

Chapter 163

ZONING

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 12-13-1993 as Ord. No. 93-4. Amendments noted where applicable.]

Article I

General Provisions

§163-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of South Greensburg." The map, showing the division of the borough into the designated zoning districts, shall be known as the "Zoning District Map." The said map shall be an integral part of this chapter.

§ 163-2. Purpose.

The zoning regulations and districts set forth in this chapter are intended to achieve, among others, the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; airports; national defense facilities; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space; transportation; water; sewage; schools; recreational facilities; public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers.
- C. To provide for the use of land within the borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements; and that this Zoning Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 163-3. Establishment of districts.

For the purpose of this chapter, the entire Borough of South Greensburg is hereby divided into the following districts:

- R-1 One-Family Residence District
- R-2 Two-Family Residence District
- R-3 Multifamily Dwelling District

- C-1 Convenience Commercial District
- C-2 General Commercial District M General
- Industrial

§ 163-4. Interpretation of zone boundaries.

- A. Boundaries indicated as appearing to follow the center line of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as appearing to be parallel to the center lines or street lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways shall be construed as being parallel to such center lines.
- C. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines.
- D. Boundaries indicated as appearing to follow borough limits shall be construed as following borough limits.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- F. Boundaries indicated as approximately following the center lines of streams, creeks or other bodies of water shall be construed as moving with the actual body of water and following the center lines.
- G. The zoning districts adjoining each side of a street, alley or public way which has been vacated in a manner authorized by law shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- H. When there is disagreement on the location of district boundaries, a decision shall be rendered by the Zoning Hearing Board.

§ 163-5. Annexation.

All land annexed to the borough after the effective date of this chapter shall be classified automatically as R-1 Residence District. The Planning Commission shall recommend to Borough Council appropriate zoning for the annexed area within not more than six (6) months after the effective date of annexation.

§ 163-6. Overall community objectives.

Overall community objectives shall be as follows:

- A. To preserve and maintain the quality of life in order to preserve the health and welfare of the citizens of the community and to preserve local property values.
- B. In light of the declining industrial base, to encourage other types of economic development through business districts that attract a variety of commercial activity.
- C. To aesthetically enhance the community by encouraging beautification and economic development.

D. To continue to develop and maintain an outstanding recreation program.

163-7. Language interpretation; definitions.

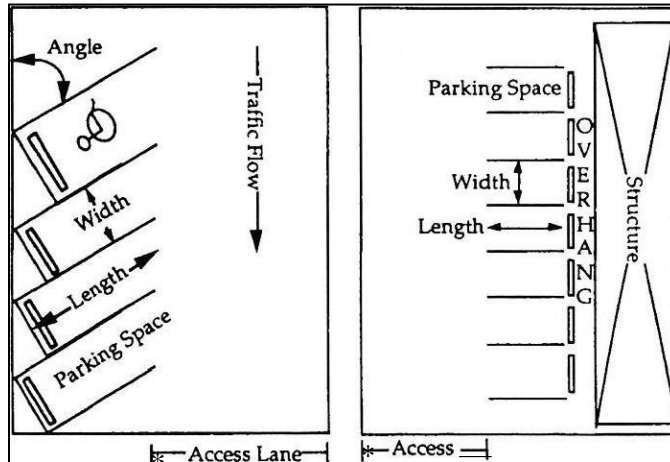
A. Language interpretations. For the purpose of this chapter, certain words shall have the meaning assigned to them, as follows:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular shall include the plural.
- (3) The word "person" includes a corporation, partnership or association as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The terms "shall" and "will" are always mandatory.
- (6) The word "may" is permissive.
- (7) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, maintained or designed to be used or occupied."
- (8) The word "building" includes the word "structure."
- (9) The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

B. Advertising, BILLBOARDS, or business signs not limited as to size or location except that it shall be within the buildable area of the lot.

Definitions. The following words and phrases shall have the meaning given in this section as follows:

ACCESS LANE— The drive within a parking lot directly abutting parking spaces and designed to provide a connection between the spaces and the public street.



ACCESSORY USE OR STRUCTURE — Use or building on the same property that is customarily found in connection with, or incidental to, the principal use or building.

ALLEY — A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

ALTERATION — Any change, addition or modification in construction or occupancy of an existing structure.

AMENDMENT — A change in this chapter, including addition of new requirements, revision of existing requirements or deletion of obsolete requirements, necessitating public hearings and other official approvals before becoming effective.

APARTMENT— A room, or suite of rooms, intended, designed or used as a residence by a single family, in a building with its own cooking, food storage, bathing and toilet facilities and with access directly or via a common hall to the outside.

APPEAL— A plea to a higher agency or court on the part of a person who contends he/she had been aggrieved as the result of a decision of a lower board, commission or individual charged with making the decision he/she is contending.

APPLICANT — A landowner, developer or tenant with notarized permission of the landowner, as hereinafter defined, who has filed an application for development, including his/her heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, approval of a subdivision plat or plan or approval of a development plan.

APPOINTING AUTHORITY — The Borough Council of the Borough of South Greensburg.

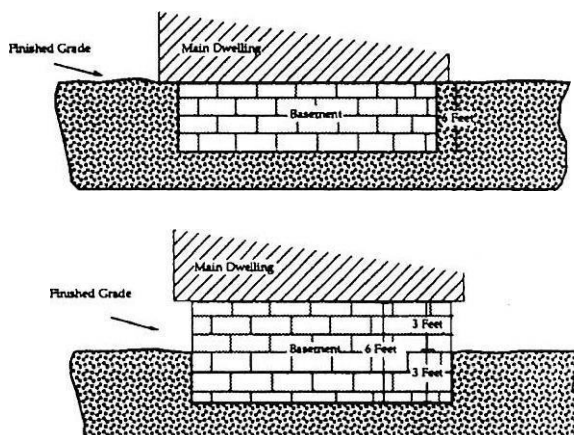
AUTHORITY— A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

AUTOMOBILE LAUNDRY or CAR WASHING FACILITY — A structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one-way washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operating vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be an "automobile laundry."

AUTOMOBILE SERVICE STATION— Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune ups, lubrication, minor repairs and carburetor cleaning are conducted. "Service stations" shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.

AUTOMOTIVE SALES— The sale or rental of new or used motor vehicles or trailers.

BASEMENT — The space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet. A "basement" shall not be counted as a story for purposes of height measurement unless one-half ($\frac{1}{2}$) or more of its height is above average grade.



BED-AND-BREAKFAST — An owner-occupied dwelling, or portion thereof, where short-term lodging rooms and meals are provided.

BOARD — See "Zoning Hearing Board."

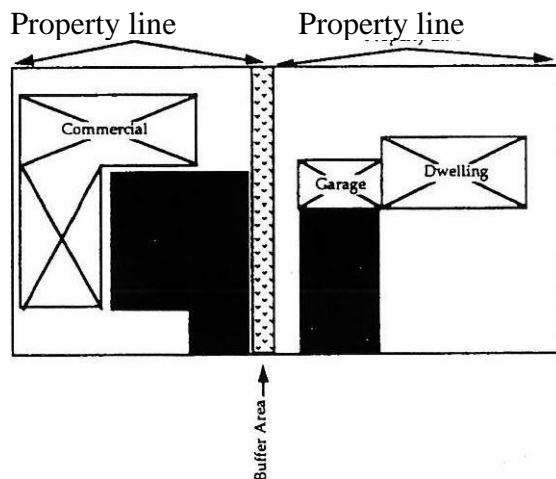
BOARDER — An individual, or individuals, other than a family member of the family occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOOKSTORE — An establishment having any income derived from the sale of books, magazines and other periodicals.

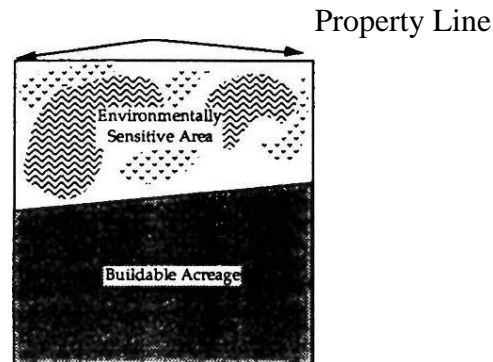
BOROUGH — The Borough of South Greensburg. **BOROUGH COUNCIL** — See "Council."

BOUNDARY— A line, usually a property or street right-of-way line or the center line of a recognizable physical feature such as a highway, stream or railroad, that demarcates the edge of a district or area.

BUFFER— A "buffer," "buffer area," "buffer yard" or "buffer setback," is a portion of a developed property which must be reserved for landscaping purposes. A "buffer" cannot be used for any purpose other than fencing and landscaping.



BUILDABLE ACREAGE — A gross acreage reduced by all or a portion of land with sensitive environmental attributes.



BUILDING — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land which is roofed, shall be considered an enclosed building if all exterior walls are solid except for fixed, closed or operable windows and doors.

BUILDING HEIGHT — See "height."

BUILDING PERMIT — Documentation attesting that a proposal for construction meets all requirements of this chapter and other applicable requirements of the Borough of South Greensburg, Westmoreland County and the Commonwealth of Pennsylvania relative to development and allowing such proposed construction to commence.

BULK — The volume of a structure indicating the total space enclosed by the exterior walls and roof.

BUSINESS SERVICES— Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

CAR WASHING FACILITY— See "automobile laundry or car washing facility."

CARE CENTER, CHILD DAY— A building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week, to twelve (12) or more children, with three (3) or more adult workers in attendance.

CARE HOME, FAMILY DAY— A building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week, to up to six (6) children, including the children of the adult provider, and with one (1) adult worker in attendance.

