall be controlled by the following requirements:

Maximum Lot Coverage 35%



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Minimum Lot Area: 6,000 square feet

Minimum Lot Width: 60 feet

Building Setbacks (Principal and Accessory Structures)

Front Yard: Existing Neighborhood Average setback of existing principal structures on adjoining properties, as determined by the Zoning Officer.

Planned Development with new streets 25 feet from street right-of-way

Side Yard: Five feet

Rear Yard: Five feet

Maximum Building Height for principal structures not to exceed 35 feet

NOTE: All non-conforming lots of record may be built upon, provided all yard, height, and minimum floor area standards are met.

(Ord. 1351, 6/9/1998 §302; as amended by Ord. 1444, 10/11/2005, §1)

§304. Floor Area.

1. Permitted Floor Area. The maximum permitted square feet of floor area shall be determined as a ratio of floor area to total square feet of lot area. Floor area is the building area excluding garages, basements and accessory buildings.

A. Floor Area Ratios (FAR).

DISTRICTS	FAR
R-1	0.3
R-2	0.5
R-3	0.8

B. Examples of Permitted Maximum Floor Area (MFA).

DISTRICT	LOT AREA	FAR	MFA
R-1	6,000 SQ FT	0.3	1,800 SQ FT
R-2	8,000 SQ FT	0.5	4,000 SQ FT
R-3	7,000 SQ FT	0.8	5,600 SQ FT
FORMULA		MFA = FAR *LOT AREA	

2. Minimum Floor Area per Residential Living Unit. The combined square footage of all converted residential units within a structure shall not exceed the maximum permitted floor area, as determined in subsection (1).

A. Minimum Floor Area per Residential Living Unit (RLU).

DISTRICT	MINIMUM FLOOR AREA PER RLU
R-1	850 SQ FT PER UNIT
R-2	700 SQ FT PER UNIT
R-3	550 SQ FT PER UNIT

B. Examples of Minimum Floor Area Per Residential Living Unit.

DISTRICT	FAR	Lot Area	Existing Floor Area	Minimum Floor Area Per RLU	# Of Permissible Units
R-1	0.3	8,000 SQ FT	2,400 SQ FT	850 SQ FT	2 UNITS
R-2	0.5	6,000 SQ FT	3,000 SQ FT	700 SQ FT	4 UNITS
FORMULA				# OF UNITS = EFA/Minimum Floor Area Required	

(Ord. 1351, 6/9/1998 §303; as amended by Ord. 1444, 10/11/2005, §1)

PART 4

PUBLIC/INSTITUTIONAL ZONING DISTRICT

§401. Intent of Public/Institutional Zoning District.

The intent of the Public/Institutional Zoning District is to provide a zoning district that encourages the development of public institutional type uses in an environment conducive to such development and protected from the intrusions of commercial development.

(Ord. 1351, 6/9/1998 §400; as amended by Ord. 1444, 10/11/2005, §1)

§402. Principal, Accessory, Conditional and Special Exception Uses.

PRINCIPAL USES

*Single-family dwellings

*Two-family dwellings

*Multi-family dwellings

Conversion of existing structures into duplex or multi-family structures

Public schools and private schools of character similar to the public schools

College facilities and related structures to include dormitories and Fraternity and sorority houses

Charitable institution

Private or Commercial school similar in character to public, nursery, pre-kindergarten, and business schools

Cultural facility (libraries, museums, and art galleries)

*Personal Care Residence

Essential services

Nursing home facility (skilled intermediate or long term)

*Parking lot and/or parking structure

*Bed and Breakfast Establishment

Public Grounds

ACCESSORY USES

Private garage

Shelter for household pets (in accordance with Greenville's Animal Ordinance)

*Fences, walls and similar accessory structures

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ACCESSORY USES

Storage Shed/Greenhouse

Solar heat collector

*Storage or parking of commercially licensed vehicles

*Parking and storage, or use of major recreational equipment

Tennis court for non-commercial use

*Swimming pool

*Home Occupation

*Parking and loading facilities and Signs

*Boarding room, or rooming unit in a single-family dwelling

Home Satellite dishes

KEY

SYMBOL ACTION

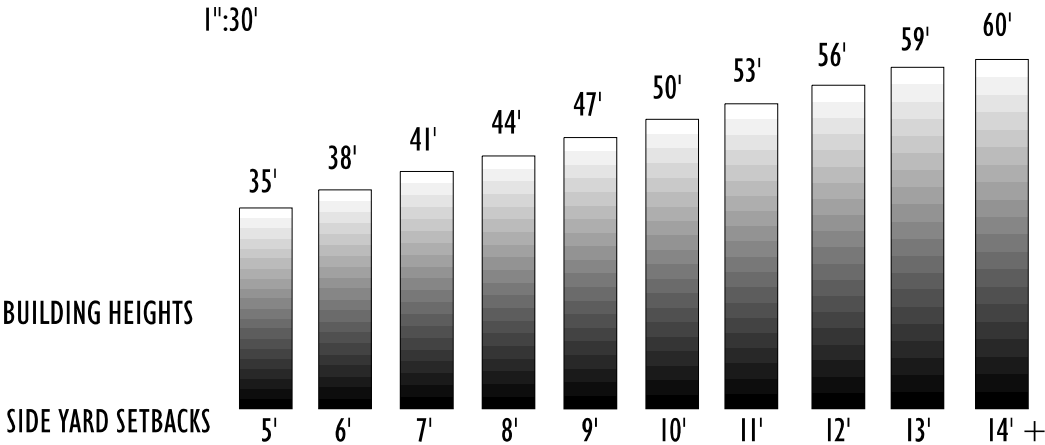
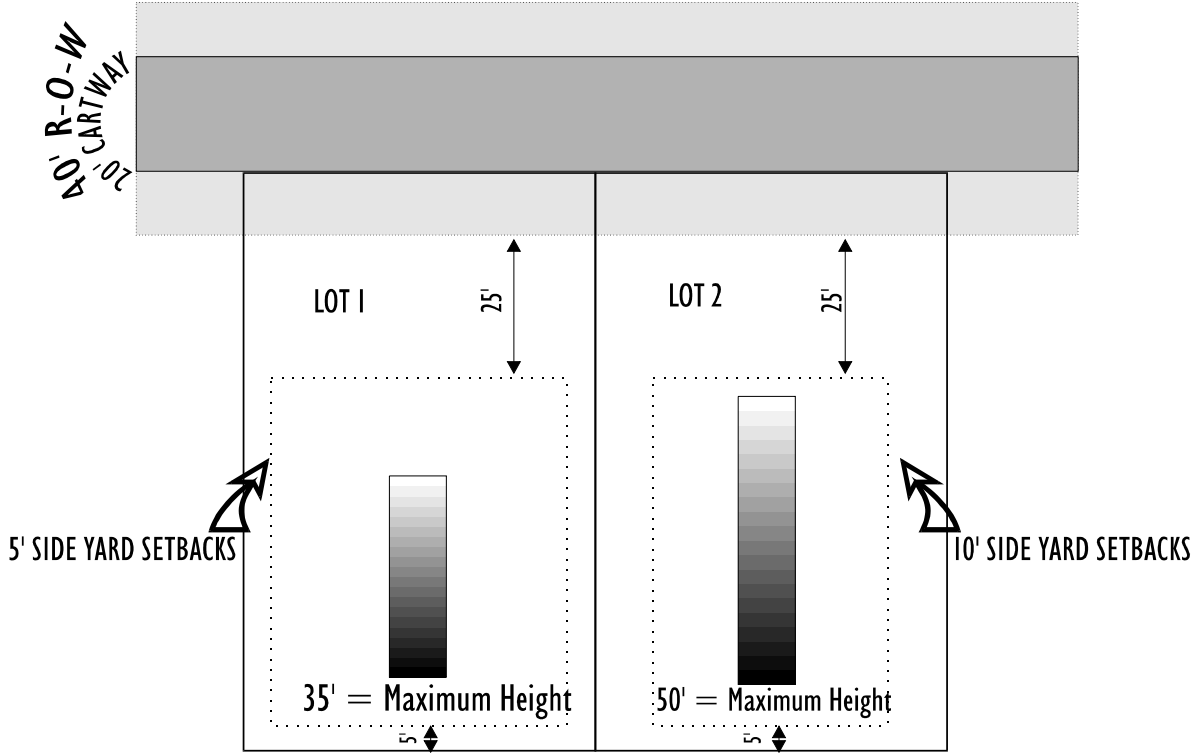
* See Article IX, Section 910 for additional criteria

A use which is not listed may be permitted subject to the conditions outlined in Part 14.

(Ord. 1351, 6/9/1998 §401; as amended by Ord. 1444, 10/11/2005, §1)

§403. Density, Yard, Lot, Height and Area Requirements.

1. All permitted uses density, yard, lot, and area requirements shall conform with Part 3, §§303 and 304 for the R-3 zoning district.
2. Non-dwelling Structures Height Requirements.
 - A. Maximum height for permitted non-dwelling buildings may exceed 35 feet provided that an additional three feet above the 35 feet maximum is permitted for each one foot the side yards are increased beyond the required five feet minimum side yards, but not exceeding a total height of 60 feet.
 - B. Example of Height Requirements for Non-dwelling Structures.



(Ord. 1351, 6/9/1998 §402; as amended by Ord. 1444, 10/11/2005, §1)

PART 5

CENTRAL BUSINESS ZONING DISTRICT

§501. Intent of Central Business Zoning District.

The intent of the Central Business Zoning District is to provide a zoning district in which will be encouraged the development of an attractive, functional and efficient central shopping and business district containing offices and retail service establishments serving the entire community.

(Ord. 1351, 6/9/1998 §500; as amended by Ord. 1444, 10/11/2005, §1)

§502. Principal, Accessory, Conditional, and Special Exception Uses.

PRINCIPAL USES

Retail businesses

Service establishments

General and professional offices

Churches and related uses

*Eating and drinking establishments: restaurants, cafes, and taverns

Hotels, motels and ancillary services and facilities

Commercial recreation uses

Clubs: membership club, lodge, and fraternal organization

Printing establishments

Essential services

*Automotive gasoline service station

*Automotive dealer establishments

Medical and dental clinics

*Car washes

*Drive-in eating establishments

*Dwelling units

Cultural Facilities

Public Grounds

*Parking lot and/or parking structure

ZONING

ACCESSORY USES

- *Home Occupations
- *Signs
- *Parking and loading facilities
- *Processing, cleaning, servicing, testing or repair

KEY

SYMBOL ACTION

* See Article IX, Section 920 for additional criteria

See Article X for performance standards for all permitted uses.

(Ord. 1351, 6/9/1998 §400; as amended by Ord. 1444, 10/11/2005, §1)

§503. Density, Yard, Lot, Height and Area Requirements.

PROVISION	REQUIREMENT
Lot area & width	none
Front, side & rear yard setbacks	none
Maximum lot coverage	none, provided all parking & loading requirements are met
Height	The maximum height shall be 40 feet or four stories

PART 5B

MIXED-USE OVERLAY ZONING DISTRICT

§501B. Intent of Mixed-Use Overlay Zoning District.

The intent of the Mixed-Use Overlay Zoning District is to encourage a diversity of compatible land uses, such as commercial, residential, office, institutional and other appropriate uses, on one site, in order to create pedestrian-oriented neighborhoods that complement the existing neighborhoods in the Borough through increasing pedestrian traffic, reducing vehicular traffic, promoting innovative use of space, energy efficient design, conservation of land and promoting infill development, especially on brownfield sites in the Borough, in accordance with the Greenville-Hempfield Multi-Municipal Comprehensive Plan.

(Ord. 1351, 6/9/1998 §550; as amended by Ord. 1444, 10/11/2005, §1)

§502B. Location and Minimum Development Size.

1. Location. The Mixed-Use Overlay Zoning District can be applied to lands in the Industrial (I), Central Business (C) and Multi-Family Residential (R-3) Zoning Districts.
2. Minimum Development Size. To be considered for designation of the overlay district, a development must contain 30 acres or more. A development may also be considered for designation if it will expand or continue a development already approved under the provisions of this Part but does not meet the minimum size requirement.
3. Maximum and Appropriate Permitted Residential Density. The total number of dwelling units shall be established during the tentative plan process. The Planning Commission shall establish the appropriate residential density for the development as a recommendation to the Borough Council, but in no case shall there be more than eight units per acre for the entire site.

(Ord. 1351, 6/9/1998 §551; as amended by Ord. 1444, 10/11/2005, §1)

§503B. Uses and Regulations.

1. General Design Standards and Provisions.
 - A. Use.
 - (1) The entire area of the Mixed Use Overlay District shall be divided into blocks, streets, lots and natural open space or recreation areas.

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- (2) Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines or alleys. Corner lots which front on streets of dissimilar use shall be setback the same as the adjacent use with the lesser setback.
- (3) Permitted uses include:
 - (a) Single-family (attached & detached) house lots.
 - (b) Two-family and multi-family dwellings.
 - (c) Educational facilities.
 - (d) Churches.
 - (e) General and professional offices, medical and dental clinics.
 - (f) Retail businesses.
 - (g) Service establishments.
 - (h) Hotel and motel facilities.
 - (i) Eating and drinking establishments.
 - (j) Child care facilities.
 - (k) Research offices and laboratories (incl. chemical and physical sciences).
 - (l) Research and development facilities.
- (4) Uses specifically prohibited include:
 - (a) Storage as a principal use.
 - (b) Group homes.
 - (c) Car washes.
 - (d) Automotive sales and service.
 - (e) Adult entertainment establishments.
 - (f) Any heavy manufacturing use.
 - (g) Sanitary landfills or transfer stations.

(h) Billboard signs.

- (5) All uses shall be conducted within complete enclosed buildings unless otherwise specified.
- (6) Fences and walls shall adhere to §1403(4), unless otherwise specified in this Section.
- (7) A minimum of 10% of the gross land area of the land considered for designation into the Mixed-Use Overlay Zoning District shall be designated as common open space.

B. Lots and Buildings.

- (1) All lots shall share a frontage line with a street or a square.
- (2) All buildings, except accessory structures, shall have their main entrance opening onto a street or a square.

C. Streets and Alleys.

- (1) Streets shall provide access to all tracts and lots.
- (2) All streets and alleys shall terminate at other streets within the neighborhood and connect to existing and proposed through streets outside the development.
- (3) Utilities shall be underground and located along alleys whenever possible. If utilities cannot be placed underground, they must run to the rear of lots, to the rear of the buildings.
- (4) Pedestrian-oriented street lamps shall be provided on both sides of the street, spaced no more than 100 feet apart. All pedestrian-oriented street lamps shall be no more than 18 feet in height.
- (5) Right-of-ways and streets must conform to the minimum standards set forth for type III streets in the Mercer County Subdivision and Land Development Ordinance, in addition to any additional regulations set forth in this Part.
- (6) The axis of the street should have appropriate termination with either a public monument, specifically designed building facade or a gateway to the ensuing space.
- (7) All buildings that house a principal use shall not have any parking areas located between the front facade and a public or private street. Sidewalks shall be provided along all streets as specified in this Part.