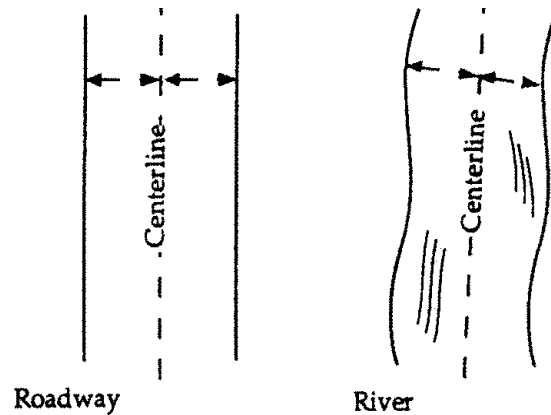
CARE HOME, GROUP CHILD— A building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week, to from seven (7) to eleven (11) children, including the children of the adult provider, and with at least two (2) adult workers in attendance.

CARETAKER HOME— An accessory structure used expressly for the provision of living quarters

and addressing all required yard and bulk requirements.

CELLAR — See "basement."

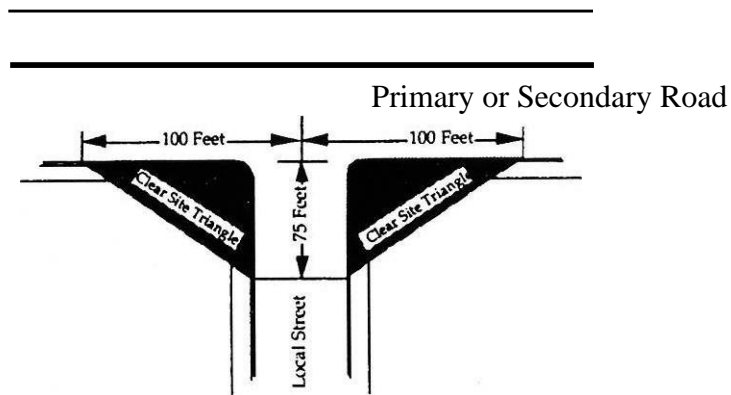
CENTER LINE — An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream or roadway.



CHARITABLE — As applied to any entity, organization, group, business use, operation or function, shall mean and connote that the use, business, operation or function is conducted not for profit, regardless of the nature or purpose thereof, and shall include those entities which have been designated as "charitable" entities under the provisions of the Pennsylvania Solicitation of Charitable Funds Act, the Act of August 9, 1963, P.L. 628, or under any of the provisions of the United States Internal Revenue Code, or of any laws, regulations or rules enacted thereunder.

CHILD DAY-CARE CENTER— See "care center, child day."

CLEAR SIGHT TRIANGLE— A triangular area of unobstructed vision on corner lots formed by a one-hundred-foot sight line along the center line of a local street, and by a line joining these two (2) sight lines at the greatest distance from their intersections.



CLUB, PRIVATE:

An establishment operated by an organization for fraternal, sororial, social, recreational or educational purposes, but open only to members and not the general public.

A nonprofit association of persons who are bona fide members paying periodic dues, and which association owns, hires or leases a building or lot or a portion of either or both, the use of which is restricted to either or both, and the use of which is restricted to members and their guests.

A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

COMMERCIAL— Engaging in a business, enterprise, activity or other undertaking for a profit.

COMMISSION — See "Planning Commission."

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site which is designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMUNITY CLUB — See "club, private."

CONDITIONAL USE — A use of a property that may be granted by Borough Council after receiving recommendations of the Planning Commission based on the express standards and criteria set forth in this chapter.

CONVERSION APARTMENT— A dwelling unit, established from a portion of a larger unit, containing all the facilities normally found in a dwelling unit, including adequate heat, light, plumbing, ventilation and means of access.

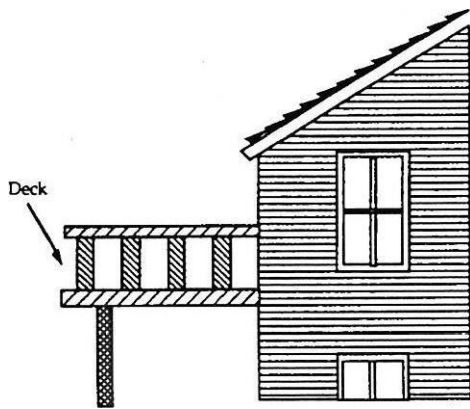
CORNER LOT — A lot abutting two (2) or more streets at their intersection and on which the building line for all streets must be observed.

COUNCIL — The Borough Council of South Greensburg, Westmoreland County, Pennsylvania.

COVERAGE — The maximum area or percentage of a lot which may be occupied by structures.

DECISION — Final adjudication of the Zoning Hearing Board and Borough Council. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DECK— An open area usually attached to, or part of, and with direct access to, a building, where said open area is elevated above ground level and is not covered by a permanent roof.



DEPARTMENT— The Pennsylvania Department of Transportation.

DEPENDENT CHILD — Any individual under eighteen (18) years of age in need of supervision and/or special services.

DERELICT VEHICLE — Any vehicle lacking a current license and inspection sticker that is stored out of doors.

DETERMINATION — Final action by the Zoning Officer, except for the following: the governing body; the Zoning Hearing Board; or the planning agency, only if, and to the extent that, the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER — Any landowner, agent of such landowner or tenant with written, notarized permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use, or extension of the use, of land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DOMESTIC ANIMALS — Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and rodents.

DRIVE-IN COMMERCIAL USES — Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade, such as drive-in restaurants, drive-in theaters and similar uses.

DRIVEWAY — A privately owned and maintained vehicular accessway within a property.

DWELLING — A building, or structure, or manufactured home, designed or used exclusively for residential occupancy, including single-family dwellings, duplexes and multifamily dwellings, but not including hotels or lodging and boarding homes.

DWELLING DENSITY— The maximum number of dwelling units permitted per acre or per lot.

DWELLING, MULTIFAMILY — A building, which is the only principal building on the lot, containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY — A residential building containing not more than one (1) dwelling unit.

DWELLING, SINGLE-FAMILY, ATTACHED (ROW AND TOWNHOUSES)— One (1) of two or more dwelling units separated by a common party wall and which have ground floor access to the outside.

DWELLING, SINGLE-FAMILY, DETACHED— A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

DWELLING, TWO-FAMILY — A structure designed for two (2) dwelling units, whether side- by-side or one above the other, with each unit having means of egress directly to the outside, at grade or via an exterior stairs to grade.

DWELLING UNIT— A group of connected rooms, whether in a separate structure, a duplex, townhouse or apartment building, including, in each unit, bathing, toilet and cooking and food storage facilities for the exclusive use of one (1) family or not more than three (3) unrelated individuals.

EFFECTIVE DATE — The date on which this chapter is duly adopted by the borough or as specified in an ordinance adopting the same.

ENTERTAINMENT FACILITIES — Any activity conducted for gain which is generally related to the entertainment field, such as motion-picture theaters, bowling alleys, roller-skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals and related uses.

FAMILY - A group of not more than three (3) persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption. This definition excludes occupants of a club or a dormitory, fraternity, sorority house, lodge or rooming house, group quarters and a student home. **[Amended 6-8-2009 by Ord. No. 2009-04.]**

FAMILY DAY-CARE HOME— See "care home, family day."

FENCE — A barrier constructed of materials other than trees and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA — The sum of the gross area of all floors of a building measured from the face of interior walls.

FLOOR AREA, GROSS (GPA) — When prescribed as the basis of measurement for off-street parking space and loading berths for any use, "floor area" shall mean the sum of the gross areas of the floors of buildings, or portions thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

FOOD PROCESSING/SALES— The retail sales of foodstuffs and associated merchandise packaged for consumption, after preparation, off the premises where sold and not including any restaurant or take-out establishment.

FRONT YARD — The area of any property between the front lot line and front setback line (see "setback" diagram).

FRONT YARD LINE — A front yard line bounds the front yard and is parallel to the front line (see "setback" diagram).

GOVERNING BODY— The Borough Council of the Borough of South Greensburg.

GRADE — The average elevation of the finished ground adjoining the building on all sides as referenced to the center line grade of streets abutting the lot.

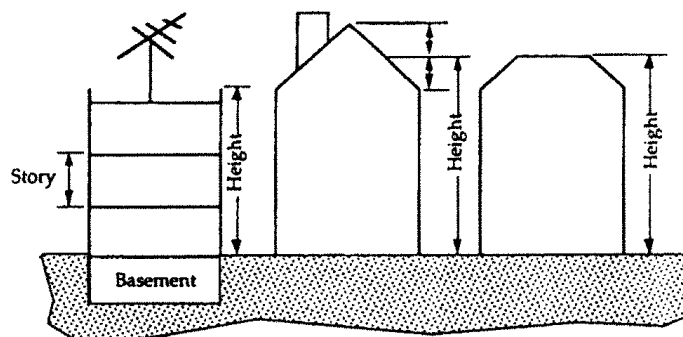
GRADING — The process of changing the natural surface of the land in order to carry out a development plan.

GROSS ACREAGE — The total acreage of a tract for which an application is filed or approved.

GROUP CHILD-CARE HOME — See "care home, group child."

GROUP HOME FOR THE HANDICAPPED— A dwelling shared by three (3) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: a physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently; a record of having such an impairment; or being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration.

HEIGHT — The vertical distance along the wall of a building measured between the average of the highest and lowest elevation at ground level on the front or rear facade, whichever has the lower ground elevations, and the top of the parapet on a flat roof building or halfway between the eaves and highest ridge line on a sloped roof building, except that chimneys, stacks, steeples, roof-mounted air-handling equipment and similar projections of the building, not intended for human occupancy, shall not be considered in measuring height.