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D. Parking.

- (1) Parking lots shall be generally located at the rear or side of buildings and shall be screened by low walls, fences, hedges or other vegetation, between three and one-half to five feet in height.
- (2) Parking lots or garages shall not be adjacent to squares or parks, or occupy lots that terminate a vista.
- (3) Primary street frontages shall have no vehicular entries for properties with another street frontage. Properties under 150 feet in width with a single frontage on a primary street shall be limited to a maximum of two single lane-width vehicular access points separated by a minimum of 20 feet or one dual lane-width vehicular access point at least 60 feet from the nearest access point.
- (4) Adjacent parking lots shall have internal vehicular connections to one another or connection via a rear alley.
- (5) On-street parking directly enfronting shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every space in front of the lot that is over 50% of the length of the space.
- (6) Bicycle parking is encouraged to promote alternative modes of transportation. For every three bicycle parking spaces provided on-site, a reduction of one automobile parking space may be allowed. This bonus may be applied for a reduction of up to 5% of the required automobile parking. Bicycle parking may be located in the sidewalk area, so long as five feet in width of the sidewalk remains available for safe and efficient movement of pedestrians.
- (7) Shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking areas for uses that are located near one another and have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:
 - (a) The shared parking facility must be located within 500 feet of walking distance of the entrance to each of the establishments to be served.
 - (b) The minimum number of parking spaces can be met for each use by using the table below:

SHARED PARKING CALCULATIONS TABLE

	WEEKDAYS			WEEKENDS		
	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.
Office/Light Industrial	10%	100%	10%	5%	15%	5%
Retail Sales and Services	10%	80%	80%	10%	100%	60%
Restaurant (not 24 hr)	20%	70%	100%	30%	75%	100%
Restaurant (24 hr)	50%	70%	100%	75%	75%	100%
Residential	100%	60%	100%	100%	75%	95%
Theater	0%	60%	100%	0%	80%	100%
Hotel or Motel	100%	55%	100%	100%	55%	100%
Religious Institution	0%	25%	50%	0%	100%	50%
All other uses	100%	100%	100%	100%	100%	100%

- (c) To compute the number of spaces needed for two or more distinguishable land uses, complete the following:
- 1) Multiply the minimum parking required for each individual use, as set in §1101(6), by the appropriate percentage in the above table, for each of the six designated time periods.
 - 2) Add the resulting sums for each of the six columns.
 - 3) The minimum shall be the highest sum among the six columns resulting from the above calculations.
 - 4) Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
- (d) The Planning Commission must determine, at the time of tentative plan approval, that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the daytime periods.
- (e) If parking is to be shared by uses located on two or more lots, an agreement must be presented assuring use of the required parking spaces until or unless the required parking spaces are located on the same lot as the use they serve.

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- (f) Any subsequent change in use would require a new zoning permit which includes proof that sufficient parking, as determined by this Part, would be available.

E. Landscaping and Screening.

- (1) Trees shall be planted within right-of-ways parallel to the street along all streets. Alleys are exempt from this requirement.
- (2) Tree spacing shall be determined by species type. Large maturing trees shall be planted at a spacing of a minimum of 35 feet and a maximum of 60 feet on center. Small and medium maturing trees shall be planted at a spacing of a minimum of 15 feet and a maximum of 40 feet on center.
- (3) Large maturing trees, such as White Oak, Chinese Elm, Sycamore, Red Oak and Chestnut Oak shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts or other open space or recreation areas.
- (4) Small and medium maturing trees, such as flowering dogwoods, Serviceberry, Hawthorn and River Birch shall generally be planted along non-residential streets, interior portions of parks, squares, greenbelts or other open space or recreation areas.
- (5) Plantings in proximity to buildings in front or side yards shall respect architectural lines and should be seen as an extension of architectural walls.
- (6) Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks and public open spaces.
- (7) All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.
- (8) All dumpsters used for multi-family or non-residential uses shall be completely screened on three sides by either a rock or masonry wall, solid fence or a dense screen of trees and shrubs.

2. General Use Regulations.

A. Single-Family Residences (Detached).

- (1) Use.

(a) Single-family residences may also contain a bed and breakfast inn.

(b) An accessory building is permitted on each lot.

(2) Lots and Buildings.

(a) Buildings on single-family house lots shall be setback between zero feet and 20 feet from the right-of-way, at least 10 feet total between both side lot lines (three feet for accessory structures), and at least 20 feet from the rear lot line (three feet for accessory structures)

(b) The maximum lot coverage of buildings on Single-Family House Lots is 50%.

(c) The maximum height for buildings on Single-Family House Lots is 35 feet.

(3) Parking and Access.

(a) All off-street parking spaces are to be located to the side or rear of the building. No parking spaces may be allowed between the building facade and the sidewalk.

(b) If access is from the rear of the lot, it shall be accessed by an alley no less than 16 feet in width.

(c) If access is from the front, garages or carports shall be located at least 20 feet behind the front facade of the lot.

(d) Sidewalks of at least four feet in width shall be provided along all streets that have single-family residences. Rear alleys shall be exempt from this requirement.

B. Two-Family and Multiple-Family Attached Dwellings.

(1) Use.

(a) Two-family dwellings may also contain a bed and breakfast inn or a home occupation.

(b) Multiple-family attached dwellings may contain retail and service businesses on the first floor with the residences on upper floors.

(c) One accessory building is permitted per lot.

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- (2) Lots and Buildings.
 - (a) Buildings that include two-family and multiple-family dwellings shall have a front setback between zero feet and 15 feet from the right-of-way and at least 15 feet from the rear lot line (three feet for accessory structures). There are no required side setbacks.
 - (b) The maximum lot coverage of buildings for two-family and multiple-family dwellings shall be 60%.
 - (c) The maximum height of buildings for two-family dwellings shall be 35 feet. The maximum height for buildings with multiple-family dwellings shall be 50 feet if there are first-floor commercial uses or 35 feet otherwise.
- (3) Parking and Access.
 - (a) All off-street parking lots are to be located to the rear of the building. Access shall only be by an alley of no less than 16 feet in width.
 - (b) Sidewalks of at least six feet in width shall be provided along all streets that have two-family or multiple-family dwellings. Rear alleys shall be exempt from this requirement.
 - (c) Streets in front of all two-family or multiple-family dwellings must have parallel parking lanes, at least eight feet in width, to handle visitor parking and delivery/moving needs.

C. Non-residential Uses.

- (1) Use.
 - (a) Non-residential uses shall contain all permitted uses that do not have a residential component.
- (2) Lots and Buildings.
 - (a) Non-residential buildings shall have a front setback between zero feet and 25 feet from the right-of-way. No side or rear setbacks are required.
 - (b) The maximum lot coverage of buildings for non-residential uses is 75%.
 - (c) The maximum height of buildings for non-residential uses is 50 feet.

- (d) Blank walls shall be avoided. Buildings with facades longer than 50 feet shall incorporate recesses, different facade materials, colors and/or designs and/or different rooflines and roof pitches, and differentiation between floors.
 - (e) Windows shall be provided along street frontages to ensure pedestrian safety and allow for visibility into the store. Windows may not be spaced more than 25 feet apart along any street frontage.
- (3) Parking and Access.
- (a) No parking spaces are allowed between the right-of-way line and the building facade. Parking is only allowed in the side or rear yard areas or located off-site. (See §§552.1 and 1102.2 for provisions for off-site parking.)
 - (b) Non-residential uses shall front on streets that have parallel parking lanes of at least eight feet in width, as well as sidewalks of at least eight feet in width.

(Ord. 1351, 6/9/1998 §552; as amended by Ord. 1444, 10/11/2005, §1)

§504B. Development in Stages.

A developer may construct a development under the Mixed-Use Overlay District in stages if the following criteria are met:

- A. The application for tentative approval covers the entire development and shows the location and approximate time of construction for each stage, in addition to the other information required by this Part.
- B. At least 15% of the dwelling units in the plan given tentative approval are included in all but the final stage.
- C. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location, including a sufficient degree of completion of the road work and infrastructure, that they constitute economically sound units of development.
- D. Each phase of development shall include public space in amounts and at locations deemed acceptable by Borough Council to meet, at a minimum, the public space needs generated by that phase and to assure protection of the sensitive features of that tract.
- E. Gross residential density may be varied from stage to stage, provided that final approval shall not be given to any stage if the gross residential density of the area

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which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than 20% the gross residential density allowed for the entire mixed-use development in the tentatively approved plan.

(Ord. 1351, 6/9/1998 §553; as amended by Ord. 1444, 10/11/2005, §1)

§505B. Open Space Standards.

1. No less than 10% of the total tract proposed for development under the Mixed-Use Overlay District shall be designated as and used exclusively for common open space and/or recreation purposes, including walking/biking trails.
2. Ownership of the open space or recreation lands shall be as required in the Mercer County Subdivision and Land Development Ordinance.
3. The common open space shall be laid out to the satisfaction of the Planning Commission and to the following:
 - A. It must be consistent with the Greenville-Hempfield Multi-Municipal Comprehensive Plan and any other applicable plans.
 - B. It must be located and designed as an area or areas easily accessible to residents of the area and of surrounding residential neighborhoods;
 - C. It must be designed to preserve significant natural features on the site.

(Ord. 1351, 6/9/1998 §554; as amended by Ord. 1444, 10/11/2005, §1)

§506B. Submission and Review Procedures.

1. Pre-Application Conference and Sketch Plan. An applicant wishing to develop a mixed-use development under the Mixed-Use Overlay Zoning District is strongly encouraged to submit a sketch plan and request a pre-application conference with the Borough's Zoning Officer and representatives from the Borough Planning Commission and the Mercer County Regional Planning Commission prior to the drafting or submission of a tentative plan.
2. Application for Tentative Approval. In order to provide an expeditious method for processing a development plan for a mixed-use development under the provisions of this Part, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures under the Mixed-Use Overlay Zoning District and the continuing administration thereof shall utilize the following provisions:

- A. The application for tentative approval shall be filed by the developer in such form, upon the payment of such a reasonable fee as is specified by the municipality. The application shall be filed with the Zoning Officer. At the same time, the developer shall also file the plan with the Mercer County Regional Planning Commission, for review of the plan in regards to the County's Subdivision and Land Development Ordinance, in addition to the provisions of this Part.
 - B. All planning, zoning, and subdivision matters relating to the platting, use and development of the Mixed-Use Overlay Zoning District and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the Borough Council and the County Planning Commission, with the advice of the Borough Planning Commission.
 - C. The application for tentative approval shall be forwarded to the Borough's Planning Commission for their review and comments. The Borough's Planning Commission shall have 35 days, from the date of filing, to complete their review and make their recommendations to the governing body.
3. Public Hearings.
- A. Within 60 days after the filing of an application for tentative approval of a Mixed-Use development pursuant to this Part, a public hearing pursuant to public notice of said application shall be held by the Municipality in the manner prescribed in the Pennsylvania Municipalities Planning Code.
 - B. The governing body may continue the hearing from time to time, and where applicable, may refer the matter back to the Borough's Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within 30 days after the date of the first public hearing.
4. The Findings.
- A. The Borough Council, within 60 days following the conclusion of the public hearing provided for in this Part, shall, by official written communication, to the developer, either:
 - (1) Grant tentative approval of the development plan as submitted;
 - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or;
 - (3) Deny tentative approval to the development plan.
 - B. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however,

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

- C. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
- (1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
 - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - (3) The purpose, location and amount of the common open space in the Mixed-Use Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 - (5) The relationship, beneficial or adverse, of the proposed Mixed-Use Overlay Zoning District to the neighborhood in which it is proposed to be established; and
 - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Traditional Neighborhood Development in the integrity of the development plan.

- D. In the event a development plan is granted tentative approval, with or without conditions, the Borough may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the developer, the time so established between grant of tentative approval and an application for final approval shall not be less than 12 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

5. Status of Plan After Tentative Approval.

- A. The official written communication provided for in this Article shall be certified by the Borough secretary and shall be filed in his office, and a certified copy shall be mailed to the developer. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map. The written communication shall be deemed effective upon mailing.
- B. Tentative approval of a development plan shall not qualify a plat of the Mixed-Use Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer (and provided that the developer has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the developer, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Borough Secretary.

6. Application for Final Approval.

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

If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications

for tentative approval. Within 30 days after the conclusion of the hearing, the Borough shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in §508 of the Pennsylvania Municipalities Planning Code, of said Mixed-Use Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of §513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with §509 of the Pennsylvania Municipalities Planning Code.
 - E. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Borough in writing; or, in the event the developer shall fail to commence and carry out the Mixed-Use development in accordance with the time provisions stated in §508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Chapter in the manner prescribed for such amendments.
7. Relation of the Mercer County Regional Planning Commission to Approval.
- A. Since subdivision activity in the Borough is regulated by the Mercer County Subdivision and Land Development Ordinance, all activity in the proposed Mixed-Use Overlay Zoning District related to the subdivision of the land and public or private improvements must be approved by the Mercer County Regional Planning Commission. The tentative and final plans must be submitted to the Mercer County Regional Planning Commission at the same time as the submission to the Borough, and MCRPC shall forward their decision to Borough Council before the 60 day period after the public hearing expires. The decision on the Mixed-Use Development by the Mercer County Regional Planning Commission is subject to the same conditions as specified for the Borough in this Section. Approval of the development plan by

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MCRPC must be obtained for approval to be granted by the Borough Council.

(Ord. 1351, 6/9/1998 §555; as amended by Ord. 1444, 10/11/2005, §1)

§507B. Contents of Applications.

1. Application for Tentative Approval.
 - A. The application shall include documentation illustrating compliance with all of the standards of this Part and the applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
 - B. The application for tentative approval shall include the following:
 - (1) All items required for a preliminary plan under the Mercer County Subdivision and Land Development Ordinance;
 - (2) A site plan, showing the location of buildings and improvements to be installed. In addition to the requirements under the Mercer County Subdivision and Land Development Ordinance, this site plan shall include:
 - (a) The total number of residential units proposed, with subtotals for each housing type;
 - (b) The total acreage of the tract;
 - (c) The average gross residential density;
 - (d) The approximate location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures;
 - (e) The location, function, size, ownership and manner of maintenance of public space areas;
 - (f) Easements or any other restrictions upon the use of land, buildings and structures, including proposed grants and/or easements for public utilities.
 - (3) A statement showing all calculations to meet the requirements of this Part, including the density, percentage of open space and calculation of parking requirements.