HEIGHT OF BUILDING -- See "height."

HIGHWAY ACCESS POINT -- The intersection of an accessway or driveway from a lot or parcel of ground with a public street or right-of-way.

HOME OCCUPATION, MAJOR -- A home occupation in which no persons, other than members of the family residing on the premises, and one (1) nonresident, are engaged in the occupation, which has not more than one (1) unilluminated sign as visible evidence of conduct of the occupation and which accommodates both dwelling and home occupation parking needs off the street. (Some examples of these occupations include catering services or barber/beauty shops.)

HOME OCCUPATION, MINOR -- A home occupation in which no persons, other than members of the family residing on the premises, are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create a need for off-street parking beyond normal dwelling needs, which does not generate additional traffic and in which no equipment is used other than that normally used in household, domestic or general office use. (Examples of "minor home occupations" include telemarketers or telephone solicitors.)

JUNKYARD -- Any portion of any lot, whether inside or outside a building, for storage, keeping or abandonment of automobiles or other vehicles, machinery or parts thereof and any worn, castoff or discarded article or material which is ready for destruction, or which had been collected or stored for sale, resale, salvage or conversion to some other use.

KENNEL, COMMERCIAL -- The boarding, training, grooming or showing of more than four (4) domestic animals shall be limited to dogs, cats and such other species as may be considered pets in a residential setting.

LAND DEVELOPMENT -- Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development in accordance with the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170 of 1988).

LEGISLATIVE BODY -- Borough Counsel of the Borough of South Greensburg.

LIVE ENTERTAINMENT - Defined as follows, and shall not include any lewd, indecent and/or immoral entertainment:

1. Music or vocals provided by one or more professional or amateur musicians or vocalists;
2. Acting or drama provided by one or more professional or amateur actors or players;
3. Comedy or magic performed by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;

4. Dancing performed by one or more professional or amateur dancers or performers;
5. Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes or sportsmen;
6. Animal stunts or performances induced by one or more animal handlers or trainers;
7. Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;
8. A show or productions involving any combination of the activities described in subparagraphs 1-7, inclusive; and
9. A performance involving one or more of the activities described above by a disc jockey who presents recorded music. For purposes of this subsection, a disc jockey shall not be deemed to have engaged in a performance involving one or more of the activities described above if the disc jockey generally limits his or her interaction with patrons to introducing the recorded music, making announcements of general interest to patrons and explaining, encouraging or directing participatory activities between and among patrons. **[Added 5- 13-2013 by Ord. No. 2013-03.]**

LOADING AREA -- An area of property on which activities are of such a nature as to require continuous receiving and/or shipping of goods, such area to be used exclusively for loading and not to interfere with other vehicular or pedestrian circulation on the property.

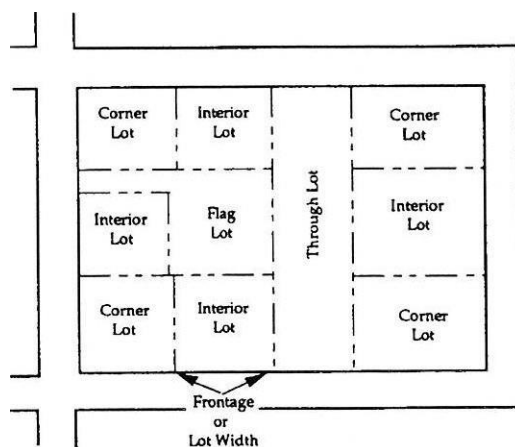
LOT -- A designated lot of record, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, CORNER -- A lot abutting on and at the intersection of two (2) or more streets.

LOT COVERAGE -- The maximum area which may be occupied by structures.

LOT, FLAG -- A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT, INTERIOR— A lot other than a corner lot or flag lot.



LOT LINE, FRONT — That boundary of a lot which is along an existing or dedicated street or right-of-way, with corner lots having two (2) "front lot lines."

LOT LINE, REAR — The line generally parallel to the front lot line, which defines the rear of the lot. A lot bounded by only three (3) lot lines will not have a "rear lot line."

LOT LINE, SIDE — Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD — A lot which has been duly recorded in the office of the Recorder of Deeds of Westmoreland County, either individually or as part of a subdivision.

LOT WIDTH — The horizontal distance between side lot lines measured along the front lot line, unless otherwise specified, or, in exceptional cases, the average lot width for the entire depth of the property.

MEDICAL MARIJUANA DISPENSARY: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health of the Commonwealth to grow and process medical marijuana.

MEDICAL MARIJUANA ORGANIZATION: A Medical Marijuana Dispensary or Medical Marijuana Grower/Processor.

MEDICAL MARIJUANA PERMIT: A permit issued by the Department of Health of the Commonwealth authorizing a Medical Marijuana Organization to conduct activities under the Medical Marijuana Act, Act No. 16 of 2016.

MEDIATION — A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement, which the parties themselves create and consider acceptable.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes

MUNICIPAL ENGINEER— A professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems and their essential buildings.

MUNICIPAL SERVICES FACILITIES — Any activities of the borough government, volunteer fire departments, sewage disposal and water supply systems or local electric and telephone lines.

MUNICIPALITY — The Borough of South Greensburg.

NONCONFORMING LOT— A lot, the area or dimension of which was allowed prior to the adoption or amendment of this Zoning Ordinance, which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING SIGN — Any lawful sign prior to the passage of this chapter which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this chapter or as a result of subsequent amendments thereto.

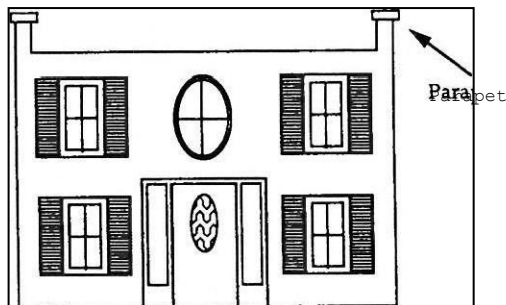
NONCONFORMING STRUCTURE— A structure, or part of a structure, manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment, heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location, by reason of annexation. Such "nonconforming structures" include but are not limited to nonconforming signs.

NONCONFORMING USE — The use, whether of land or of structure, which does not comply with the applicable use provision in the Zoning Ordinance or amendment, heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of such ordinance or amendment to its location, by reason of annexation.

OFFICE BUILDING — A building designed or primarily used for office purposes, no part of which is used for manufacturing, or a dwelling other than living quarters for a watchman or custodian.

OFF-STREET PARKING— An area, entirely sized as specified by the regulations in this chapter, wholly outside any public right-of-way but with direct access via a driveway or access aisle to a public street.

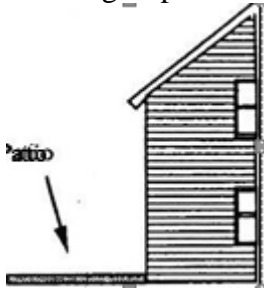
PARAPET — A low wall projecting above the roof of a flat-roofed building usually as an extension of the side walls.



PARKING — See "parking space" or "off-street parking."

PARKING SPACE — An off-street space having an area of not less than one hundred eighty (180) square feet, whether outside or inside a structure, used exclusively as a parking, turning and access stall for one (1) vehicle.

PATIO — A paved, at-grade structure directly adjacent to a principal building, without a permanent covering or permanent sidewalls.



PENNSYLVANIA MUNICIPALITIES PLANNING CODE — The State law, adopted July 31, 1968, as Act 247, and later amended by Act 170 of 1988, regulating municipal land use control in Pennsylvania.

PERMITTED USES — Any activity which is expressly allowed to occur on a property because of the property's location in a particular zoning district.

PERSON — An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of the above.

PERSONAL AND PROFESSIONAL SERVICES Services provided on the premises, in an office or in facilities regulated by the state, and including retail sales or products to be used off the premises as only an incidental part of the business.

PHASE -- One (1) or more sections on which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

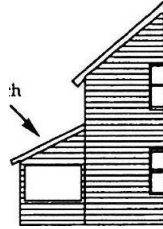
PLANNED RESIDENTIAL DEVELOPMENT — An area of land, controlled by a landowner or a group of landowners acting jointly and involving a related group of uses planned, developed and regulated as an entity. Such developments are compactly arranged in individual and/or multifamily dwelling units grouped in or around common open spaces, together with public and semipublic uses and noncommercial recreation facilities, provided that they are functionally integrated so that the character of the development conforms to the purpose and intent of the chapter.

PLANNING AGENCY -- A Planning Commission, Planning Department or Planning Committee of the governing body.

PLANNING COMMISSION -- The Planning Commission of the Borough of South Greensburg.

PLANT CULTIVATION -- The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials.

PORCH -- An attachment to a building, covered by a permanent roof but without permanent side walls.



PRINCIPAL STRUCTURE -- The structure containing the principal use or uses, whether conforming to the requirements of this chapter or not, and thus making all other structures and uses on the property accessory.

PRINCIPAL USE -- A single primary or predominant use to which property may be devoted and to which all other uses on the property are accessory.

PRIVATE - Any procedure or establishment limited to members of an organization or other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE CLUB — See "club, private."

PROPERTY— A tract of contiguous land surface, including the structures thereon, all sections of which are in the same ownership, surrounded by a boundary that closes on itself.

PROPERTY LINE— All or part of the boundary describing the limits of a property.

PUBLIC — Of, or pertaining to, buildings, structures, uses or activities belonging to, or affecting, any duly authorized governmental body, which is available for common or general uses by all persons, excluding public works facilities.