- (4) A narrative accompanying the site plan illustrating phasing, including a time schedule for all on-site and off-site improvements which shall be made, and the proposed times within which applications for final approval of all phases of the development are to be filed. The schedule must be updated periodically until the development is completed and accepted.
2. Application for Final Approval. The application for final approval shall include the following:
 - A. All items required for a final plan under the Mercer County Subdivision and Land Development Ordinance, including those items required for a final land development plan;
 - B. A site plan, showing the location of buildings and improvements to be installed. In addition to the requirements under the Mercer County Subdivision and Land Development Ordinance, this site plan shall include:
 - (1). The exact location of all buildings, roads, parking areas, sidewalks, or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures;
 - (2) Proposed names of all streets (and alleys if necessary);
 - (3) Front, side and rear setback lines for all streets and lots;
 - (4) Accurate dimensions of common open space areas with exact location and dimensions of all structures to be situated within.
 - C. Architectural drawings illustrating exterior designs of all sides of typical residential buildings and of each non-residential structure to be constructed, including statements and illustrations of materials to be used in construction.
 - D. Final drafts of all offers of dedication, covenants, easements, deed restrictions and maintenance agreements for the development.
 - E. Landscaping plan and schedule, prepared by a registered landscape architect.
 - F. Arrangements for and documents governing performance and maintenance guarantees for all improvements.

(Ord. 1351, 6/9/1998 §556; as amended by Ord. 1444, 10/11/2005, §1)

PART 6

COMMERCIAL-RESIDENTIAL ZONING DISTRICTS

§601. Intent of Commercial-Residential Zoning Districts.

The intent of the Commercial-Residential Zoning Districts is to provide zoning districts which will permit a mixture of commercial and residential uses, encourage reuse and improvement of existing buildings and encourage business development of properties so influenced by adjacent major thoroughfares and historical development patterns while minimizing impact on residential development, encouraging appropriate residential development, and discouraging commercial development more appropriate for the Central Business Zoning District.

(Ord. 1351, 6/9/1998 §600; as amended by Ord. 1444, 10/11/2005, §1)

§602. Principal, Accessory, Conditional and Special Exception Uses.

PRINCIPAL USES

*Single-family dwellings

*Two-family dwellings

*Multi-family dwellings

Conversion of existing structures into duplex or multi-family structures

Public schools and private schools of character similar to the public schools

*Churches, parish houses, church schools and other church uses

General and professional offices

Medical Facilities, including Health Care Offices, Pharmacies, and Rehab Centers

Nursing Home Facilities

Cultural Facilities

Public Grounds

Retail businesses

Service establishments

Eating and drinking establishments (In CR-2 district only)

Child care centers

Essential services

*Bed and Breakfast Establishment

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ACCESSORY USES

Private garage

Shelter for household pets (in accordance with Greenville's Animal Ordinance)

*Fences, walls and similar accessory structures

Storage Shed

Greenhouse

Solar heat collector

*Storage or parking of commercially licensed vehicles

*Parking and storage, or use of major recreational equipment

Tennis court for non-commercial use

*Swimming pool

*Home Occupation

*Parking and loading facilities

*Signs

*Boarding room, or rooming unit in a single-family dwelling

Boarding house or rooming house with a maximum limit of ten boarders or roomers

KEY

SYMBOL

ACTION

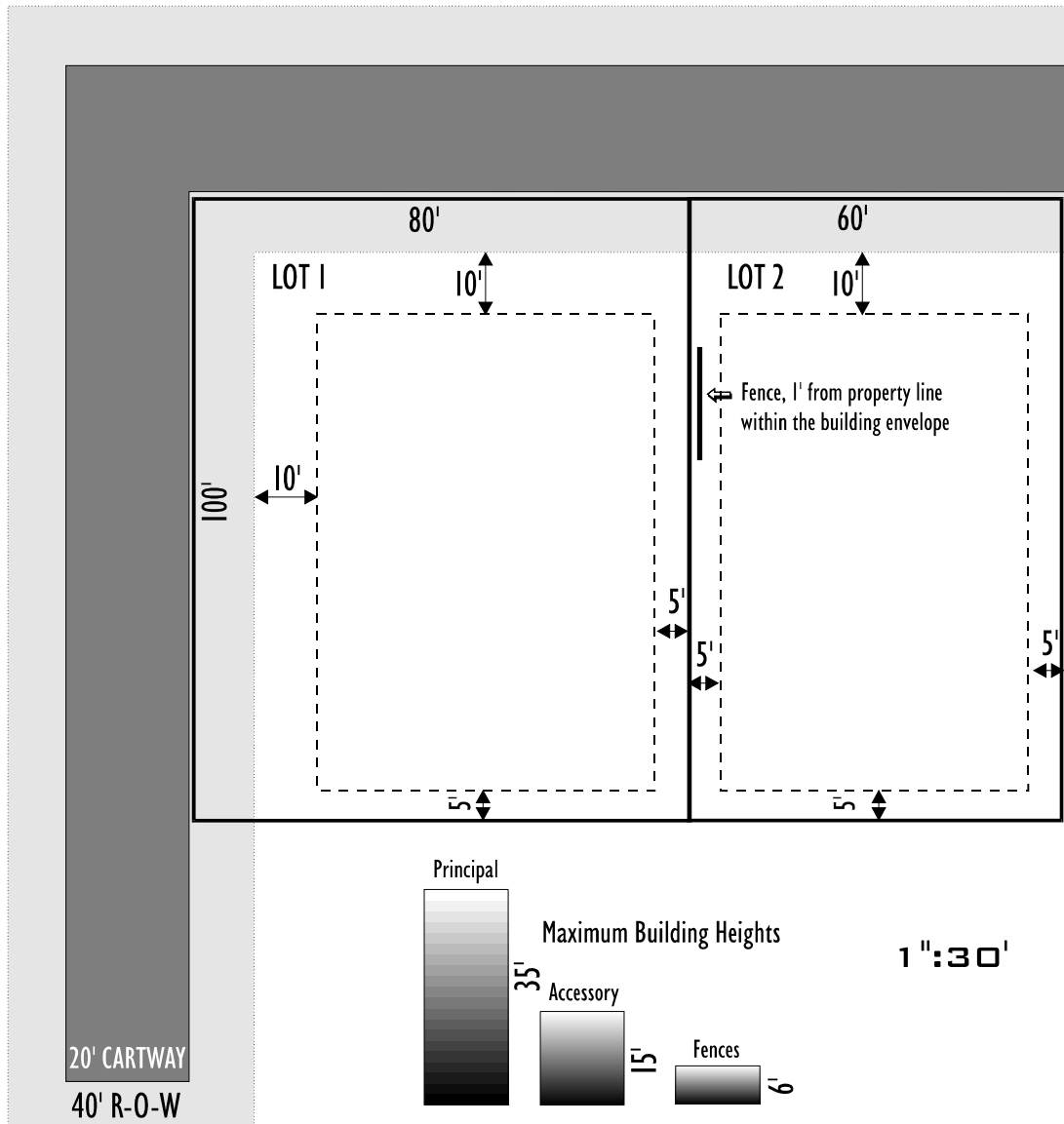
* See Article IX, Section 930 for additional criteria

See Article X for performance standards for all permitted uses.

A use which is not listed may be permitted subject to the conditions outlined in Article XIV

(Ord. 1351, 6/9/1998 §601; as amended by Ord. 1444, 10/11/2005, §1)

§603. Density, Yard, Lot, Height and Area Requirements.



Maximum Lot Coverage: 50%

Minimum Lot Area: 6,000 square feet

Minimum Lot Width: 60 feet

Building Setbacks (Principal and Accessory Structures)

Front Yard: 10 feet from street right-of-way

Side Yard: Five feet

Rear Yard: Five feet

Maximum Building Height for principal structures not to exceed 35 feet

NOTE: All non-conforming lots of record may be built upon, provided all yard, height, and minimum floor area standards are met.

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(Ord. 1351, 6/9/1998 §602; as amended by Ord. 1444, 10/11/2005, §1)

§604. Floor Area.

1. Permitted Floor Area. Nonresidential structures are exempt from maximum and minimum floor area requirements. Residential buildings shall comply with maximum and minimum floor area requirements outlined in Part 3 III, §304 for the R-3 zoning district.

(Ord. 1351, 6/9/1998 §603; as amended by Ord. 1444, 10/11/2005, §1)

PART 7**LIGHT MANUFACTURING ZONING DISTRICT****§701. Intent of the Light Manufacturing Zoning District.**

The intent of the Light Manufacturing Zoning District is to provide a zoning district which shall: encourage the establishment and maintenance of business and industrial establishments for the manufacture, assembly, compounding, processing or storage of products; prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas vibration or noise; prohibit residential uses (unless accessory to another use) for the purpose both of preserving the area for its appropriate use.

(Ord. 1351, 6/9/1998 §700; as amended by Ord. 1444, 10/11/2005, §1)

§702. Principal, Accessory, Conditional, and Special Exception Uses.

PRINCIPAL USES	STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP
Food and kindred products	20
Textile mill products	21
Apparel and other finished products made from fabrics and similar materials	23
Furniture and fixtures	25
Printing, publishing and allied industries	27
Electrical, scientific, and controlling instruments, photographic and optical goods	38
Miscellaneous manufacturing industries	39
Wholesale trade	50
Retail trade — building materials, hardware and farm equipment	52
Other Light Manufacturing Uses, subject to the definition in Section 1601	not applicable
All permitted uses in the “C” Zoning District	not applicable
Essential services	not applicable
*Parking lot and/or parking structure	not applicable

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ACCESSORY USES

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP

Fences, walls, lighting, landscaping, and similar accessory structures

*Parking and loading facilities

*Signs

Processing, cleaning, servicing, testing or repair, provided it shall be entirely within the principal structure

*Storage of inflammable liquids on a lot occupied by an automotive service establishments

Any other accessory use, provided it shall be approved by the Zoning Hearing Board

KEY

SYMBOL

ACTION

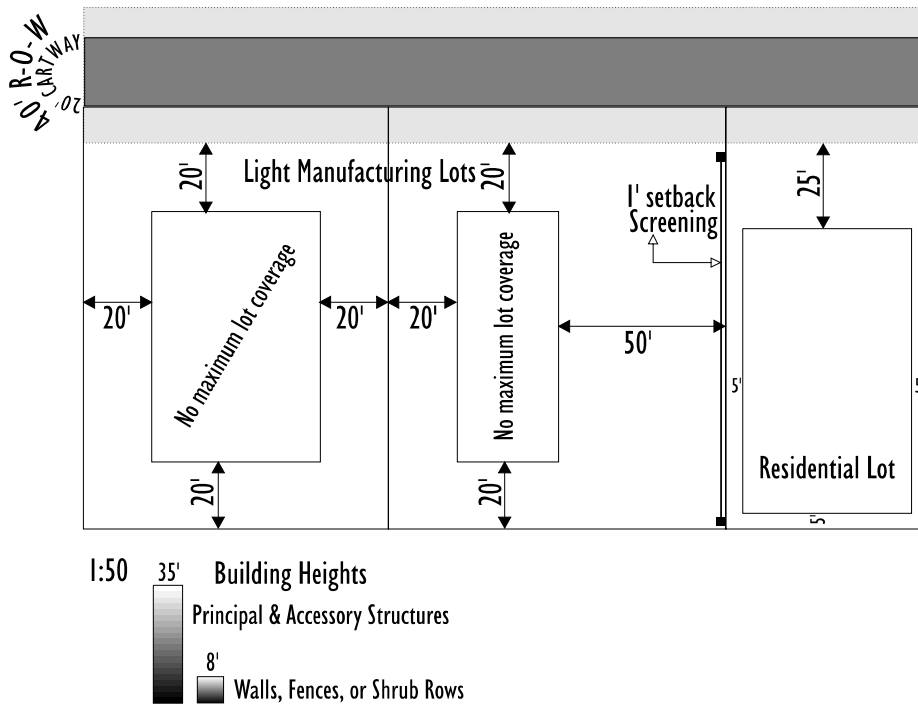
* See Article IX, Section 940 for additional criteria

See Article X for performance standards for all permitted uses.

A use which is not listed may be permitted subject to the conditions outlined in Article XIV

(Ord. 1351, 6/9/1998 §701; as amended by Ord. 1444, 10/11/2005, §1)

§703. Density, Yard, Lot, Height and Area Requirements.



Maximum Lot Coverage: None

Minimum Lot Area: None

Minimum Lot Width: None

Building Setbacks (Principal and Accessory Structures)

Front Yard: 20 feet from street right-of-way or property line

Side Yard: 20 feet when abutting LM Use or District, 50 feet when abutting Residential Use or District

Rear Yard: 20 feet when abutting LM Use or District, 50 feet when abutting Residential Use or District

Maximum Building Height for principal structures and accessory not to exceed 35 feet or three stories

Maximum height for walls, fences or shrub rows not to exceed eight feet

NOTE: All non-conforming lots of record may be built upon, provided all yard, height, and minimum floor area standards are met.

(Ord. 1351, 6/9/1998 §702; as amended by Ord. 1444, 10/11/2005, §1)

PART 8**INDUSTRIAL ZONING DISTRICT****§801. Intent of the Industrial Zoning District.**

The intent of the Industrial Zoning District is to provide a zoning district which shall encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products; prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise; prohibit residential uses for the purpose both of preserving the area for its appropriate use and for preventing the location of dwelling units in an area inappropriate for residential use.

(Ord. 1351, 6/9/1998 §800; as amended by Ord. 1444, 10/11/2005, §1)

§802. Principal, Accessory, Conditional and Special Exception Uses.

PRINCIPAL, USES	STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP
Food and kindred products	20
Textile mill products	21
Apparel and other finished products made from fabrics and similar materials	23
Furniture and fixtures	25
Printing, publishing and allied industries	27
Electrical, scientific, and controlling instruments, photographic and optical goods	38
Miscellaneous manufacturing industries	39
Wholesale trade	50
Retail trade — building materials, hardware and farm equipment	52
Essential services	not applicable
Rubber miscellaneous plastics products	30
Stone, clay and glass products	32
Primary metal products	33
Fabricated metal products	34
Machinery, manufacturing and equipment	35
*Parking lot and/or parking structure	not applicable

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PRINCIPAL, USES

Transportation equipment

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP

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CONDITIONAL USES

*Adult Entertainment Establishments

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP

ACCESSORY USES

Fences, walls, lighting, landscaping, and similar accessory structures

*Parking and loading facilities

*Signs

Processing, cleaning, servicing, testing or repair, provided it shall be entirely within the principal structure

*Storage of inflammable liquids on a lot occupied by an automotive service establishments

Any other accessory use, provided it shall be approved by the Zoning Hearing Board

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MAJOR GROUP

KEY

SYMBOL

ACTION

*

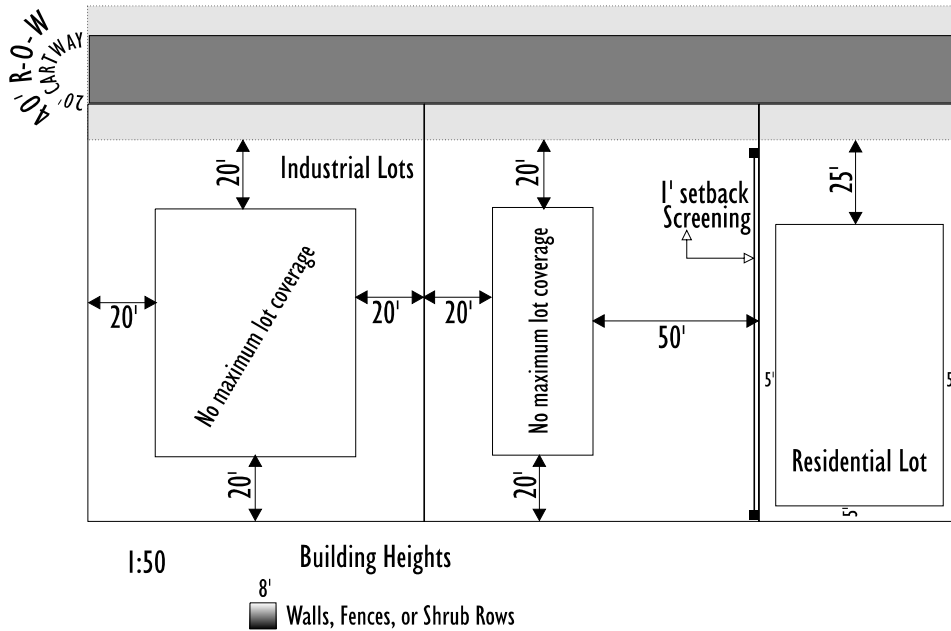
See Article IX. Section 940 for additional criteria

See Article X for performance standards for all permitted uses.

A use which is not listed may be permitted subject to the conditions outlined in Article XIV

(Ord. 1351, 6/9/1998 §801; as amended by Ord. 1444, 10/11/2005, §1)

§803. Density, Yard, Lot, Height and Area Requirements.



Maximum Lot Coverage: None

Minimum Lot Area: 10,000 square feet

Minimum Lot Width: 100 feet

Building Setbacks (Principal and Accessory Structures)

Front Yard: 20 feet from street right-of-way or property line

Side Yard: 20 feet when abutting LM Use or District, 50 feet when abutting Residential Use or District

Rear Yard: 20 feet when abutting LM Use or District, 50 feet when abutting Residential Use or District

Maximum Building Height for principal structures and accessory none

Maximum height for walls, fences or shrub rows not to exceed eight feet

NOTE: All non-conforming lots of record may be built upon, provided all yard, height, and minimum floor area standards are met.

(Ord. 1351, 6/9/1998 §802; as amended by Ord. 1444, 10/11/2005, §1)

PART 9

ADDITIONAL CRITERIA FOR PERMITTED USES

§901. Residential Zoning Districts Use Provisions.

1. Principal Structure on a Lot. Only one principal structure shall be permitted on any residential lot.
2. Junk. The visible storage or placement of junk is not permitted in any residential district.
3. Single-Family Dwellings and Two-Family Dwellings. Single-family detached dwellings and two-family dwellings in all districts shall conform to following standards:
 - A. All single-family detached dwellings, as defined in Part 16, shall be constructed on a permanent foundation made of concrete or other permanent material whose footing extends below the frost line. In the case of manufactured homes, they shall be securely placed upon the foundation, as per the manufacture's instructions.
 - B. When an open air space between the dwelling and its foundation and/or ground occurs the space shall be enclosed by a continuous material.
 - C. Manufactured homes, as defined by this Chapter, are permitted in any residential zoning district, provided:
 - (1) They comply with the U.S. Department of Housing and Urban Development's (HUDs) Manufactured Housing Standards, The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq; 24 CFR Part 3280 and Part 3282.
 - (2) The manufactured home must have been constructed after July 15, 1976 and contain the manufacture's certification — RED LABEL — that the home is built in accordance with HUD's construction and safety standards. HUD standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety and other aspects of the home.
4. Multi-family dwellings: multi-family residential developments are subject to the following plan submission requirements and compliance with all density yard and area requirements for residential dwellings.
 - A. Application Requirements. All applicants for building permits for multiple-family residential development shall make application in writing, on forms pre-scribed by the Borough. The application form shall be accompanied by

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the necessary supporting documentation as specified in subsection (4)(B) following and shall be submitted to the Zoning Officer.

B. Plan Requirements.

- (1) Site Development Plan. The developer shall submit as part of the application three copies of a detailed site plan showing the development proposal in conformance with all applicable provisions of this Chapter. Plans shall be prepared at a scale of one inch equals 50 feet or larger.
 - (2) Property Survey. The developer shall submit a property survey and/or deed description describing, by metes and bounds, all property proposed for development. Acreage shall be shown on the plan or deed.
 - (3) Topographical Maps. The developer shall submit an existing and proposed topographical map (grade plan) of the property. Contours shall show the existing natural features and proposed changes thereto.
 - (4) Utility Plans. The developer shall submit a Sanitary Sewer, Storm Sewer and Water Plan. Such plan shall be prepared in conformance with applicable regulations of the Pennsylvania Department of Environment Protection and Greenville Borough Sewer Authority and shall be approved by the respective agencies.
 - (5) Street/Thoroughfare and Parking Plan. The developer shall submit a plan of proposed streets and parking areas, including profiles, typical cross sections and design specifications of proposed improvements. All parking facilities shall be provided on lot and in accord with the general provisions of Part 11, Parking and Loading Regulations.
 - (6) Open Space and Landscape Plan. The developer shall submit an open space and landscaping plan. The plan shall include any proposed improvements to and within the open space areas plus typical planting plans for all structures.
 - (7) Typical building elevations and floor plans.
 - (8) Restrictions. The substance of covenants, grants, easements or other restrictions imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities, storm sewer retention facilities, open space facilities, etc.
5. Churches: churches, parish houses, churches schools and other church uses are permitted in all residential districts, provided such uses shall be regularly used for church or religious purposes.
 6. Fences, walls and similar accessory structures shall conform to the standards outlined in §1403.

7. Home satellite dishes shall conform to the Districts' building setbacks and shall only be located in side or rear yards.
8. Parking and loading facilities: shall conform with the provisions outlined in Part 11.
9. Parking Lot and/or Parking Structure.
 - A. There shall not be any vehicle parked within 15 feet of the property line of any residential use.
 - B. There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicles located thereon.
 - C. There shall not be any storage of material, junk or any equipment on the lot.
 - D. There shall not be any vehicle parked in front of the front or side street setback building line.
 - E. Where any parking lot abuts a property in residential use, suitable screening as defined in Part 16 shall be installed.
 - F. Shall also conform to the standards outlined in Part 11.
10. Signs shall conform to the standards outlined in Greenville Borough's Sign Ordinance [Chapter 19].
11. Home Occupations, as defined in this Chapter, provided they meet the requirements established below.
 - A. Intent. The following permitted home occupations and their related provisions are designed to ensure home occupations, in all of Greenville Borough's residential districts, are compatible with the residential district's character in which they are located.
 - B. Permitted Home Occupations. Family day care services, home craft operations, professional home offices, seamstress/tailor services and home studios. For a complete description of these permitted home occupations refer to Part 16. A use which is not listed as a permitted home occupation may be permitted only upon the approval of the Zoning Hearing Board, provided such home occupation comply with these provisions.
 - C. Home Occupation Provisions. Any permitted home occupation, as defined by this Chapter, shall comply with all of the following eight provisions:

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- (1) Home occupations shall be conducted entirely within the dwelling and not more than 225 square feet of the floor area shall be devoted to the home occupation.
 - (2) The home shall be the primary residence of the person desiring to conduct a home occupation therein — see Part 16 for a complete definition of primary residence.
 - (3) Home occupations must be conducted solely by the dwelling's primary resident(s) — see Part 16 for a complete definition of primary resident(s).
 - (4) The home occupation shall not involve the use of advertising signs on the premises or any local advertising media which calls attention to the fact that the dwelling contains a home occupation.
 - (5) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 - (6) Parking shall conform to the standards outlined in subsection (10) and §1403(6).
 - (7) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the residential district in which the home occupation is conducted.
 - (8) Not more than one home occupation shall be permitted per premise.
12. Group/personal care homes are permitted in all residential zoning districts as a conditional use.
- A. Dispersal Requirement. The following dispersal requirement is designed to ensure individuals needing residential treatment will not be forced into enclaves of treatment facilities that would replicate and perpetuate the isolation resulting from institutionalization:
 - (1) Group homes cannot locate within 120 feet of one another.
 - B. Conditions. Prior to approval of operating a personal care home or group home in any residential zoning district by the Borough Council, the applicant for a conditional use shall comply with the following conditions:
 - (1) A copy of any required local, county and/or commonwealth certifications shall be presented to the Borough before the home is allowed to operate.

- (2) Group homes shall be subject to the same limitation and regulations as single-family dwellings.
 - (3) There shall be no sign or exterior display indicating the name of the home or its use larger than two square feet.
 - (4) At least one additional on-lot parking space shall be provided for each two residents/clients.
 - (5) No home shall admit more than eight residents/clients at one time.
 - (6) In the residential zoning districts, this use will be permitted only in buildings originally used as residential structures and converted to this use.
13. Conversion and reuse of abandoned schools or other public buildings for non-residential use may be permitted in all residential zoning districts by the Borough Council subject to the following standards, conditions, and procedures:
- A. General Standards.
 - (1) The proposed use shall be in accord with the Goals and Objectives of the municipal comprehensive plan and the Zoning Ordinance.
 - (2) There shall be written agreements committing to the proposed reuse.
 - (3) The proposed reuse shall be adequately served by public service.
 - (4) The reuse shall not cause a major increase in traffic congestion in the neighborhood.
 - (5) The reuse will not create a threat to the public health and safety of the neighborhood.
 - B. Specific Conditions.
 - (1) The exterior architectural style shall not be altered or changed. Any structural additions shall be of the same architectural style and character of the original structure.
 - (2) Proposed uses shall conform with all parking and loading requirements and shall be met off the street. Parking areas shall be landscaped and screening provided where such use abuts residential uses.
 - (3) Proposed business and/or industrial uses shall be limited to the assembly, processing, cleaning, repair and servicing, testing and storage

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of materials. All assembly, processing and/or storage of materials shall be conducted entirely within the structure.

- (4) All waste disposal shall be collected at a central location and on a regular schedule as contracted with the appropriate disposal company. Containers shall be screened from view of adjacent residences.
- (5) Where any permitted non-residential use abuts a residential use or district, screening in the form of a solid wall or fence shall be provided. Existing natural tree cover may be acceptable provided adjacent dwellings are no closer than 200 feet from the reuse structure.
- (6) Proposed uses shall not emit any offensive odors or noxious, toxic or corrosive fumes or gases.
- (7) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or process with electrical apparatus, to nearby residences.
- (8) All conversions shall comply with local, state and federal building codes and shall be approved by the Pennsylvania Department of Labor and Industry.
- (9) Noise. Measured sound levels shall be in accord with Part 10, Performance Standards, of this Chapter. Should a test be required to determine the existence of excess noise, cost of such test shall be born by the property owner regardless of test results. Prior to issuance of building and/or occupancy permits, the business or industry shall provide certification of compliance with established standards.
- (10) Such other conditions as deemed necessary by Borough Council to safeguard the public health and safety of the neighborhood.

C. Procedures.

- (1) Detailed site and building plans shall be submitted in triplicate as a part of the application.
- (2) Applications for conditional use shall be submitted to Borough Council on forms provided by the Borough.
- (3) Copies of the site plans and related data shall be submitted to the Planning Commission and other officials as deemed necessary by the municipality.
- (4) A public hearing shall be held by Borough Council within 45 days of the acceptance of a complete application. Not later than 10 days prior to the day set for the hearing on the application, the Planning Com-

mission and other officials requested to comment on the plan shall file a written report with the Borough Council setting forth their recommendations.

- (5) Within 30 days following the public hearing, Borough Council shall either approve or disapprove the application. Where disapproved, reasons shall be stated in writing referring to specific sections of this Chapter or other applicable laws. Where approved, any additional conditions beyond those specified in this Chapter shall be stated in writing.
- (6) When approval of the conditional use is granted, the applicant shall agree in writing to the approval and stated conditions within 10 days of the approval. Failure of the applicant to respond and agree to stated conditions within the stated time shall result in a denial of the application.

- 14. Storage or parking of commercially-licensed vehicles, to include:
 - A. Utility trailers and/or trailers for transporting recreation vehicles or equipment with a limit of one per lot.
 - B. Trucks. Pickup or van type trucks with a limit of one such commercially licensed vehicle of one ton capacity or less, per lot or, on the case of multi-family dwellings, one such vehicle per dwelling unit.
- 15. Parking and storage, or use of major recreational equipment: see Part 11 for provisions.
- 16. Swimming pool, permanent and portable:
 - A. It shall be accessory to a principal, non-commercial dwelling.
 - B. It shall be on the same lot as the principal structure.
 - C. It shall be erected a distance not less than 20 feet from front and 10 feet from rear lot lines nor less than 10 feet from any side lot line, principal structure or accessory structure attached thereto. No swimming pools shall be erected anywhere in the front yard.
 - D. All swimming pools erected in the ground and all swimming pools erected above ground with less than four foot high sides shall be fully enclosed by a minimum five foot high chain link or other solid type fence. Such fencing shall be equipped with a self-closing and self-locking gate operable from the inside only and/or detachable key from the outside.

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- E. All swimming pools erected above ground with sides four feet or higher are not required to be enclosed by fence but must be equipped with a swing-up locking type safety ladder.
 - F. All electrical circuits servicing the swimming pool, pool hardware, and area surrounding the pool shall meet the requirements of the current National Electrical Code.
 - G. Installation, construction, and maintenance of swimming pool and its equipment shall meet the requirements of the current BOCA National Building Code and any applicable Borough Codes.
 - H. All pumping, cleaning, filtering and screening devices and water supply and discharge shall be of a type and source approved by local and/or State health department authorities.
 - I. Spotlights and/or floodlights shall be so placed and suitably shielded as not to cast light or reflect upon adjacent properties.
17. Boarding room, rooming unit in a single-family dwelling:
- A. It shall be limited to a maximum of two such boarders.
 - B. Parking shall be provided off-street in other than the front yard.
 - C. It shall be for non-transients only.
 - D. It shall be located in the principal dwelling.
18. Hotel or motel and related ancillary facilities: see Part 11 for provisions.
19. Conversion of residential house into a bed & breakfast establishment: see Part 15 for provisions

(Ord. 1351, 6/9/1998 §900; as amended by Ord. 1444, 10/11/2005, §1)

§902. Public/Institutional District Use Provisions.

Any permitted uses in the Public/Institutional District that are also permitted in the residential districts must comply with the additional criteria provisions outlined in §901.

(Ord. 1351, 6/9/1998 §910; as amended by Ord. 1444, 10/11/2005, §1)

§903. Central Business District Use Provisions.