PUBLIC GROUNDS — Includes:

Parks, playgrounds, trails, paths, other recreational areas and other public areas;
Sites for schools, sewage treatment, refuse disposal and other publicly-owned or operated facilities;
and Publicly owned or operated scenic or historic sites.

PUBLIC HEARING — A formal meeting, held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

84), known as the "Sunshine Act. "5

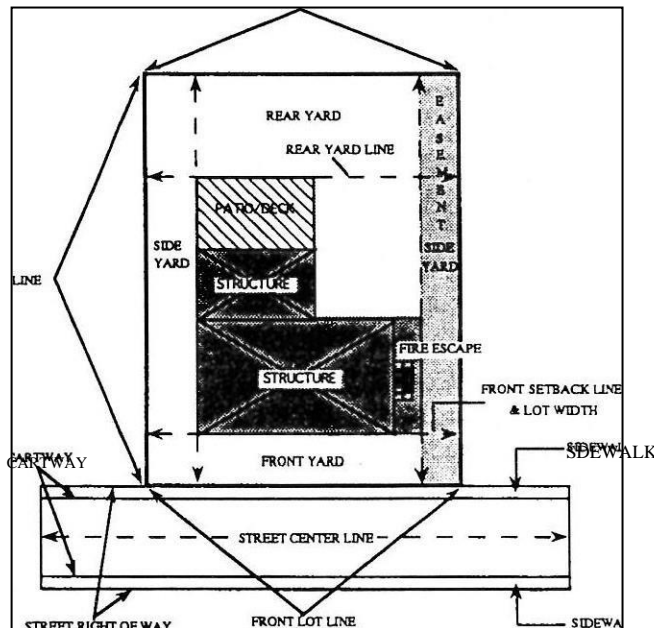
of the hearing.

means of a network of overhead or underground lines.

and copies thereof shall be provided at the cost of reproduction.

11-2004 by Ord. No. 2004-12.]

Set Back Diagram Rear Lot Line



STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

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

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETE — When referring to subdivision and land development, in the judgment of the municipal engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to the Pennsylvania Municipalities Planning Code) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

VARIANCE — A grant of permission by the Zoning Hearing Board, which relaxes applicable provisions of the Zoning Ordinance, where literal enforcement would create an unusual and unnecessary hardship, depriving the recipient of reasonable use of the property, but specifying what modifications to strict conformance are permitted.

WATER SURVEY — An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Borough of South Greensburg.

ZONING — The division of the municipality into zones or districts where land and buildings are regulated.

ZONING HEARING BOARD — The Zoning Hearing Board for the Borough of South Greensburg.

ARTICLE II
R-1 One-Family Residence District

§ 163-8. Permitted uses.

In the R-1 One-Family Residence District, the land and structures may be used, and structures may be erected, altered, enlarged and maintained, for the following uses only:

- A. One-family dwelling.
- B. Public library.
- C. Playground or park (nonprofit), or publicly owned recreation area.
- D. Accessory use.
- E. Signs, as prescribed in Article IX.
- F. Municipal building.
- G. Minor home occupations, subject to the home occupation standards found in § 163-30, General use provisions and exceptions, of this chapter.
- H. Swimming pools, subject to the swimming pool regulation standards found in 163-30, General use provisions and exceptions, of this chapter. **[Added 3-11-1996 by Ord. No. 96-4]**
- I. Student Homes (as herein defined) provided that:
 - (1) Not more than one building on a lot may be used as a student home; and
 - (2) Not more than one (1) dwelling unit in a two-family or multiple-family dwelling may be used as a student home; and
 - (3) Such student homes must be registered with the Borough of South Greensburg; and
 - (4) No student home shall be closer than 500 feet to another student home; and
 - (5) Such occupied student homes must be inspected by the Borough's Building Code Inspector on an annual basis and be issued an annual occupancy permit by the Borough; and
 - (6) Each occupied student home must be registered as a "Regulated Rental Unit" under the Borough of South Greensburg "Regulated Rental Unit Ordinance" and shall comply with the terms of such Ordinance; and
 - (7) The student home meets all off-street parking requirements for the zoning district in which it is located; and
 - (8) For purposes of this Ordinance, a "STUDENT HOME" shall mean a living arrangement for a maximum of five (5) students, as hereinafter defined. Student homes shall not include dormitories. A room or portion of a single-family dwelling,

occupied by the owner or owners thereof, and leased to one (1) student shall not be deemed a "STUDENT HOME" under the provisions of this Ordinance.

- (9) For purposes of this Ordinance, a "STUDENT" shall mean any individual who is enrolled or has made application and been accepted at a university, college or trade school and is taking at least six (6) credit hours and whose primary occupation is as a student, or who is on a semester or summer break from studies at a college, university or trade school. The term "STUDENT" shall apply to both undergraduate and graduate students alike. **[Amended 6-8-2009 by Ord. No. 2009-04.]**

§163-9. Conditional uses.

Conditional uses shall be as follows:

- A. Public utility corporation buildings, structures, facilities and installations, provided that:
 - (1) The height requirements of the district wherein the use is located may be exceeded when the necessity has been demonstrated, and if every portion of the structure or installation above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure or installation is in height.
 - (2) The use does not involve company office or storage area or structures requiring major trucking or traffic movements, and it is demonstrated that the use cannot reasonably serve the district from a location in a C or M District.
- B. Religious institutions or unit group building thereof, provided that:
 - (1) The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
 - (2) The minimum distance between main buildings in unit group on the zoning lot shall be as follows:
 - (a) Front-to-front or front-to-rear, or rear-to-rear, two (2) times the height of the taller building, but not less than seventy (70) feet.
 - (b) Side-to-side, one-half ($1/2$) the height of the height of the taller building, but not less than twenty (20) feet.
 - (c) Front-to-side, or rear-to-side, one (1) times the height of the taller building, but not less than fifty (50) feet.
 - (3) Dormitory facilities for students and teachers may be included, provided that the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted on surrounding properties.
 - (4) The location of off-street parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
 - (5) When in R Districts, minimum yards shall be provided as follows:
 - (a) Front and rear: each forty (40) feet.
 - (b) Side, each of two (2) required: twenty (20) feet.
- C. Educational or philanthropic institution, or unit group building thereof, provided that:
 - (1) The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.

- (2) The minimum distance between main buildings in unit group on the zoning lot shall be as follows:
 - (a) Front-to-front or front-to-rear, or rear-to-rear, two (2) times the height of the taller building, but not less than seventy (70) feet.
 - (b) Side-to-side, one-half ($1/2$) the height of the taller building, but not less than twenty (20) feet.
 - (c) Front-to-side, or rear-to-side, one (1) times the height of the taller building, but not less than fifty (50) feet.
- (3) Dormitory facilities for students and teachers may be included, provided that the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted on surrounding properties.
- (4) The location of off-street parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- (5) When in R Districts, minimum yards shall be provided as follows:
 - (a) Front and rear: each forty (40) feet.
 - (b) Side, each of two (2) required: twenty (20) feet.

§ 163-10. Special exceptions.

Special exceptions permitted by the Zoning Hearing Board include the following:

- A. A temporary structure and use in connection with an authorized use for a period not to exceed one
(1) year and extensions, and only where such structure and use are purely incidental to the authorized use, provided that it is demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties.
- B. A community garage or the use of land for a community parking area, for parking of noncommercial vehicles by residents of the neighborhood, on a lot having a buildable area of not less than three hundred fifty (350) square feet for each vehicle stored, provided that the prescribed yard, lot width and height requirements for a one-family dwelling are met, and provided further that the Board determines that such use is necessary in the particular neighborhood to facilitate the provisions of off-street parking space as required by this chapter, and that reasonable safety provisions are established.
- C. (Reserved)
- D. Major home occupations shall conform to the major home occupation regulations found in § 163- 30, General use provisions and exceptions, of this chapter.

§ 163-11. Bulk regulations.

Bulk regulations shall be as follows

- A. Height. See Summary Table.
- B. Setbacks. See Summary Table.
- C. Width. See Summary Table.
- D. Area. See Summary Table.

ARTICLE III
R-2 Two-Family Residence District

§ 163-12. Permitted uses.

In the R-2 Two-Family Residence District, the land and structures may be used, and structures may be erected, altered, enlarged and maintained, for the following uses only:

- A. Any use permitted in the R-1 District.
- B. Two-family dwelling.
- C. Student Homes (as herein defined) provided that:
 - (1) Not more than one building on a lot may be used as a student home; and
 - (2) Not more than one (1) dwelling unit in a two-family or multiple-family dwelling may be used as a student home; and
 - (3) Such student homes must be registered with the Borough of South Greensburg; and
 - (4) No student home shall be closer than 500 feet to another student home; and
 - (5) Such occupied student homes must be inspected by the Borough's Building Code Inspector and be issued an occupancy permit by the Borough; and
 - (6) Each occupied student home must be registered as a "Regulated Rental Unit Ordinance" under the Borough of South Greensburg "Regulated Rental Unit Ordinance" and shall comply with the terms of such Ordinance; and
 - (7) The student home meets all off-street parking requirements for the zoning district in which it is located; and
 - (8) For purposes of this Ordinance, a "STUDENT HOME" shall mean a living arrangement for a maximum of five (5) students, as hereinafter defined. Student homes shall not include dormitories. A room or portion of a single-family dwelling, occupied by the owner or owners thereof, and leased to one (1) student shall not be deemed a "STUDENT HOME" under the provisions of this Ordinance; and
 - (9) For purposes of this Ordinance, a "STUDENT" shall mean any individual who is enrolled or has made application and been accepted at a university, college or trade school and is taking at least six (6) credit hours and whose primary occupation is as a student, or who is on a semester or summer break from studies at a college, university or trade school. The term "STUDENT" shall apply to both undergraduate and graduate students alike. [Added 6-8-2009 by Ord. No. 2009-04.]