1. Eating and Drinking Establishments. All kitchen windows or exhaust fans are a minimum of 50 feet from a residential structure.
2. Parking lot and/or parking structure: shall comply with the provisions set forth in §901(11) with the exception that there shall not be any vehicle parked within 15 feet of the property line of any residential zoning district.
3. Automotive gasoline service station: shall comply with the provision set forth in subsection (5)(A) through (D) only.
4. Automotive Dealer Establishments.
 - A. Any such use must comply with the requirements set forth in subsection (5)(A) through (D) only.
 - B. The repair shop shall be to the rear of the sales room.
 - C. The area of the lot used for the display and sale of vehicles shall be kept dust-free and well-drained.
5. Car Washes.
 - A. The site shall have a minimum frontage of 100 feet and a minimum area of 10,000 square feet.
 - B. Any such use, or vehicular access thereto shall not be located within 50 feet of any residential zoning district, nor any school, playground, church, hospital or public library if the use is located along the same street and on the same block.
 - C. Separate entrance and exit driveways shall be provided, and these shall be limited to a maximum of one of each on each abutting street or alley. The entrance and exit driveways shall not be less than 50 feet apart at the street or alley right-of-way.
 - D. Entrance and exit driveways shall be located no closer than 25 feet from the intersecting right-of-way lines of street intersections, and these access driveways shall not exceed 20 feet in width nor be less than 10 feet in width within 10 feet of the curb or drive entrance.
 - E. They shall provide sufficient off-street parking for waiting cars. The parking or standing area shall be situated on the property outside the washing facilities and be of sufficient size to accommodate at least one-third the hourly capacity (or hourly turn-over) of the car wash plus a reserve of 20% of the hourly capacity to accommodate peak demand periods. Hourly capacity in this instance, shall mean the greatest number possible of automobile

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washes that can be provided in one hour. Minimum width of driveways and stacking lanes for waiting cars shall be 10 feet.

- F. They shall provide an area of at least 800 square feet beyond the exit end of the washing buildings to be used for hand finishing operations of the washing process.
6. Drive-in Eating Establishments. Any such use must comply with the requirements set forth in subsection (5) for car washes, subsections (A) through (D) only.
 7. Dwelling Units.
 - A. They shall be located above the first floor of the commercial occupant or use, or in the case of commercial uses which occupy more than one floor, above the last occupied floor of the commercial use.
 - B. Entrance shall be separate from the commercial use.
 - C. Permitted apartments shall provide a minimum of 550 square feet of floor area per dwelling unit and shall comply with floor area standards of the R-3 and RM-3 Zoning Districts.
 8. Signs must comply with the provisions set forth in the Borough Sign Ordinance [Chapter 19].
 9. Parking and loading facilities: as provided for in Part 11. Where it is clearly impractical to provide off-street parking and loading facilities within the Central Business Zoning District and where in the opinion of the Zoning Officer such requirements are adequately met in existing on-street or public parking facilities, such parking and loading requirements as contained herein may be waived.
 10. Processing, cleaning, servicing, testing or repair:
 - A. It shall be limited to the principal structure.
 - B. It shall be entirely within a structure.
 11. Provisions of Any Permitted Use in the Central Business Zoning district.
 - A. For commercial uses located on corner lots where the side street is predominantly residential and the main street commercial, any commercial structure shall front on the main street.
 - B. 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.

- C. Any display of goods shall be in back of the setback building line.
 - D. 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.
 - E. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
 - F. It shall not emit any noxious, toxic or corrosive fumes or gases and shall not emit any offensive odors.
 - G. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
 - H. Where any permitted use abuts a residential zoning district or residential use, suitable screening, as defined in Part 16, shall be installed.
12. Home Occupations. They are permitted for a residential use provided they comply with the criteria set forth in §901(13).

(Ord. 1351, 6/9/1998 §920; as amended by Ord. 1444, 10/11/2005, §1)

§904. Commercial-Residential Zoning District Use Provisions.

- 1. Any permitted uses in the Commercial-Residential Zoning District that are also permitted in the Residential Districts must comply with the additional criteria provisions outlined in §901.
- 2. Retail Business, Service Establishments and Eating and Drinking Establishments.
 - A. If the proposed use will occur within an existing building, there shall be no limit to the floor area of the proposed uses. The existing building may be expanded only to the extent that the total building footprint of the existing building plus the expansion combined shall not exceed 6,500 square feet in the CR-1 district (15,000 square feet in the CR-2 district), not including basement.
 - B. If the proposed use will occur within a new building, the building footprint for the principal use shall not exceed 6,500 square feet in the CR-1 district or 15,000 square feet in the CR-2 district.
 - C. If the proposed use will be a planned development containing multiple establishments on a single lot or combination of contiguous lots, the building

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foot-print of each establishment devoted to uses described in subsection (2) shall not exceed 6,500 square feet in the CR-1 district or 15,000 square feet in the CR-2 district.

3. Rehabilitation Center.
 - A. Such facility shall be medically related and shall provide 24-hour supervision.
 - B. Such facility shall be limited to a maximum of eight occupants or residents.
 - C. Such facility shall be licensed by the State of Pennsylvania.
 - D. Such facility shall not accept as clients sexual deviants, psychotics, the severely mentally retarded, those who have demonstrated a known pattern of violence or criminal offenders.
 - E. Such facility shall be limited to one per residential block within the CR-1 or CR-2 zoning districts.
 - F. Such facility shall conform with all applicable local building codes.
4. Provisions of Any Permitted Use in the Commercial-Residential Zoning District.
 - A. For commercial uses located on corner lots where the side street is predominantly residential and the main street commercial, any commercial structure shall front on the main street.
 - B. 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.
 - C. Any display of goods shall be in back of the setback building line.
 - D. 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.
 - E. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
 - F. It shall not emit any noxious, toxic or corrosive fumes or gases or any offensive odors.

- G. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
- H. Areas of property not covered by buildings, structures, paved areas, driveways or walkways shall be planted with grass or other appropriate ground cover vegetation.
- I. Uses and/or development shall provide landscaping in accord with the following sections in order to eliminate or minimize nuisances that occur between adjacent land uses or between land uses and adjacent streets such as dirt, litter, pollution, noise, glare of lights, excessive heat, signs, unsightly buildings or parking areas, or danger from fires or explosions. These requirements shall apply where a new use/development is proposed on vacant land, where a use or development in existence prior to these regulations will be expanded in gross floor area by 50% or greater, or where an existing use/development is removed and a new use/development is proposed.
 - (1) Where any permitted non-residential use will abut a residential use, a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of the property line which separates the non-residential use from the residential use. Buffer strips shall:
 - (a) Contain a sight-obscuring planting of shrubs and/or bushes of a variety that keep green leaves year round and will maintain full, dense growth from the ground up to a height of between four and six feet. Plants shall be spaced to provide full, dense coverage without interruption.
 - (b) Contain a planting of under story trees such as dogwood, crab apple, or other equivalent varieties which grow to heights of maturity of not more than 25 feet. Trees shall be spaced evenly. Six trees shall be provided for each 100 feet of linear distance.
 - (2) Off-street parking areas for non-residential and multi-family residential uses shall provide landscaping and screening as follows:
 - (a) Screening shall be provided in accord with §1102(1)(D) of this Chapter.
 - (b) A minimum five foot wide landscape planting strip shall be provided where the parking lot abuts a street, excluding alleys.
 - (c) At least 5% of the interior parking area shall be landscaped with plantings and one tree for each 10 parking spaces installed. Interior parking lots plantings are required exclusive of other planting requirements. At least 50% of all planting shall occur

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between the front face of the structure(s) and the street on which the structure(s) fronts.

- (d) Landscaping shall be located in protected areas such as along walk-ways, in center islands, at the ends of parking bays or between parking spaces. All landscaping shall be placed so that it does not obstruct sight distance for automobiles moving within the parking lot or entering and exiting the parking lot.
 - (e) Plant types shall include a mixture of hardy flowering and/or decorative evergreen and deciduous trees. Evergreens should be used along the perimeter of the parking lot for screening and deciduous trees should be used for shade within the parking lot.
- (3) Areas of buffer strips or landscape plantings not covered by plantings shall be planted with grass or other full ground cover vegetation or mulched. Such areas shall not be used for buildings, parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose.
 - (4) Installation and maintenance of buffer and landscaping areas shall be the responsibility of the permit applicant or subsequent property owners. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Plantings shall be maintained in healthy condition and dead or diseased plants shall be removed and replaced no later than next planting season. Buffer and landscape areas shall be kept mowed and free of weeds, tall grass, rubbish and debris.

(Ord. 1351, 6/9/1998 §930; as amended by Ord. 1444, 10/11/2005, §1)

§905. Light Manufacturing and Industrial Zoning District Use Provisions.

- 1. Storage of inflammable liquids on a lot occupied by an automotive service establishments:
 - A. It shall be stored in underground tanks.
 - B. It shall be approved by the Commonwealth of Pennsylvania.
- 2. Parking and loading facilities: shall comply with requirements set forth in Part 11.
- 3. Parking lot and/or parking structure: See §901(11) for standards.
- 4. Signs shall comply with the requirements set forth in the Greenville Borough Sign Ordinance [Chapter 19].

5. Adult Entertainment Establishments.

- A. Purpose and Legislative Intent. the location of adult entertainment establishments is of vital concern to the Borough Council of Greenville Borough especially when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Borough residents, in particular the minors of the community. Borough Council in enacting these regulations relative to adult entertainment establishments exercise the power which has been granted to them. The Borough Council 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 Greenville Borough.
- B. 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 Part 16:

ADULT ENTERTAINMENT ESTABLISHMENTS –

ADULT BOOKSTORE – any establishment having as a substantial or significant portion (25% or greater) of its stock in:

- 1) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- 2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

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

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ADULT MINI MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of more than five but less than 50 persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MODEL STUDIO – a motel or similar establishment, offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

ADULT MOTEL – a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE – an enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT NEWSRACK – any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

ADULT THEATER – a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

BATH HOUSE – an establishment or business which provides the services of baths of all kind, including all forms and methods of hydro-

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

BODY PAINTING STUDIO – any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

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

OUT CALL SERVICE ACTIVITY – an establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

SEXUAL ENCOUNTER CENTER – any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined below, licensed by the Commonwealth, to engage in sexual therapy.

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

SPECIFIED ANATOMICAL AREAS –

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or;

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- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES –

- (a) Showing of human genitals in a state of sexual stimulation or arousal;
- (b) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus or any other specified sexual activity prohibited by law;
- (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

C. Minimum Spacing and Proximity Requirements.

- (1) No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.
- (2) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
 - (a) No such establishment shall be located within 1,000 feet of a dwelling.
 - (b) No such establishment shall be located within 5,000 feet of schools, including public and private educational facilities, and school bus stops;
 - (c) No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:
 - 1) Amusement park;
 - 2) Camp (for minors' activities);
 - 3) Child care facility;
 - 4) Church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 5) Community center;
 - 6) Museum;
 - 7) Park & Playground;

- 8) Other lands where minors congregate.
 - (3) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.
- D. Visibility from the Street. no person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or high-way.
- E. 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 5% of the area of the wall of which such sign is a part of.
 - (3) No signs shall be placed in any window. A ½ square foot sign may be placed on the door to state hours of operation and admittance to adults only.
6. Provisions of Any Permitted Use in the Light Manufacturing and Industrial Zoning Districts.
 - A. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to any adjacent property.
 - B. It shall not emit any offensive odors, or noxious, toxic, or corrosive fumes or gases.
 - C. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or process with electrical apparatus, to nearby residences.
 - D. Where any permitted non-residential use abuts a residential zoning district or use, suitable screening, as defined in Part 16, shall be installed.
 - E. It shall comply with all applicable local, State or Federal air and water quality standards.

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- F. Storage of materials used in manufacturing and industrial processes may be allowed outside in the rear yard, so long as a thick hedge, solid fence or wall is provided along the rear and side lot lines. The hedge, fence or wall shall block visibility of the stored materials and be between four and six feet in height.

(Ord. 1351, 6/9/1998 §940; as amended by Ord. 1444, 10/11/2005, §1)

PART 10

PERFORMANCE STANDARDS MANUFACTURING AND INDUSTRIAL ZONING DISTRICTS

§1001. General Application.

Permitted uses (principal, accessory, conditional and special exception) enumerated in the C, LM and I Zoning Districts are subject to the following performance standards and procedures. If the Zoning Officer or the Zoning Hearing Board has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

(Ord. 1351, 6/9/1998 §1000; as amended by Ord. 1444, 10/11/2005, §1)

§1002. Performance Standards and Procedure.

1. **Prior to Construction and Operation.** Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.
2. **Continued Compliance.** Continued compliance with performance standards is required, and enforcement of continued compliance with these performance standards shall be enforced by the Zoning Officer or Zoning Hearing Board.
3. **Determination of Violation.** The Zoning Officer shall investigate any purported violation of performance standards, and if there is reasonable ground for the same, shall notify the Zoning Hearing Board of the occurrence of existence of a probable violation thereof. Said Board shall investigate the alleged violation. If after public hearings on due notice, said Board find that a violation occurred or exists, such violation shall be terminated as provided in subsection (4).
4. **Termination of Violation.** All violations as ascertained in accordance with §1004 shall be terminated within 30 days of the decision of the Zoning Hearing Board or shall be deemed a separate violation for each day following and subject to fines as set forth herein, except that certain uses established before the effective date of this Chapter and non-conforming as to performance standards shall be given a reasonable time in which to conform therewith as determined by said Board.

(Ord. 1351, 6/9/1998 §1001; as amended by Ord. 1444, 10/11/2005, §1)

§1003. Regulation of Nuisance Elements.

1. **Definition of Elements.** No land, use or building in any C, LM or I Zoning Districts which shall be used or occupied for heavy commercial or manufacturing purposes

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shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable, fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as “dangerous or objectionable elements”); provided that any use permitted by this Chapter may be undertaken and maintained in any C, LM and I Zoning Districts if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points the determination of their existence.

2. Locations where determinations are to be made for enforcement of performance standards: the determination of the existence of any dangerous and objectionable elements shall be made at:
 - A. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
 - B. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

(Ord. 1351, 6/9/1998 §1002; as amended by Ord. 1444, 10/11/2005, §1)

§1004. Standards to Be Enforced.

1. **Fire and Explosion Hazards.** In all activities involving storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.
2. **Radioactivity or Electrical Disturbance.** No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
3. **Noise.** At the points of measurement specified in §1003(2), the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association or equal. (American Standard Sound Level Meter for Measurement of Noise and other Sounds, 224.3-1944, American Standards Association, Inc., New York, NY, and American Standard Specification for an Octave-Band Filter Set for the Analysis of

Noise and other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, NY, shall be used.)

Table I

FREQUENCY RANGES CONTAINING STANDARD OCTAVE BANDS IN CYCLES PER SECOND	OCTAVE BAND SOUND PRES- SURE LEVEL IN DECIBELS re 0.0002 Dyne/cm²
20 – 300	60
300 – 2400	40
above 2400	30

If noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. & 7:00 a.m. one or more of the corrections in Table II shall be applied to the octave band levels in this table.

Table II

Type, Location of Operation or Character of Noise	Correction in Decibels
* Daytime operation only	5
Noise source operates less than (apply only one of the following)	
* 20% of any one-hour period	5
5% of any one-hour period	10
* Impulsive Noises — hammering	-5
* Periodic Noise — hum or screech	-5
Property outside a 500 feet radius of residential district or residential use	
* “C” Zoning District	5
“LM” and “I” Zoning Districts	10
4. Vibration. No vibration shall be permitted which is detectable without instruments at the points of measurement specified in §1003(2).	
5. Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in §1003(2). This restriction shall not apply to signs otherwise permitted by the provisions of the Borough of Greenville.	
6. Smoke. No emission shall be permitted from any chimney or otherwise visible grey smoke of a shade equal to or darker than No. 2 of the Power’s Micro-	

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Ringlemann Chart, published by McGraw-Hill Publishing Co., Inc., and copyrighted 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four minutes in any 30 minutes.

7. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.
8. Other Forms of Air Pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling.

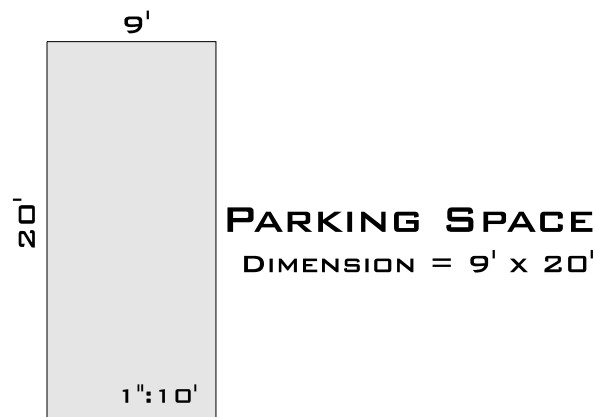
(Ord. 1351, 6/9/1998 §1003; as amended by Ord. 1444, 10/11/2005, §1)

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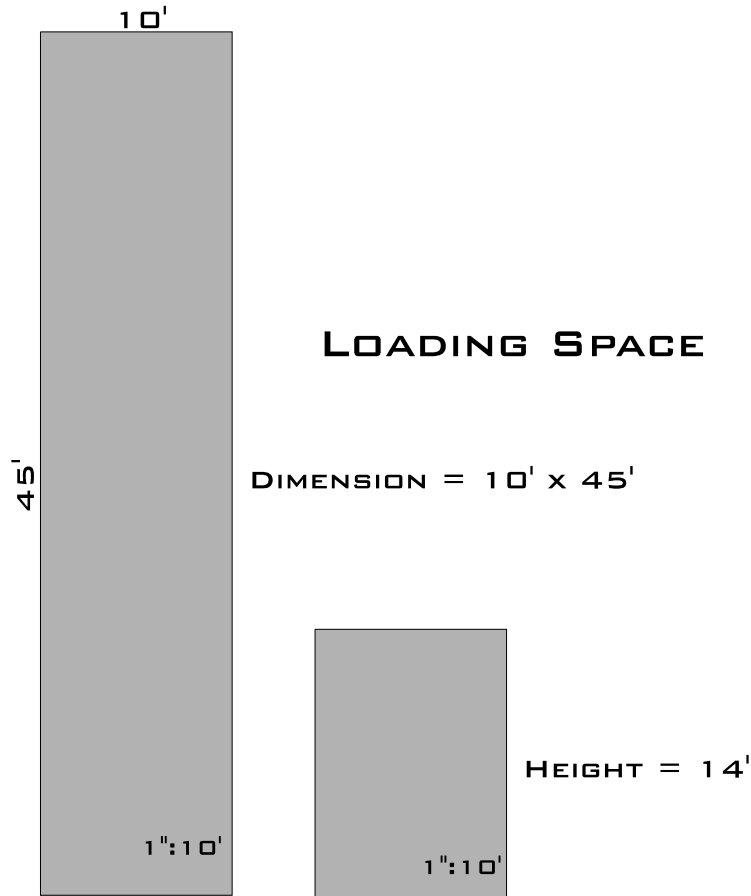
PARKING AND LOADING REGULATIONS

§1101. Off Street Parking and Loading Facility Requirements.

1. New use of a structure and/or land: for the use of any new structure and any use of land established, parking and/or loading facilities shall be provided in accordance with the following schedules.
2. Increase in Intensity of Use of an Existing Structure and/or Land. The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area or other units of measurement prescribed in the following schedules unless accessory parking and/or loading facilities shall be provided in accordance with said schedules.
3. Change in Use of an Existing Structure and/or Land. An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use. However, if said use of a structure and/or land was established prior to the effective date of this Chapter, additional parking and/or loading facilities shall be required only in the amount by which the requirements for the new or expanded use would exceed those for the existing use, if the latter were subject to the following schedule and space requirements.
4. Waiver of parking and loading requirements: the Central Business Zoning District where it is clearly impractical to provide off-street parking and loading facilities and where in the opinion of the Zoning Officer such requirements are adequately met in existing on-street or public parking facilities such parking and loading requirements as contained herein may be waived.
5. Size of Parking and Loading Spaces.



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Note: these provisions are minimum requirements.

6. Required Parking Spaces for Each Use.

RESIDENTIAL

	REQUIRED PARKING SPACES
One and two-unit dwelling structures	2 for each dwelling unit
Multi-Family structures	1.5 per dwelling unit
Housing for elderly persons	1 per dwelling unit
Boarding, Lodging or rooming house	1.5 per sleeping unit
Home occupation in one and two-family dwellings	2 plus 2 per dwelling unit
Bed and Breakfast facility	1 per guest room plus 2 additional spaces for owner/manager

BUSINESS

	REQUIRED PARKING SPACES
Retail or personal services establishment	1 for each 200 Square Feet of Gross Floor Area (SQ GFA)

BUSINESS

Office establishment (other than personal services)

Eating and/or drinking establishment

Business school, business college

Hotel, motel, tourist court

Amusement establishment

Bowling alleys

Mortuary or funeral home

Clubs (fraternal, social)

Motor vehicle sales, garages, repair shops & services

Wholesale, warehouse and industrial establishment

COMMUNITY FACILITIES

Government use (other than place of public assembly)

Church, synagogue or other place of worship

Public utility facility, service structure

College, day nursery school, public school

Dormitory, fraternity house, sorority house

Nurses house or similar institutional housing

REQUIRED PARKING SPACES

1 for each 400 SQ GFA

1 for each 3 units of seating capacity

1 for each 3 units of classroom and auditorium seating capacity

1 for each sleeping room plus 1 for each 3 units of restaurant seating capacity

1 for each 400 SQ GFA, or if assembly room 1 for each 3 unit of seating capacity

5 for each alley

15 for each chapel used for mortuary purposes, plus 2 for each dwelling unit and 1 for each employee.

1 for each 400 SQ GFA

1 for each 200 SQ GFA

1 for each employee not to exceed two shifts

REQUIRED PARKING SPACES

1 for each employee plus 1 for each 400 SQ GFA

1 for each 3 units of seating capacity

1 for each employee but not less than 3 spaces

1 for each classroom, plus:

1 for each 3 unit of assembly room seating capacity

1 per each 3 units of classroom seating capacity

1.5 for each sleeping room or 1 for 400 SQ GFA

1.5 for each sleeping room or 1 for SQ GFA

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COMMUNITY FACILITIES

REQUIRED PARKING SPACES

Convalescent home, hospital, sanitarium, nursing home

1 for each bed

Place of public assembly (auditorium, hall, theater)

1 for each 3 units of seating capacity

MIXED USES

REQUIRED PARKING SPACES

Any mixed use

the sum of the various uses computed separately

7. Required Loading Spaces for Each Use.

USE	REQUIRED LOADING SPACES
Multi-family structures with more than five dwelling units	1
Retail and Wholesale Merchandising, Manufacturing, Storage or Processing:	
- 5,000 to 25,000 Square Feet of Gross Floor Area (GFA)	1
- 25,000 to 40,000 SQ GFA	2
- 40,000 to 60,000 SQ GFA	3
- 60,000 to 100,000 SQ GFA	4
- for each additional 50,000 SQ GFA	4 additional
Schools having 15,000 + SQ GFA	1
Hospitals: (in addition to space for ambulances)	
- 10,000 to 30,000 SQ GFA	1
- for each additional 5,000 SQ GFA	1 additional
Mortuary or funeral home:	
- 3,000 to 5,000 SQ GFA	1
- For each additional 5,000 SQ GFA	1 additional
Hotels, motels, and offices with 5,000 or more SQ GFA	1

(Ord. 1351, 6/9/1998 §1100; as amended by Ord. 1444, 10/11/2005, §1)

§1102. General Provisions.

1. Parking areas for the storage of three or more automobiles in any zoning district shall be constructed in compliance with the following minimum standards:
 - A. Parking areas shall be hard surface asphalt or concrete constructed in accord with acceptable engineering practice. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck). Parking areas shall be so designed to provide positive drainage to natural water-courses and/or municipal storm water systems.
 - B. Entrance and/or Exit. Curb cut shall be a minimum of 18 feet for two-way traffic and nine feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum five foot radius on each side. Ramps shall slope to street gutter.
 - C. Striping and Bumpers. Each parking space shall be designated by four inch wide painted strips, nine foot center to center by 18 feet long, angled to best advantage for each of ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads or private property.
 - D. 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 feet height, not higher than six feet.
 - E. 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.
2. Location of Required Parking Facilities. The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve, except that the Zoning Officer may permit the parking spaces to be on any lot wholly within 300 feet of the building if determined it is impractical to provide space on the same lot with the building. In such cases where the required spaces are provided off the site, such space shall be in the same ownership as the use to which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use.
3. Location of Required Loading Facilities. The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of this Chapter.
4. Use of required parking and/or loading facilities by another use: any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of this Chapter shall not be included as part of a parking

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and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Hearing Board.

5. Encroachment and Reduction. A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.
6. Off-street Parking and Loading Spaces for Uses Not Specifically Mentioned. For any use not specifically mentioned in the above sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Chapter for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Chapter for such action.
7. Parking, Storage or Use of Major Recreational Equipment.
 - A. The parking, storage or use of any major recreational equipment is limited to one per lot. Major recreational equipment is defined for purposes of these regulations to include trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
 - B. Occupancy. No such equipment shall be used for living, sleeping or house-keeping purposes except as provided for under the following conditions:
 - (1) Travel trailers, pickup campers or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only, by visitors and house guests in accordance with the following provisions:
 - (a) The temporary parking and occupancy period shall not exceed 14 days.
 - (b) Such vehicles and/or trailers shall have adequate off-street parking areas.
 - (c) Permanent Parking and Storage of Camping and Recreational Equipment. Permanent storage of such equipment shall be permitted in any zoning district provided parking of the unit conforms with all applicable yard setback requirements of the zoning district.

- (d) Lot Coverage. Major recreational equipment six feet or more in average height shall be included on the same basis as buildings for regulation of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.
- (e) Derelicts. No major recreational equipment shall be stored out of doors unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state.

(Ord. 1351, 6/9/1998 §1102; as amended by Ord. 1444, 10/11/2005, §1)

PART 12

NON-CONFORMING USES, STRUCTURES AND LOTS

§1201. Intent and Standards.

1. Within the districts established by this Chapter or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this Chapter or future amendment.
2. It is the intent of this Chapter to permit these non-conformities to continue until they are removed. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the provisions of use for that type of use. Non-conforming industrial uses shall meet the provisions of use for the Industrial District and likewise any non-conforming commercial uses shall meet the provisions of use requirements for the Business District when they are either enlarged or expanded.
3. A non-conforming use of a structure, a non-conforming use of land or non-conforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.
4. Nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

(Ord. 1351, 6/9/1998 §1200; as amended by Ord. 1444, 10/11/2005, §1)

§1202. Non-Conforming Lots of Record.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same

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ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

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

(Ord. 1351, 6/9/1998 §1201; as amended by Ord. 1444, 10/11/2005, §1)

§1203. Non-Conforming Uses of Land.

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

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by §1201 of this Chapter.
- B. 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 Chapter.
- C. If any such non-conforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

(Ord. 1351, 6/9/1998 §1202; as amended by Ord. 1444, 10/11/2005, §1)

§1204. Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on 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:

- A. A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.
- B. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter unless a variance is granted by the Zoning Hearing Board.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

(Ord. 1351, 6/9/1998 §1203; as amended by Ord. 1444, 10/11/2005, §1)

§1205. 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 not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this Chapter in the district in which it is located may be enlarged, extended, constructed, reconstructed or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the provisions of use for that type of use. Non-conforming industrial structures shall meet the provisions of use for the Industrial District and likewise any non-conforming commercial structures meet the provisions of use requirements for the Business District when they are either enlarged, extended, constructed, reconstructed or structurally altered.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land out-side such building.
- C. 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

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provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(Ord. 1351, 6/9/1998 §1204; as amended by Ord. 1444, 10/11/2005, §1)

§1206. Non-Conforming Residential Use.

Where single-family residences exist as non-conforming uses according to this Chapter, the following shall apply:

- A. Notwithstanding any other provisions pertaining to non-conforming uses in this Chapter, an existing non-conforming residential dwelling destroyed in whole or in part by fire, flood, explosion or any other casualty beyond the control of the property owner, may be reconstructed and used as before said casualty, provided: 1.) the reconstructed principal residential structure and accessory structures (not including any agricultural structures) in combination shall not have a floor area of greater than 125% of that of the original principal residential structure and accessory structures (not including any agricultural structures) in combination, and 2.) the reconstructed principal and accessory structures shall meet applicable lot, yard and height requirements of the zoning district.
- B. Notwithstanding any other provisions pertaining to non-conforming uses in this Chapter, an existing non-conforming residential dwelling or any of its customarily accessory structure may be expanded in floor area up to an additional 25% each of the existing floor area, provided: 1.) the expansion does not include the addition of a residential dwelling unit or business unless such are otherwise permitted in the zoning district, and 2.) only one such expansion per principal or accessory structure shall be permitted.

(Ord. 1351, 6/9/1998 §1205; as amended by Ord. 1444, 10/11/2005, §1)

§1207. Repairs and Maintenance.

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

(Ord. 1351, 6/9/1998 §1206; as amended by Ord. 1444, 10/11/2005, §1)

§1208. Uses Granted Under Special Exception Provisions.

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

(Ord. 1351, 6/9/1998 §1207; as amended by Ord. 1444, 10/11/2005, §1)

PART 13

ADMINISTRATION AND ENFORCEMENT

§1301. Office of Zoning Officer.

1. Creation of Office. The office of Zoning Officer is hereby created.
2. Appointment. The Zoning Officer shall be appointed by the Governing Body.
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.
4. Compensation of the Zoning Officer. The compensation of the Zoning Officer shall be determined by the Governing Body.

(Ord. 1351, 6/9/1998 §1300; as amended by Ord. 1444, 10/11/2005, §1)

§1302. Duties and Powers of the Zoning Officer.

1. The Zoning Officer shall interpret and enforce all provisions of this Chapter.
2. 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 which are a special exception or variance from this Chapter shall be issued only upon order of the Zoning Hearing Board.
3. Annual Report. The Zoning Officer shall annually submit to the Governing Body a report of all permits and certificates of use and occupancy, notices issued and orders.
4. Right of Entry. The Zoning Officer shall have the authority to enter during normal business hours any structure and/or land in the Borough to inspect and to enforce the provisions of this Chapter. Before entering, the Zoning Officer shall provide proper identification and notify the property owner prior to entry.

(Ord. 1351, 6/9/1998 §1301; as amended by Ord. 1444, 10/11/2005, §1)

§1303. Application for Zoning Permit and Certificate of Use and Occupancy.

1. When Zoning Permit is Required. It shall be unlawful to erect, enlarge, construct or structurally alter any building and/or other structure or change the use, intensity of use or extend or displace the use of any building, other structure and/or land in the Borough without filing an application with the Zoning Officer and/or Code Enforcement Officer in writing and obtaining the required permit.

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2. When a Certificate of Use and Occupancy is Required. It shall be unlawful to use and/or occupy any building, other structure and/or land for which a permit is required until a certificate of use and occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer.
3. Forms of Application. The application for a permit and a certificate of use and occupancy shall be submitted in such form as the governing body may prescribe and shall be accompanied by the required fee as established by resolution of Borough Council.
4. Plot Diagram. Application shall be accompanied by a plot plan diagram (in duplicate) drawn to suitable scale showing all dimensions of lands or buildings to provide accurate means of review of the material in the application. One copy shall be returned to the applicant indicating approval or disapproval, one copy shall be retained by the Zoning Officer.
5. Amendments to a Permit. Amendments to a permit or other records accompanying it may be filed at any time before completion of the work. Such amendments shall be deemed a part of the original application.
6. Expiration of Permits. If work described in any permit has not begun within 90 days from the date of issuance, it shall expire. A written notice shall be given by the Zoning Officer to the persons affected. Also, if permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. A new permit shall be required.

(Ord. 1351, 6/9/1998 §1302; as amended by Ord. 1444, 10/11/2005, §1)

§1304. Action on Permits and Certificates of Use and Occupancy.

1. Action on Permit Application. The Zoning Officer shall act on all applications for permits and amendments thereto within 10 days after filing. The Zoning Officer shall conduct an inspection of all structures and/or land for which an application has been filed for a permit. If the application and inspection indicate compliance with this Chapter, a permit shall be issued. Disapproval of a permit shall be in writing to the applicant.
2. Posting of Permit. The permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

3. Revoking a Permit. The Zoning Officer may revoke an issued permit in case of any false statement in the application for the permit.
4. Action Upon Completion. Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. Within 10 days after receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit. If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with this Chapter, the Zoning Officer shall issue a certificate of use and occupancy for the use indicated in the permit.

(Ord. 1351, 6/9/1998 §1303; as amended by Ord. 1444, 10/11/2005, §1)

§1305. Fee Schedule.

No permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the governing body has been paid.

(Ord. 1351, 6/9/1998 §1304; as amended by Ord. 1444, 10/11/2005, §1)

§1306. Enforcement Notice.

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

(Ord. 1351, 6/9/1998 §1305; as amended by Ord. 1444, 10/11/2005, §1)

§1307. Prosecution of Violation.

If the enforcement notice is not complied with, the Zoning Officer shall request the municipal Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for in Article VI of the Pennsylvania Municipalities Planning Code (ACT 247 of 1968, as amended).

(Ord. 1351, 6/9/1998 §1306; as amended by Ord. 1444, 10/11/2005, §1)

PART 14

SUPPLEMENTARY REGULATIONS

§1401. Supplementary Use Regulations.

A use which is not explicitly listed as a permitted principal, accessory, conditional, or special exception within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted only upon the 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.

(Ord. 1351, 6/9/1998 §1400; as amended by Ord. 1444, 10/11/2005, §1)

§1402. Supplementary Height Regulations.

1. Exceptions to Height Requirements. The maximum height limitations of this Chapter shall not apply to:
 - A. Appurtenant Structures. Church spire, belfry, cupola, dome, monument, smokestack, derrick, conveyor, flag pole, radio tower, television tower, mast, antenna, aerial, roof tank, ventilating air conditioning and similar building aerial, roof tank, ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall; provided, any such structure shall set back from the vertical plane of the permitted building line one foot horizontally for each two feet of height which exceeds the maximum height permitted in the zoning district in which it is located.
 - B. Existing Designed Structures. The vertical extension of a structure existing at the effective date of this Chapter may be erected to such height as the original drawings of said building indicated; provided, the building was actually de-signed and constructed to carry the additional stories necessary for such height.

(Ord. 1351, 6/9/1998 §1401; as amended by Ord. 1444, 10/11/2005, §1)

§1403. Supplementary Area Regulations.

1. Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots. When any main wall of a structure does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line, from any given point along the face of the wall, shall be equal to the minimum dimension required for that yard or distance to lot line, whichever is applicable.

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2. Planned Commercial or Industrial Building Groups. Under controlled conditions, more than one principal structure may be permitted on a lot and required area regulations and yard requirements may be waived.
3. Projections into and Occupancy of Yards, Courts or Other Open Spaces. The following projections into and the occupancy of required yards, courts, or other open spaces, except a porch, deck and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions.
 - A. Steps, stoop, window sill, eaves, similar architectural feature, rain leader and/or chimney; provided, it shall not project more than six feet beyond the face of the wall.
 - B. Exterior stairway, fire tower, balcony, fire escape or other required means of egress; provided, it shall not project more than six feet beyond the face of the wall.
4. Fences. Except as provided in the next paragraph, the yard requirements of this Chapter shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residential District no fence or wall shall exceed six feet in height and meet the front yard setback requirements. However, open fences not exceeding two feet in height are permitted in the front yard.
5. Visibility at Intersections. On a corner lot in any district, no structure, sign, fence, wall, hedge or other planting shall be erected, placed or maintained at a height of more than 30 inches above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection.
6. Use of Yards for Driveways and Parking.
 - A. Residential. Yard areas for residential uses may contain a paved driveway and turnaround area.
 - B. Other Uses. Yard areas for other uses may contain permitted driveways and turnaround areas and may also include off street parking spaces subject to the following restrictions:
 - (1) Where such uses are in a Residential District:
 - (a) Front yards shall be kept free of parking except in permitted drive-ways along either side lot line.
 - (b) Such parking shall be related to the use of the lot, and not provided for other uses, except as provided for in Part 11.
 - (2) Where such uses are in Commercial, Public Institutional or Industrial Districts a front or side yard may be used for parking provided the

parking shall comply with the parking regulations contained in Part 11.

(Ord. 1351, 6/9/1998 §1402; as amended by Ord. 1444, 10/11/2005, §1)

§1404. General Control of Outdoor Illumination.

1. **Illumination of Buildings.** Buildings and uses in Public/Institutional, Commercial and Industrial zones may be illuminated by reflected light provided that the source of such light shall be suitably shielded so as not to detract from the quiet enjoyment of surrounding uses. The Zoning Officer may, at any time, require existing lights to be rearranged or shielded to conform. Such order may be appealed to the Zoning Hearing Board, but otherwise, must be complied with within 30 days from the date of notification.

(Ord. 1351, 6/9/1998 §1403; as amended by Ord. 1444, 10/11/2005, §1)

§1405. Screening of Non-Residential Uses; Applicable in All Zoning Districts.

1. **Specific Areas Affected.** Suitable screening as defined below shall be installed where any permitted non-residential use in any district abuts a residential use.
2. **Suitable Screening Defined.** Suitable screening shall be either a thick hedge, or a solid fence or wall four feet to six feet in height.

(Ord. 1351, 6/9/1998 §1404; as amended by Ord. 1444, 10/11/2005, §1)

PART 15

ZONING HEARING BOARD

§1501. Creation.

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to this Chapter and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of this Chapter when requested. It shall be created and maintained in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended or subsequently amended and perform duties, and exercise all powers vested in it by the provisions of said Act.

(Ord. 1351, 6/9/1998 §1500; as amended by Ord. 1444, 10/11/2005, §1)

§1502. Parties Appellant Before Board.

Appeals may be filed with the Board in writing by any officer or agency of the municipality or any person aggrieved. Requests for a variance may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 1351, 6/9/1998 §1501; as amended by Ord. 1444, 10/11/2005, §1)

§1503. Time Limitations; Persons Aggrieved.

1. No person shall be allowed to file any proceeding with the board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given.
2. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

(Ord. 1351, 6/9/1998 §1502; as amended by Ord. 1444, 10/11/2005, §1)

§1504. Public Hearings and Notices.

The board shall conduct hearings and make decisions in accord with §908 of the Pennsylvania Municipalities Planning Code – Act 247 of 1968, as amended.

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- A. Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 14 days from the date of the hearing.
- B. Notice to Appellant. By mailing a notice thereof to the appellant.
- C. Notice to Local Officials. By mailing a notice to the Borough Council, Mayor and Planning Commission.
- D. Notice to Adjacent Property Owners and Occupants. By mailing a notice to adjacent property owners and occupants of lots on the same street within 200 feet of the lot or building in question and to every lot not on the same street within 100 feet. Failure to send or receive such notice as required in this paragraph shall not invalidate any action of or by the Board.
- E. Representation at Hearings. Upon the hearing any party may appear in person or agent or attorney.
- F. Decision Upon Appeal. Whenever an appeal shall be taken the Zoning Hearing Board shall render its decision upon such appeal within 30 days from the date of the hearing on such appeal.

(Ord. 1351, 6/9/1998 §1503; as amended by Ord. 1444, 10/11/2005, §1)

§1505. Termination and Modification of Permit.

- 1. Termination of Permits. If after a permit has been authorized by the Zoning Hearing Board, such permit is not applied for and not lifted within a period of six 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.

(Ord. 1351, 6/9/1998 §1504; as amended by Ord. 1444, 10/11/2005, §1)

§1506. Functions of the Board.

- 1. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to

proceed directly in court, where appropriate, pursuant to Pa. R.C.P., §§1091 to 1098 relating to mandamus.

2. Challenge to the Validity of any Ordinance or Map. The Board shall hear challenges to the validity of a Zoning Ordinance or map except as indicated in §1004 and subsection (1) (b) of §1004 of the PA Municipalities Planning Code. In all such challenges, the Board shall take evidence and make a record thereon as provided in §908 of the Planning Code. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
3. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located;
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - C. That such unnecessary hardship has not been created by the appellant;
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and this Chapter.

(Ord. 1351, 6/9/1998 §1505; as amended by Ord. 1444, 10/11/2005, §1)

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§1507. Unified Appeals.

1. Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
2. Special Exceptions. Upon application in accordance with the provisions of this Chapter and the rules of the Board, the Board will determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the zoning district regulations of this Chapter. 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 this Chapter, except as wherein prescribed in this Part. The Board shall consider, explain and record its findings and determination in conformity with the spirit of this Chapter and may authorize the issuance of a permit for the following:
 - A. Special exceptions in off-street parking facility requirements for the modification of off-street parking facility requirements in any zoning district, provided:
 - (1) The Zoning Hearing Board shall hear and decide such requests for modifications as provided for in this Part.
 - (2) Such modification shall be consistent with the purpose and intent of such requirements.
 - (3) It shall be satisfactory to the Zoning Hearing Board that public or private transportation facilities shall be sufficient to accommodate the travel needs of those employed on the premises.
 - (4) If after the investigation by the Zoning Hearing Board, it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has such peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension, or location that it cannot be reasonably developed in accordance with the regulations and provisions of this Chapter as herein specified.
 - B. Special exception applications for permits to construct a hotel or motel in an RM-3 Zoning District shall be reviewed by the Zoning Hearing Board and are subject to the following:

- (1) Developer shall submit for review and approval by the Zoning Bearing Board detailed plans including but not necessarily limited to the following:
 - (a) Boundary survey of the property in question.
 - (b) Site plan including layout of structures, ingress, egress, parking, lighting, landscaping and service areas.
 - (c) Architectural plans delineating living units and ancillary facilities or service areas.
 - (d) All proposals and construction of facilities, should approval be granted, shall be in accord with all applicable local and State building code requirements.
 - (2) Plans shall be prepared in accord with the following development standards:
 - (a) Minimum lot area – 20,000 square feet.
 - (b) Minimum lot width – 100 feet.
 - (c) Side and rear yards – 10 feet.
 - (d) Maximum building height – 35 feet.
 - (e) Parking shall be provided off street and improved in accord with §1101(1). A minimum of one parking space shall be provided for each hotel/motel living unit.
 - (f) Parking areas shall be landscaped and screening provided where abutting property in residential use. See suitable screening §1405.
 - (g) Area lighting shall be provided in accord with standards of §1404, “General Control of Outdoor Lighting.”
 - (h) Density of Units. Permitted number of units shall be calculated utilizing the floor area ratio and minimum floor area per residential living unit in the RM-3 District.
- C. Special exception to permit the conversion of a residential house into a bed and breakfast establishment in the any residential zoning district shall be re-viewed by the Zoning Board and is subject to the following:

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- (1) Interior Design Standards. To ensure that the integrity of interior space is maintained so that reconversion to the original residential use is easily accomplished.
 - (a) All rooms shall be part of the primary residential structure and the number of guest rooms approved shall be increased except as may be required to meet health, safety and sanitation requirements.
 - (b) The bed and breakfast shall comply with all applicable health and safety regulations and must obtain the necessary permits.
- (2) Food Preparation. To protect the residential character of the bed and breakfast:
 - (a) The only meal provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
 - (b) Individual rooms shall not contain cooking facilities.
 - (c) The kitchen shall not be built or altered to commercial kitchen standards.
- (3) Intensity of Use. To ensure that the facility is not liken to an apartment building, hotel, boarding house and similar uses:
 - (a) Guests may stay up to and no more than 14 consecutive days.
 - (b) The owner or manager must reside in the facility.
- (4) Exterior Design Standards. To limit alterations to the exterior structure and grounds to ensure the residential character of the neighborhood:
 - (a) Minimal outward modification of the structure or grounds may be made provided such modifications are compatible with the period of the structure including scale, design, materials, color and texture and with the character of the area, neighborhood and district.
 - (b) Any existing or documented architectural features should be maintained and any such missing features including cornices, columns, etc. and windows, porches and stoops may be replaced as they were originally constructed provided lot and yard dimensions specified for the district are not violated.
- (5) Parking. To maintain the residential character of the district:

- (a) The number and size of parking spaces shall conform with Part 11.
- (6) Signs. To maintain the residential character of the district:
 - (a) Signs shall conform with Chapter 19, Signs and Billboards, and any amendments thereto.
- (7) Refuse. To maintain the residential character of the district:
 - (a) Refuse shall be disposed of at a bed and breakfast the same as it is for a residential use within the district.
 - (b) No dumpsters shall be permitted.

(Ord. 1351, 6/9/1998 §1506; as amended by Ord. 1444, 10/11/2005, §1)

PART 16

DEFINITIONS

§1601. General Interpretation.

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

(Ord. 1351, 6/9/1998 §1600; as amended by Ord. 1444, 10/11/2005, §1)

§1602. Definition of Terms.

ABUTTING — having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

ACCESS — a way of approaching or entering a property.

ACCESSORY BUILDING OR USE — a building or use which: (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; (3) contributes to comfort, convenience or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

ADDITION — any construction which increases the size of a building such as a porch, attached garage or carport or a new room or wing.

AGENT or OWNER — any person who can show written proof that he has authority to act for the property owner.

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

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

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

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AMBULANCE SERVICE — emergency transportation of the sick and injured, invalid coach service, rental of funeral coaches and limousines and pick up and removal of the deceased.