§ 163-13. Conditional uses.

Conditional uses shall be as follows:

- A. Hospital or sanitarium or nursing home or unit group building thereof, provided that:
 - (1) The height requirements may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.

- (2) The minimum distance between main buildings in unit group on the zoning lot shall be as follows:
 - (a) Front-to-front or front-to-rear, or rear-to-rear, two (2) times the height of the taller building, but not less than seventy (70) feet.
 - (b) Side-to-side, one-half ($1/2$) the height of the height of the taller building, but not less than twenty (20) feet.
 - (c) Front-to-side, or rear-to-side, one (1) times the height of the taller building, but not less than fifty (50) feet.
- (3) The location of off-street parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- (4) Minimum yards shall be provided as follows:
 - (a) Front and rear: each forty (40) feet.
 - (b) Side, each of two (2) required: twenty (20) feet.
- B. There shall be provided a lot area of not less than eight thousand (8,000) square feet, plus three hundred (300) square feet for each inpatient facility.
- C. Dormitory facilities for doctors and nurses may be included; the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted on surrounding properties.

§ 163-14. Special exceptions.

Special exceptions permitted by the Zoning Hearing Board include the following:

- A. A rooming house, on a zoning lot having a minimum area of four thousand eight hundred (4,800) square feet plus three hundred (300) square feet for each sleeping room in excess of four (4), provided that the prescribed yard, lot width and height requirements for one- and two-family dwellings are met, and provided further that the Board determines that the location of the use with respect to less intensive dwelling uses is such as to be not disturbing to such uses.
- B. A membership club, provided that neither restaurant nor bar facilities are established, and provided further that the Board determines the time of operation and the intensity of the use will not be disturbing to adjacent residential uses.
- C. A funeral home, on a zoning lot having a minimum area of four thousand eight hundred (4,800) square feet plus three hundred (300) square feet for each chapel, provided that the prescribed yard, lot width and height requirements for a one-family dwelling are met; the main building shall be located not nearer than one hundred (100) feet to an R-1 District; there shall be no crematory, receiving vault, preparation room or display of merchandise or advertising visible from outside the main or accessory buildings; there shall be no loading or unloading of merchandise or bodies of deceased persons on public property; there shall be no parking or standing of motor vehicles on public property; and off-street parking space shall be provided at the rate of four (4) spaces for each chapel; and provided further that the Board determines that the scale of business in relationship to the character of the uses around the particular location will be such as to be not detrimental to or alter the character of the neighborhood.

- D. A tourist home, on a zoning lot having a minimum area of four thousand eight hundred (4,800) square feet plus three hundred (300) square feet for each sleeping room in excess of four (4), provided that the prescribed yard, lot width and height requirements for a one-family dwelling are met; only overnight accommodations for not more than five (5) transient guest are offered; and the

Board determines that the location of the use with respect to less intensive dwelling uses is such as to be not disturbing to such uses.

- E. Noncommercial swimming pools.

- (1) No swimming pool shall be located in the front yard.
- (2) A building permit, in compliance with § 61-2E(1) and (2) of the Building Ordinance, shall be required to locate, construct or maintain a noncommercial swimming pool.
- (3) A swimming pool shall be located no closer to a property line than the minimum side or rear yard requirements.
- (4) Fencing requirements shall be in conformance with the fencing requirements found in this chapter.
- (5) The pool may be lighted by underwater or exterior lights, or both, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
- (6) The permanent water inlet to the pool shall be above the overflow level of the pool.

(7) At the time of application for a building permit it shall be demonstrated that the drainage of a pool is adequate and will not interfere with the water supply system, with existing sewage facilities or with public streets and shall not drain onto a neighboring property.

§ 163-15. Bulk regulations.

Bulk regulations shall be as follows:

- A. Height. See Summary Table.
- B. Setbacks. See Summary Table.
- C. Width. See Summary Table.
- D. Area. See Summary Table.

ARTICLE IV
R-3 Residence District

§ 163-16. Permitted uses.

In the R-3 Residence District, the land and structures may be used, and buildings and structures by be erected and used, for the following purposes and no other:

- A. Multiple-family dwellings.

§ 163-17. Conditional uses.

Conditional uses shall be as follows:

- A. Noncommercial swimming pools.
 - (1) No swimming pool shall be located in the front yard

- (2) A building permit, in compliance with § 61-2E(1) and (2) of the Building Ordinance, shall be required to locate, construct or maintain a noncommercial swimming pool. A swimming pool shall be located no closer to a property line than the minimum side or rear yard requirements.
 - (3) Fencing requirements shall be in conformance with the fencing requirements found in this chapter.
 - (4) The pool may be lighted by underwater or exterior lights, or both, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
 - (5) The permanent water inlet to the pool shall be above the overflow level of the pool.
 - (6) At the time of application for a building permit it shall be demonstrated that the drainage of a pool is adequate and will not interfere with the water supply system, with existing sewage facilities or with public streets and shall not drain onto a neighboring property.
- B. Accessory uses. Accessory uses shall be uses supplemental to providing services and activities for tenants of the building, but not including facilities for nursing or hospital care.

§ 163-18. Bulk regulations.

Bulk regulations shall be as follows:

- A. Height. See Summary Table.
- B. Setbacks. See Summary Table.
- C. Width. See Summary Table.
- D. Area. See Summary Table.

ARTICLE V

C-1 Convenience Commercial District

§ 163-19. Permitted uses.

In the C-1 Convenience Commercial District, the land and structures may be used, and structures may be erected, altered, enlarged and maintained, for the following uses only, and each enterprise shall be conducted entirely within the enclosed building unless otherwise specifically stated, and not be objectionable because of odor, smoke, dust, noise, vibration or similar causes:

- A. All uses, conditional uses and special exceptions allowed in the R-1 and R-2 Districts, provided that they meet all standards and requirements set forth in the R-1 and R-2 District requirements
- B. Multiple-family dwellings, provided that they meet the same yard, area and height requirements as those specified for the two-family dwellings in the R-2 District.
- C. Shop for the sale of any of the following commodities: books; beverages; confections; drugs; electrical appliances, including but not limited to radios, televisions and phonographs; flowers; foodstuffs; hardware; notions; novelties; periodicals; shoes;

sundry household articles; tobacco; wearing apparel; provided that there shall be no manufacturing or processing except that which is incidental and essential to an enterprise in which merchandise is sold at retail primarily on the premises

- D. Automobile service station and/or automobile repair shop (excluding body repairs and paint), provided that:
 - (1) Such activities as car washing and waxing and polishing or greasing must be conducted entirely within an enclosed building
 - (2) Service and repair activities of a repair shop must be conducted entirely within an enclosed building.
 - (3) There shall be no vehicular entrance or exit to or from said service or repair buildings within one-hundred (100) feet of any R District as defined herein.
 - (4) The requirements of § 163-30A are met.
- E. Barbershop and beauty parlor.
- F. Clothes pressing and repair.
- G. Laundry agency or hand laundry, or laundry operated by customers.
- H. Office for recognized profession.
- I. Real estate office.
- J. Restaurant and bar, providing live entertainment or dancing for not more than four (4) events in any calendar month. Any request by a restaurant or bar for additional events not exceeding six (6) in any calendar month shall be subject to a permitting process established by the Borough. **[Amended 9-16-2013 by Ord. No. 2013.]**
- K. Shoe repair shop.
- L. Tailor shop.

§ 163-20. Conditional uses.

Conditional uses shall be as follows:

- A. Public utility corporation buildings, structures, facilities and installations, provided that:
 - (1) The height requirements of the district wherein the use is located may be exceeded when the necessity has been demonstrated, and if every portion of the structure or installation above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure or installation is in height.
 - (2) When in a C District the use does not involve storage areas or structures requiring major traffic movements.
- B. Religious institution or unit group building thereof, provided that:
 - (1) The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
 - (2) The location of off-street parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
 - (3) When in C Districts, the buildable area of the lot shall not be located within forty (40) feet of an adjoining R District.
- C. Motel or motor lodge.

- D. Hotel.

§ 163-21. Special exceptions.

Special exceptions permitted by the Zoning Hearing Board include the following:

- A. Temporary structure or use in connection with an authorized use for a period not to exceed one (1) year and extensions, and only where such structure and use are purely incidental to the authorized use, provided that it is demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties.
- B. Accessory use.
- C. Signs subject to the sign provisions of this chapter.
- D. Community garage or community parking area.
- E. Municipal building.

- F. Medical Marijuana Dispensary.

§ 163-22. Bulk regulations.

Bulk regulations shall be as follows:

- A. Height. See Summary Table.
- B. Setbacks. See Summary Table.
- C. Width. See Summary Table.
- D. Area. See Summary Table.

ARTICLE VI

C-2 General Commercial District

§ 163-23. Permitted uses.

In the C-2 General Commercial District, the land and structures may be used, and structures may be erected, altered, enlarged and maintained, for the following uses only, and each enterprise shall be conducted entirely within the enclosed building unless otherwise specifically stated, and be not objectionable because of odor, smoke, dust, noise, vibration or similar causes:

- A. Any use permitted in the C-1 District except a residential use.
- B. Retail store, including incidental repair shop.
- C. Office.
- D. Amusement enterprise.
- E. Auditorium.
- F. Automobile sales, including incidental and minor service and repair, provided that:
 - (1) Only service and repair activities need be conducted entirely within an enclosed building.

(2) There shall be no openings toward adjoining R Districts in the walls of the building housing the service and repair areas.

G. Business college, trade or proprietary school.

H. Catering establishment.

I. Cleaning establishment (using nonexplosive and nonflammable cleaning fluids, excluding bag and rug cleaning).

J. Club.

K. Financial institution.

L. Funeral Home

M. General Photography (including blueprinting and photostating.)

N. Hotel.

O. Medical or dental clinic or laboratory.

P. Optician's shop.

Q. Pawnshop

R. Printing plant for local newspaper

S. Printer's shop.

T. Restaurant and bar, with or without dancing and live entertainment.

U. Studio broadcasting or music.

V. Group child-care home.

W. Child day-care center.

§ 163-24. Special exceptions.

Special exceptions permitted by the Zoning Hearing Board include the following:

A. A community or major garage and parking area, provided that the Board determines that the proposed location is such that the use will not be detrimental to the general welfare of adjacent businesses and that the addition of the proposed use will not overly congest abutting streets.

B. Medical Marijuana Dispensary.

C. Medical Marijuana Grower/Processor.

§ 163-25. Bulk regulations.

Bulk regulations shall be as follows:

A. Height. See Summary Table.

B. Setbacks. See Summary Table.

C. Width. See Summary Table.

D. Area. See Summary Table.

ARTICLE VII

M General Industrial District

§ 163-26. Permitted uses.

In the M General Industrial District, the land and structures may be used, and structures may be erected, altered, enlarged and maintained, for the following uses only, and such use shall not be objectionable because of odor, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water-carried waste:

- A. Any use permitted within the C-2 District.
- B. Automobile service, including automobile sales, station for service of fuel, lubricating oil and accessories; major repairs; painting; upholstering; tire retreading or recapping; battery manufacture and the like.
- C. Boatbuilding, of only small boats.
- D. Building materials sales and storage establishment.
- E. Cleaning and dyeing establishment, using nonflammable cleaning fluids.
- F. Community or major garage or parking area.
- G. Contractor's establishment, including storage of equipment.
- H. Distribution plant, including parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishment.
- I. Feed and fuel sales establishment.
- J. Freighting or trucking terminal.
- K. Laboratory: experimental, photo or motion-picture, film or testing.
- L. Laundry, when no portion thereof is nearer than seventy-five (75) feet to property classified R District.
- M. Machine shop.
- N. Machinery sales and display.
- O. Manufacture, fabrication and maintenance of electric and neon signs; billboards; commercial advertising structures; light sheet metal products, including heating and ventilating ducts and equipment; cornices; eaves; and the like.
- P. Manufacturing, fabricating, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metal, stone, shell, straw, textiles, tobacco, yards, wood and paint not employing a boiling process.
- Q. Manufacture, processing, packaging or treatment of such products as beverages, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap and food products, not including fish smoking, curing or canning, rendering of fats and oils or the slaughter of animals.
- R. Plumbing, heating or electrical contracting business.

- S. Printing, lithographing, type composition, ruling and binding establishment.
- T. Public utility corporation buildings, structures, facilities and installations.
- U. Repair shop, other than a railroad major repair shop.
- V. Selling of poultry, rabbits and fish, including the cleaning and dressing and the temporary keeping of live poultry on the premises.
- W. Stone or monument works.
- X. Storage, not including that of gunpowder, fireworks, gases or other explosives.
- Y. Veterinary establishment.
- Z. Whole sale
business. AA. Accessory
uses.
- BB. Signs, subject to the sign provisions of this chapter.

§ 163-27. Conditional uses.

Conditional uses shall be as follows:

- A. Garbage or refuse disposal plant, provided that the proposed location is such as to offer a reasonable protection to the neighborhood against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site, including any nearby residential streets that must be traversed in bringing the material to the site.

§ 163-28. Special exceptions.

Special exceptions permitted by the Zoning Hearing Board include the following:

- A. Temporary structure or use in connection with an authorized use for a period not to exceed one (1) year and extensions, and only where such structure and use are purely incidental to the authorized use, provided that it is demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties.
- B. Medical Marijuana Dispensary.
- C. Medical Marijuana Grower/Processor.

§ 163-29. Bulk regulations.

Bulk regulations shall be as follows:

- A. Height. See Summary Table.
- B. Setbacks. See Summary Table.
- C. Width. See Summary Table.
- D. Area. See Summary Table.

ARTICLE VIII Supplemental Regulations

§ 163-30. General use provisions and exceptions.

- A. Any use involving, as a principal part of the conduct of business, the use or servicing of motor vehicles, such as an automobile service station or sales area, community or major garage or parking area, distribution plant or a freighting or trucking terminal shall be so located that no vehicular entrance or exit shall be closer than two hundred (200) feet to an entrance or exit of any elementary

or secondary or vocational school, playground, church or public library that is located on the same street or way. Similarly, no entrance or exit to any elementary or secondary or vocational school, playground, church or public library shall be located closer than two hundred feet to a vehicular entrance or exit of such a use as above noted.

- B. Unenclosed porches, balconies or other open structures above grade may project a maximum of four (4) feet into the front yard and fifteen feet into the rear yard, provided that no portion of said structure shall be closer to a side lot line than the required width of the side yard.
- C. A buttress, chimney, cornice, pier or pilaster, projecting no more than twelve (12) inches from the wall of the building, may project into a required yard.
- D. No fences or walls shall be erected within the Borough of South Greensburg except on the following conditions:
- (1) No fence or wall can be erected within any right-of-way owned by the Borough of South Greensburg.
 - (2) No fence or wall may be constructed or altered without having first secured a permit therefore.
 - (3) A screened wall or fence shall not exceed six and a half (6 1/2) feet in height except a screening wall or fence not exceeding ten (10) feet in height may be built around a school, playground or park; or in the side or rear yard of a business or industry in a commercial or industrial district. The height of such fence or wall shall be the total height measured from the natural ground level to the top of said fence or wall. Any fence erected under this Section shall be erected with the finished or good side facing the street, alley or property adjacent to which it is erected.
 - (4) Application for such permits shall be made to the Zoning Officer of the Borough of South Greensburg and shall be accompanied by plans and specifications showing the work to be done, such plan to be verified by the signature of either the Owner of the premises or the Contractor in charge of the operation and shall be accompanied by the payment of a fee as designated by Council pursuant to §1-16 herein
 - (5) Such application with plans shall be examined by the Zoning Officer to determine whether the proposed construction or alteration will comply with the provisions of the Zoning Ordinance of the Borough of South Greensburg and shall issue or reject the permit, in writing, within five working days from receipt of the application. No permit will be issued until after approval of the plans.
 - (6) It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended application to the Zoning Officer and approved by him.

(7) The Zoning Officer shall make or cause to be made such inspection as is necessary to see to the enforcement of the provisions of this Chapter.

(8) Any person who shall violate or fail to comply with any of the provisions hereof, or the members of a copartnership or the officers of a corporation responsible for such violation or noncompliance, shall, upon conviction thereof, be punishable by a fine not to exceed \$300.00, together with costs of prosecution, for each offense or, in default of payment thereof, by imprisonment for not more than thirty (30) days. **[Amended 11-14-2005 by Ord. No. 2005- 12.]**

E. Public service lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications or railroad trackage and supporting members other than buildings shall not be required to be located on an individual zoning lot or be held to reduce the required yard dimensions for other structures on a zoning lot.

F. A building conforming as to use, but not complying with the area regulations of the district in which it is located, may be restored if damaged or destroyed by fire, flood, wind or other calamity or act of God, provided that such restoration is started within one (1) year of the occurrence of the damage and diligently prosecuted to completion. If restoration has not begun or been carried out in a continuous manner within the one-year period, all nonconforming conditions shall be discontinued.

G. Noncommercial swimming pools. **[Added 3-11-1996 by Ord. No. 96-4, amended 9-13-2004 by Ord. No. 2004-10.]**

(1) No swimming pool shall be located in the front yard.

(2) A building permit, in compliance with § 61-2E(1) and (2) of the Building Ordinance, shall be required to locate, construct or maintain a noncommercial swimming pool.

(3) A swimming pool shall be located no closer to a property line than the minimum side or rear yard requirements.

(4) .The pool may be lighted by underwater or exterior lights, or both, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.

(5) The permanent water inlet to the pool shall be above the overflow level of the pool.

(6) At the time of application for a building permit, it shall be demonstrated that the drainage of a pool is adequate and will not interfere with the water supply system, with existing sewage facilities or with public streets and shall not drain onto a neighboring property.

H. Barrier Requirements.

(1) Definitions.

ABOVE-GROUND/ON-GROUND POOL - See "Swimming pool."

BARRIER - A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB - See "Swimming pool."

IN-GROUND POOL - See "Swimming pool."

RESIDENTIAL - That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE - See "Swimming pool."

SPA, PORTABLE - A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL - Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on- ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR - A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR - Any swimming pool which is not an indoor pool

2. Application.

- i. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against

potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

3. Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

- i. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
- ii. Openings in the barrier shall not allow passage of a 4-inch diameter (102 mm) sphere.
- iii. Solid barriers which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- iv. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
- v. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm).

Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

- vi. Maximum mesh size for chain link fences shall be a 2.25 inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
- vii. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
- viii. Access gates shall comply with the requirements of Section H, sub-paragraphs 3(i) through 3 (vii), and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - viii.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - viii.2 The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- ix. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - ix.1 The pool shall be equipped with a powered safety cover in compliance with the standards of the American Society for Testing and Materials, ASTM F1346; or
 - ix.2 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - ix.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by sub- paragraphs 3(ix.1) or 3(ix.2) described above.
- x. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - x.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - x.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Section H, sub-paragraphs 3(i) through 3(ix). When the

ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

4. Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with Section H, sub-paragraph 3(ix).
5. Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
6. Barrier exceptions.
 - i. Spas or hot tubs with a safety cover which complies with American Society for Testing and Materials, ASTM F 1346-91 (1996) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs shall be exempt from the provisions of this Section.
 - ii. A wake alarm may be installed by property owners or Lessees in lieu of the barrier requirements of this Amended § 163-30 (H) (2) on all residential swimming pools, spas and hot tubs erected prior to the adoption of this Ordinance. **[Amended 9-13-2014 by Ord. No. 2004-10.]**

§ 163-31. Parking requirements.

A. Number of spaces.

- (1) An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors.
- (2) For residential developments, off-street parking shall be provided as set forth in the table entitled, "Off-Street Parking Requirements For Residential Land Uses."
- (3) For nonresidential developments, the parking standards shown in the table entitled, "Off-Street Parking Requirements For Nonresidential Land Uses," shall be used as a guideline.

Off-Street Parking Requirements for Residential Land Uses

Type of Use	Required Spaces
Residential, multifamily, efficiency/studio	1.25 per dwelling unit
Residential, multifamily, 1-bedroom	1.50 per dwelling unit
Residential, multifamily, 2-bedroom	2.00 per dwelling unit
Residential, multifamily, 3-bedroom	2.50 per dwelling unit
Residential, multifamily, 4 bedrooms or more	3.00 per dwelling unit
Residential, single-family, townhouse	2.00 per dwelling unit
Residential, single-family	2.00 per dwelling unit
Student homes	1.00 for each student occupying such unit

Off-Street Parking Requirements for Nonresidential Land Uses

Type of Use	Required Spaces	
Auto parts store	3.3 for every 1,000 square feet of gross floor area	
Automobile sales	1 per 3,000 square feet of development lot area	
Bank	1 per 300 square feet	
Bank, drive-in	Reservoir space equal to 5 times the number of	teller windows
Barber shop	2, plus 1 per chair	
Beauty parlor	2, plus 1 per chair	
Cemetery	1 per employee	
Church or synagogue	1 per 6 seats, or 1 per 12 feet of bench length	
Club or lodge	1 for each 4 persons allowed by occupancy code	
Convenience store	5 per 1,000 square feet of gross floor area	
Day-care center	1 for each employee	
Funeral home hearse, ambulance or	1 per 4 seats, plus 1 per 2 employees, plus 1 company vehicle	reserved space for each
Furniture store	1 per 1,000 square feet of gross floor area	
Gas station	3 times service capacity	
Golf course	Space equivalent to 1% of total land area	
Group home	1 per 2 group home residents	
Hardware store	1 per 400 square feet of gross leasable area	

Health club	1 per 50 square feet of gross floor area
Hotel	0.75 per unit
Junkyard	1 per employee on maximum shift
Laundromat	1 per 2 washing machines
Liquor store	1 per 400 square feet of gross floor area
Manufacturing	1.5 per 1,000 square feet of gross floor area
Nursery/greenhouse	1 per 400 square feet of gross floor area
Office	1 per 300 square feet of gross floor area
Office, dental	2 per examining room, plus 1 per employee
Office, medical	2 per examining room, plus 1 per employee
Park	Space equivalent to 1% of total land area
Photography studio	1 for each 300 square feet of gross floor area
Print shop	1 per employee
Produce stand	5 per stand
Repair shop	1 per 400 square feet of gross floor area
Restaurant	1 per 150 square feet of gross floor area
Retail	1 per 300 square feet of gross floor area
School, dance	1 per 200 square feet of gross floor area
School, elementary	1.6 per classroom
School, junior high	2 per classroom
School, high school	0.33 per student
School, trade	1 per 2 students
Stockyard	1 per employee on largest shift
Utility	1 per employee, plus 1 per facility vehicle
Warehouse	1 per 600 square feet of gross floor area

- B. Residential parking. A one-car garage and driveway shall count as two and zero-tenths (2.0) off- street parking spaces, provided that the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the sidewalk, or twenty-five (25) feet to the curblin. A two-car garage and driveway combination shall count as four and zero-tenths (4.0) off-street parking spaces, provided that the minimum width of the driveway is twenty (20) feet and its minimum length is as specified above for a one-car garage.
- C. One (1) off-street loading berth shall be provided for every new business or industrial use with a floor area of more than two thousand five hundred (2,500) square feet, and one (1) additional berth shall be required for each additional twenty thousand (20,000) square

feet of floor area over the first twenty thousand (20,000) square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street nor across any public sidewalk.

D. Phased parking. Where the total number of off-street parking spaces required are not immediately required for a particular use, a staged development plan may be permitted requiring that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces, be completed initially, subject to the following regulations:

- (1) The site plan shall clearly indicate both that portion of the parking area to be paved initially and the total parking needed to provide the number of spaces required.
- (2) The site plan shall provide for adequate drainage of both the partial and total parking areas.
- (3) The portion of the parking area not to be paved initially shall be landscaped with a ground cover to prevent erosion. The ground cover shall be appropriate for soil conditions, water availability and the environment.
- (4) The applicant shall post separate performance guaranties, in addition to the performance guarantees required by this chapter, which shall reflect the cost of installing the additional parking facilities necessary to provide the total number of parking spaces required.
- (5) In lieu of a permanent certificate of occupancy, a temporary certificate of occupancy shall be issued for a period of two (2) years. Prior to the expiration of the two-year period, the applicant may either install the additional parking shown on the site plan and apply for issuance of a permanent certificate of occupancy, or apply to the Planning Board after the use has been in operation a minimum of eighteen (18) months for a determination as to whether or not the initial parking area provided is adequate. If the Planning Board determines that the parking facility is adequate as originally constructed, the performance guaranties shall be released and a permanent certificate of occupancy issued. If, however, the Planning Board determines the partial off-street parking area is not adequate, the applicant shall be required to install the additional parking facilities in accordance with the terms of the performance guaranties prior to issuance of a permanent certificate of occupancy.
- (6) Any change of use on a site for which the Planning Board may have approved a partial paving of off-street parking areas to a use which requires more parking spaces than are provided on the site shall require submission of a new site plan.

E. Size of spaces.

- (1) Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for the physically handicapped shall measure twelve (12) feet in width.
- (2) Each off-street loading berth shall measure ten (10) feet in width by fifty (50) feet in length.

F. Parking areas.

- (1) Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
- (2) Access to parking areas shall be designed so as not to obstruct the free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians.
- (3) The width of all aisles providing direct access to individual parking stalls shall be in

accordance with the requirement specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees (90⁰).

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

- (4) Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one (1) foot is provided in order to accommodate such overhang.
- (5) Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken down into sections as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms and similar elements.

G. Use of transportation and parking alternatives.

- (1) Upon demonstration to the Zoning Hearing Board that effective alternatives to automobile access are in effect, the Board may reduce, by not more than fifty percent (50%), the parking requirements otherwise prescribed for any use, or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness and demonstrated reduction in off-street parking demand effectuated by such alternative programs.
- (2) Alternative programs may be considered by the Board under this provision include but are not limited to the following:
 - (a) Private van pool operation.
 - (b) Transit/van pool fare subsidy.
 - (c) Imposition of a charge for parking.
 - (d) Provision of subscription bus services.
 - (e) Flexible work-hour schedule.
 - (f) Capital improvement for transit services.
 - (g) Preferential parking for car pools/van pools.
 - (h) Participation in the ride-matching program.
 - (i) Reduction of parking fees for car pools and van pools.
 - (j) Establishment of a transportation coordinator position to implement car pool, van pool and transit programs.
 - (k) Bicycle parking facilities.

§ 163-32. Home occupations.

- A. All home occupations will require a home occupation permit.

B. Criteria for minor home occupations. Uses classified as minor shall be permitted as uses within the R-1 and R-2 Districts. The following regulations shall apply to all minor home occupations:

- (1) The use shall be conducted entirely within a dwelling and carried on by the inhabitant thereof and no others.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that 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 or vibrations that carry beyond the premises.
- (3) No more than one (1) room of the dwelling may be used for the home occupation.
- (4) There shall be no advertising, display or other indications of a home occupation on the premises.
- (5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may

be filled on the premises. That is, direct sales of products off display shelves or racks are not allowed, but a person may pick up an order placed earlier as described above.

- (6) No storage or display of goods shall be visible from outside the structure.
- (7) No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (8) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- (9) Parties for the purpose of selling merchandise or taking orders shall not be held more than four
(4) times each month.
- (10) A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.
- (11) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
- (12) Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than seventy-two (72) consecutive hours.
- (13) Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
- (14) Permitted minor home occupations include but are not necessarily limited to the following:
 - (1) Artists and sculptors.
 - (2) Authors and composers.
 - (3) Home crafts for sale off-site.
 - (4) Office facility of minister, rabbi or priest.

- (5) Office facility of a salesman, sales representative or manufacturer's representative, provided that no transactions are made in person on the premises.
- (6) Individual tutoring.
- (7) Preserving and home cooking for sale off site.
- (8) Individual musical instrument instruction, provided that no instrument may be amplified.
- (9) Telephone solicitation work.
- (10) Family day-care home not involving more than three (3) children.
- (11) Jewelry and watch repair.
- (12) Sporting goods repair.
- (15) The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as minor home occupations:
 - (1) All uses prohibited as major home occupations.
 - (2) Minor or major auto repair.
 - (3) Barbershop.
 - (4) Carpentry work.
 - (5) Dance instruction.
 - (6) Dental offices.
 - (7) Medical offices.
 - (8) Painting of vehicles, trailers or boats.
 - (9) Photo developing or photo studios.
 - (10) Private schools with organized classes.
 - (11) Television repair.
 - (12) Upholstering.
 - (13) Beauty parlors.
 - (14) Massage parlors.
 - (15) Small engine repairs.
 - (16) Welding shop.
 - (17) Other similar uses.