BASEMENT — a portion of a building partly underground, and having $\frac{1}{2}$ or more than $\frac{1}{2}$ of its floor-to-ceiling height below the average grade of adjoining ground.

BED AND BREAKFAST — an establishment originally designed as a residential house which offers overnight sleeping accommodations and breakfast for transient guests.

BOARDING UNIT (ALSO ROOMING or LOADING UNIT) — living quarters which, unlike a dwelling unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

BOROUGH — the Borough of Greenville.

BUILDING — an enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure and protection of person, animals or property of any kind, including manufactured 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 side walls of all except the end structures are party walls.

BUILDING, DETACHED — a building where both side walls of all except the end structures are party walls.

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

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 this Chapter and may lawfully be occupied or used for a specific use or uses.

CHARITABLE INSTITUTION — nonprofit organizations that are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. Not included in this definition are social organizations or clubs.

CHURCH — a building of public 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 — a commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers and construction equipment.

CONDITIONAL USE — a use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in this Chapter and any additional safeguards deemed necessary by the governing body.

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

CONVERSION — changing the original purpose of a building to a different use or increase in intensity of use.

COURT — any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

COVENANT — a private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

COVERAGE — that percentage of the lot or site area covered by principal and accessory structures.

CURB LINE — the line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

DEDICATION — the transfer of property from private to public ownership.

DEED RESTRICTION — see “covenant.”

DEVELOPMENT — any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DISTRICT — a district or a zone shall be any portion of the territory of the Borough of Greenville within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

DORMITORIES — a building, whether public or private, associated with a school, college or university designed for, used and arranged with rooms providing sleeping, studying and living accommodations for students.

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DRIVEWAYS — an open space located on a private lot built for access to a private garage, parking or to any structure located on the lot.

DWELLING — a building arranged and used for residential occupancy containing a dwelling unit or units, including a one-family, two-family, row and multiple-family dwelling.

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

DWELLING, SINGLE-FAMILY — a detached building designed for and used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY — a building having two dwelling units, each with its own exterior entrance door and containing but two families. The dwelling units may be either semi-detached with one family living on either side of a common party wall, or stacked with one family living over the other.

DWELLING UNIT — a building or portion thereof providing complete housekeeping facilities for one family. The term shall not include cellar dwellings, but shall include all other structures designed for and/or used for living purposes, including (1) manufactured homes having at least 450 square feet of residential floor area and meets the U.S. Department of Housing and Urban Development's Manufactured Housing Standards and (2) prefabricated dwellings having at least 450 square feet of residential floor area.

EASEMENT — a right given by the owner of land to another party for specific limited use of that land.

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

ESSENTIAL SERVICES — the erection, construction, alteration or maintenance by public utilities or municipal departments or municipal 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 for the public health, safety and general welfare.

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

FAMILY DAY CARE — a home occupation in which a dwelling's primary resident(s) provides supervision/care to no more than 11 persons and must comply with State regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

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 RATIO — the intensity of land uses as expressed by the ratio of floor area to total square feet of lot area.

FRONTAGE — the frontage, or front of a lot is the side nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Article and the specific use provisions of this Chapter.

FUNCTIONAL EQUIVALENT OF A FAMILY — a group of eight or less unrelated persons living together by choice and without time limitation in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured stable relationship providing organization and stability.

GARAGE, PRIVATE — a detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for offering commercial automotive repair or servicing to the public.

GROUP HOME — (1) a functional equivalent of a family; and (2) a single-family dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for unrelated handicapped individuals where special care is needed.

HARDSHIP — an unusual situation or condition that relates to a particular property and which denies that property owner full utilization of his property if the strict application of this Chapter is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of this Chapter would place an individual in an unusual circumstance and, in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him. See also §912, Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

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

HOME CRAFT OPERATIONS — a home occupation in which the following activities are conducted by the dwelling's primary resident(s): rug weaving, ceramic working, lapidary work and home baking.

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HOME OCCUPATION — a use carried on entirely within a dwelling that is consistent with the residential district's character and function and meets the provisions outlined in Part 9, §901(10) of this Chapter. Furthermore, a home occupation shall not be interpreted as a place of business in which the primary purpose of the dwelling would be for the daily operation of a business characterized by employing outside employees, daily customer traffic, an on-site sign and parking areas.

HOME STUDIOS — a portion of a dwelling used by a dwelling's primary resident(s) for work involving any of the following artistic activities: painting, photography, composing, writing or sculpting.

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

HOUSING UNIT — same as "dwelling Unit."

HOUSEHOLD PET — animals integrated into and which become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship. Traditionally dogs, cats and small birds.

INSTITUTIONAL HOME — a dwelling converted into quarters or a building constructed with quarters intended for the care of sick, aged or infirm persons.

JUNK — any worn, cast off or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

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

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

LAND, DEVELOPED — "improved land" with buildings.

LAND, IMPROVED — "raw land" which has been provided with basic utilities such as water and sewerage and streets.

LAND, RAW — vacant land unsubdivided and unimproved (without utilities or streets).

LANDSCAPING — changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an esthetic 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.

LIGHT MANUFACTURING — research and development activities, the compounding, processing, packaging, storage (as a principal use), assembly and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. These uses include, but are not limited to, machine shops, manufacturing of appliances, electronics, paper products, medical products, tools or hardware or pharmaceuticals.

LOADING SPACES — an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way and which is not less than 10 feet in width, 45 feet in length and 14 feet in height.

LOT — the basic development unit — an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public road or alley.

LOT AREA — the computed area contained within the lot lines.

LOT, CORNER — a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the “corner.”

LOT COVERAGE — see “coverage.”

LOT, DOUBLE FRONTAGE — an interior lot whose front and rear lot lines abut street, or a corner lot with two opposite lines abutting a street.

LOT FRONTAGE — see “frontage.”

LOT, INTERIOR — lot whose sides do not abut a street.

LOT LINES — the property lines bounding the lot.

LOT LINE, FRONT — the line separating the lot from a street.

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; a side lot line separating a lot from a street is called a side street lot line.

LOT, NON-CONFORMING — a lot lawfully existing at the effective date of this Chapter, or by subsequent amendment thereto, which does not conform with the area regulations and other provisions prescribed for the zoning district in which it is located.

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LOT OF RECORD — a lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds, Mercer County, Pennsylvania.

LOT, WIDTH — the horizontal distance between the side lot lines as measured at the building setback line.

MANUFACTURED HOME —

- A. Manufactured homes are built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same, or similar electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like.
- B. Prefabricated units designed to be assembled or joined together, upon arrival at the site and requiring extensive finishing operations, prior to occupancy (excluding location on foundation and connection to utilities) shall be considered a prefabricated home rather than a manufactured home.

MANUFACTURED HOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes.

MANUFACTURED HOME LOT — a parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

MOTEL (ALSO MOTOR COURT, AUTO COURT, MOTOR HOTEL, TOURIST COURT, CABIN AND/OR MOTOR LODGE) — any 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 or used by transients.

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

NURSING HOME — an institution licensed to provide nursing care and related medical services to residents. A nursing home may be for-profit, non-profit, hospital-based or operated by government.

OFFICE — a room or group of rooms used for the practice of a profession or for the conduct of a business, provided that the only merchandise or services that are sold on the premises are incidental or accessory to the principal permissible use.

OPEN SPACE — an area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation and enjoyment.

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

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

PARKING LOT — an off-street ground level area, surfaced and improved for the temporary storage of motor vehicles.

PARKING SPACE — an off-street space having an area of not less than nine feet by 20 feet and 180 square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one motor vehicle.

PERMIT — a license, issued by the Zoning Officer, which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

PERSON — an individual, association, co-partner or corporation.

PERSONAL CARE HOME — a building where food, shelter and personal assistance or supervision are provided for at least one full day for three or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

PLAT — a map, plan or chart of a section or subdivision of the Borough of Greenville indicating the location and boundaries of individual lots.

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

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

PRIMARY RESIDENCE — a residence that is the home of the occupants more than ½ of the year.

PRIMARY RESIDENT(s) — the occupants that live in a dwelling more than ½ of the year.

PROFESSIONAL HOME OFFICE — a office located in a dwelling in which the dwelling's primary resident(s) conducts business that does not require the assistance of out-

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side employees nor requires personal daily communication with associates or customers. Professions that function as a home occupation in a professional home office shall be limited to the following: accountant, architect, lawyer, insurance agent, planner, land surveyor, engineer, telemarketer, and computer programmer.

PROJECTIONS (INTO YARDS) — parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of this Chapter.

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths, and other recreational areas.
- B. Sites for public schools and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

RECREATION –

RECREATION, COMMERCIAL — recreational facilities operated as a business and open to the general public for a fee.

RECREATION, PRIVATE/NON-COMMERCIAL — clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

RECREATION, PUBLIC — recreation facilities operated as a non-profit enterprise by the Borough, any other governmental entity or any non-profit organization which is open to the general public.

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

RECREATIONAL VEHICLE — a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

REHABILITATION CENTER — a medically related facility providing board and room, recreational counseling and other rehabilitative services to individuals of either sex, who by reason of mental or physical disability, addiction to drugs or alcohol, or family and school adjustment problems require specialized attention and care in order to achieve personal independence. Individuals participating in a work release, or similar program from a State Correctional Facility, and under supervision of a court, State or local agency shall not be included within this definition.

RETAIL BUSINESS — a business that primarily deals in the sales of commodities or goods to the general public.

ROAD — any street, highway, or other public roadway which is dedicated to public use by governmental authority.

SEAMSTRESS/TAILOR SERVICE — a home occupation in which a dwelling's primary resident(s) is involved in the operation of such services that does not require the assistance of outside employees nor renders services on a daily basis to customers.

SERVICE ESTABLISHMENT — those shops that primarily sell frequent or recurrent services on site; for example, beauty and barber shops, tailors, tanning salons or dry cleaners.

SETBACK — the required distance which must be maintained between the road centerline and the nearest principal and/or accessory structure.

SITE — a plot of land intended or suitable for development.

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

SPECIAL EXCEPTION — a provision which 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. The provision is granted by the Zoning Hearing Board.

SIC (Standard Industrial Classification) —

- A. The SIC is the classification system used by all Federal statistical agencies, most State agencies and many private organizations. Industry management utilizes the SIC in economic and sales forecasting, sales analysis, allocation of advertising budgets and so on. It is employed as a market research tool by individual business in the classification of their customers and suppliers.
- B. The SIC is an industrial classification of the entire economy. It divides activities into broad economic divisions (manufacturing, mining, retail, trade, etc.) Each division is further broken down into major industry groups (two-digit SIC), then into industry groups (three-digit SIC) and finally, into industries (four-digits). The numbering system provides flexibility, permitting use of the classification of various levels of detail according to specific uses and needs.
- C. A detailed description of the SIC, including industry definitions, is contained in the 1972 edition of the Standard Industrial Classification Manual, published by the Federal Government's Office of Management and Budget.

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Periodic revisions of the system – the latest in 1977 – can alter the product composition of an industry and thus impair comparability of time series data for that industry. All statistical series in this edition have been adjusted by the Bureau of Industrial Economics for consistency with the 1977 revisions.

STORY — a part of a building comprised between a floor and a floor or roof next above, including a basement.

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

STRUCTURE — a combination of materials forming a construction for occupancy and/or use including, among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, 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 the principal structure or use, and is located on the same lot as the principal structure or use.

STRUCTURE, NON-CONFORMING — a legal structure existing at the effective date of adoption or subsequent amendment of this Chapter, which 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 housing the principal use.

SUBDIVISION — the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building, or lot development.

SUITABLE SCREENING DEFINED — suitable screening shall be either a thick hedge, or a solid fence or wall four to six feet in height.

TRANSIENT — a person or persons passing through or by a place with only a brief stay.

TRAVEL TRAILER — see “recreation equipment.”

USE, ACCESSORY — a use customarily incidental and subordinate to the principal use of a building, structure, and/or land, except parking and/or loading facilities as herein provided.

USE, NON-CONFORMING — a legal use of a building, structure, and/or land existing at the effective date of adoption or subsequent amendment of this Chapter, which does

not completely conform with the use regulations and other provisions prescribed for the zoning district in which it is located.

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

VARIANCES — relief granted by the Zoning Hearing Board upon appeal in specific cases, from the terms of this Chapter 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 be observed and substantial justice done. See definition of “hardship.”

VISUAL OBSTRUCTION — any fence, wall, tree, hedge or shrub, or a combination of them which limits visibility.

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

YARD, FRONT — a yard across the full width of the lot, extending from any point of a principal building or structure to the road centerline.

YARD, REAR — a yard across the full width of the lot, extending from any point of a wall of a principal building or structure to the road centerline.

YARD, SIDE — a yard between the principal building or structure and the adjacent side lot line of the lot, extending from the front yard to the rear yard.

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

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

ZONING MAP — the Zoning District Map or Maps of the Borough of Greenville together with all amendments subsequently adopted.

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

ZONING ORDINANCE — the Zoning Ordinance of the Borough of Greenville together with all amendments subsequently adopted.

(Ord. 1351, 6/9/1998 §1601; as amended by Ord. 1444, 10/11/2005, §1)

PART 17

AMENDMENT, SUPPLEMENT OR CHANGE

§1701. Procedure for Amendments.

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the Borough Council in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and with the following general procedures:

- A. Any amendment, supplement, change, modification or repeal may be initiated by:
 - (1) The Borough Planning Commission.
 - (2) The Borough Council.
 - (3) A petition to the Borough Council by the owner of the property involved or by one having an interest therein.
- B. Amendments shall be submitted to the Borough Council at a regular or special meeting of the Council.
- C. Before voting on the enactment of an amendment, the council shall hold a public hearing on the proposed amendment, pursuant to public notice as defined in §107(18) "Public Notice" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
- D. All amendments shall be submitted to the Borough Planning Commission and the Mercer County Regional Planning Commission for review and recommendation prior to the public hearing as prescribed in §609, "Enactment of Zoning Ordinance Amendments," and §609.1, "Procedure Upon Curative Amendments," of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
- E. Information Required in the Amendment Application. The application for amendment shall be submitted in a form specified by the Borough and contain the following information as a minimum:
 - (1) Name, address and phone number of the applicant or his agent.
 - (2) The applicant's legal interest in the property(s) affected.
 - (3) A map identifying the location of the property(s) affected.

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- (4) The present and proposed zoning classification of the affected property(s).
- (5) A perimeter sketch of the property(s) affected showing the dimensions and size.
- (6) The applicant's signature on a dated statement acknowledging the submission of the proposed zoning amendment application and certifying the accuracy of the information contain therein.

(Ord. 1351, 6/9/1998 §1700; as amended by Ord. 1444, 10/11/2005, §1)

PART 18

APPEALS

§1801. Zoning Appeals.

The review or appeal of any provision of this Chapter or decision, determination, order or finding of the Borough Council or its agencies or officers shall follow the procedures set forth in Article X of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

(Ord. 1351, 6/9/1998 §1800; as amended by Ord. 1444, 10/11/2005, §1)