C. Criteria for major home occupations. Uses classified as major shall be considered special exceptions and administered accordingly. Further, major home occupations shall be encouraged in neighborhoods in transition from one land use to another and high-density neighborhoods. Pure single-family neighborhoods should, in general, be protected from major home occupations, unless it can be specifically demonstrated that such a use will have no short- or long-term negative impact on the neighborhood. To this extent, the following regulations shall apply to all major home occupations:

- (1) The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and one (1) noninhabitant employee.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not 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 or sounds, noises or vibrations.
- (3) The total area used for such purposes (including storage) shall not exceed the equivalent of one-half ($\frac{1}{2}$) of the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of the dwelling unit.
- (4) There shall be no signs present on the property except for one (1) wall sign, not to exceed one (1) square foot, indicating the address and the occupant's name; for example, "Joe Doe - Accountant."
- (5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations. For example, a single-chair beauty parlor would be allowed to sell combs, hair spray and other miscellaneous items to customers; however, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
- (6) There shall be no exterior storage on the premises of material used in the home occupation, or of any highly explosive or combustible material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) A home occupation, including studios or rooms for instruction, shall provide additional off- street parking areas reasonably adequate to accommodate needs created by the home occupation, of not less than one (1) parking space for each three hundred (300) square feet of floor area devoted to the home occupation and one (1) space for the noninhabitant employee.
- (8) Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
- (9) Parties for the purpose of selling merchandise or taking orders shall not be held more often than four (4) times each month.
- (10) Notwithstanding any provision contained herein to the contrary, garage, basement, yard and other similar sales shall be permitted not more than once each month, and each sale shall not last more than seventy-two (72) consecutive hours.
- (11) Permitted major home occupations shall include but are not necessarily limited to the following:
 - (a) Any use allowed as a minor home occupation.
 - (b) Beauty parlors and barbershops.
 - (c) Photo developing.
 - (d) Organized classes with up to six (6) students at one (1) time.
 - (e) Television and other electrical repairs, excluding major appliances such as

refrigerators or stoves.

(f) Small engine repairs, excluding major automobiles, motorcycles and snowmobiles.

(g) Upholstering.

(h) Dressmaking.

(i) Woodworking, excluding cabinetmaking.

(j) Family day-care home.

(12) The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes and are more suited to professional or business districts. Therefore, the uses specified below shall not be permitted as home occupations:

(a) Minor or major auto repair, painting of vehicles, trailers or boats.

(b) Funeral chapel or home.

(c) Gift shops.

(d) Medical or dental clinic.

(e) Rental businesses.

(f) Catering.

(g) Photo studios.

(h) Massage parlors.

(i) Welding or machine shops.

§ 163-33. Nonconforming uses.

A. Statement of intent.

(1) The zoning districts established by this chapter are designed to guide future use of land in the borough by encouraging the development of desirable residential, commercial and industrial areas, with appropriate grouping of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

(2) To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this chapter, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the borough.

(3) Similarly, buildings or other structures will be generally permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their location.

(4) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment, of this chapter and on which actual building construction has been diligently carried on.

B. Determination of the nonconforming use. All nonconforming uses within the borough

after the enactment of this chapter shall be classified according to the following criteria:

- (1) Type I: a lawful use of a building or structure or the lawful use of any land as existing and lawful, which is considered nonconforming at the time of the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, that may be continued; however, further expansion or alteration of the nonconformity is prohibited until the property and/or structure has been reclassified by Borough Council and the applicant cannot show that the proposed change will be less objectionable than the existing nonconforming use, with respect to:
 - (a) If the nonconforming use is located within a residential district, then the nonconforming use is increasing traffic volume within the neighborhood.
 - (b) The nonconforming use creates a noise louder than fifty (50) decibels whether steady or intermittent along the boundary of the property.
 - (c) The nonconforming use creates smoke density higher than Number 2 on the Ringelmann smoke detection chart measured along property boundaries.
 - (d) The nonconforming use creates glare with an intensity of fifty (50) footcandles from a direct light source measured along property lines or twenty (20) footcandles measured along district boundaries on any surface.
 - (e) The nonconforming use creates noxious odors that are discernible beyond the property.
 - (f) The nonconforming use creates dust that travels beyond its property boundaries.
 - (g) The nonconforming use causes dangerous levels of radioactivity or electromagnetic radiation.
 - (h) The nonconforming use creates wastes that are detrimental to surrounding properties and the community.
 - (i) The appearance of the community is deteriorating due to the presence of the nonconformity and the property owner is not taking steps to remedy the problem.
- (2) Type II: a lawful use of a building or structure or the lawful use of any land as existing and lawful, which is considered nonconforming at the time of the enactment of this chapter, or in the case of an amendment this chapter, then at the time of such amendment, that may be continued; however, expansion or continuance of the nonconformity is permitted by special exception, provided that:
 - (a) The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. A nonconforming use shall be prohibited from encroaching on another parcel of land that has been subsequently added to the original parcel after the use was declared nonconforming.
 - (b) The proposed extension shall conform with the setback, yard, area, dimensional, building height, parking sign, environmental and other requirements of the district in which said extension is located.
 - (c) Continuation. The nonconforming use may be changed to another nonconforming use only under all of the following conditions:
 - [1] Such change shall be permitted as a conditional use by the Borough Council.
 - [2] The applicant shall show that a nonconforming use cannot be reasonably changed to a permitted use.

[3] The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:

[a] Traffic generation and congestion, including truck, passenger car and pedestrian traffic.

[b] Noise, smoke, dust, odor, glare and vibration.

[c] Waste disposal.

[d] Appearance.

C. Determination of classes.

(1) All nonconforming uses at the enactment of this chapter or the amendments thereto are considered Type I nonconformities.

(2) Classification of nonconforming uses shall be the responsibility of the Borough Council.

(3) Any alteration of an existing nonconforming use shall initiate procedures to classify a nonconforming use. The Borough Council shall determine the classification of the nonconformity by conditional use.

(4) Citizen and/or business complaints about objectionable manifestations of a nonconforming use will be sufficient cause to trigger an investigation, a potential classification change and/or potential action by the Borough Council. If reclassification occurs as a result of this action, such reclassification shall remain valid for not less than three (3) years unless initiated by the property owner of the nonconforming use.

D. Revision to nonconformance. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

E. Reclassification. Classification is not perpetual. Any future changes to a classified nonconformity initiates the classification process. An applicant can initiate reclassification with new proposals.

F. Restoration. Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building and/or infrastructure

G. Wear and tear. Nothing in this chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of this chapter, rendered necessary by wear and tear, deterioration or depreciation provided that the work does not constitute an expansion or extension of the existing nonconformity.

§ 163-34. Clear sight triangle.

Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or connecting points located on each of the right-of-way lines of the intersecting street. The planting of trees or other plantings or the location of structures exceeding thirty

(30) inches in height that would obstruct the clear sight across the area of the easements shall be prohibited, and a public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight.

§163-35. General Provisions.

Findings, purpose and intent; interpretation.

A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

B. Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the Borough of South Greensburg or its Zoning Hearing Board, are prohibited.

C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein, shall be deemed to be an integral, but must be an accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection A of this section.

D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

E. These regulations distinguish between portions of the Borough designed for primarily vehicular access and portions of the Borough designed for primarily pedestrian access.

F. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Borough. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

G. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

H. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this Borough. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

§163-36. Sign Restrictions

A. Definitions.

SIGN. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which

directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign for the purposes of the Article IX of Chapter 163. Each display surface of a sign or sign face must be considered to be a sign.

SIGN AREA

- (1) The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or
- (2) Where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

SIGN FACE. The entire display surface area of a sign upon, against or through which copy is placed.

ELECTRIC. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

FLASHING. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Article any moving illuminated sign, except digital billboards, must be considered a flashing sign.

FREESTANDING. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

GOVERNMENT SIGN. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

GROUND MOUNTED. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

HIGHWAY SIGN. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

INTEGRAL. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

MARQUE. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

ORIGINAL ART DISPLAY. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display

OUTDOOR ADVERTISING. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

PORTABLE SIGN. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

PROJECTING. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

ROOF SIGN. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

TEMPORARY. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

FLAT WALL(FAÇADE-MOUNTED). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

DIGITAL BILLBOARD. A sign that is static and changes messages by any electronic process or remote control.

VEHICLE SIGN. Any sign attached to or displayed on a vehicle.

COMMERCIAL CENTER. A parcel of land wherein one or multiple structures are located, which is under common ownership and/or control and has multiple rental units located therein that are used for retail, commercial and/or professional purposes. Example: strip mall.

B. Prohibited Signs. Signs are prohibited in all Districts unless constructed pursuant to a valid Occupancy Permit, when required under this Code; and are otherwise authorized under this Code or as approved by the Zoning Hearing Board. In addition:

(1) A property owner may not accept a fee for posting or maintaining a sign allowed under §163-63C (2); and

(2) In residential zones or on property used for non-transient residential uses, commercial signs are prohibited, except for those properties on which a home occupation or a transient residential use has been approved.

C. Authorized Signs. The following signs are authorized in every District without the need to apply for and obtain an Occupancy Permit:

(1) Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district. The following signs are also permitted:

(a) Traffic control devices, on private or public property, when erected and maintained to comply with the Pennsylvania standards for Traffic Control Devices, 67 Pa. Code Chapter 212.

(b) Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the public right of way frontage and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case smaller than four inches per digit. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is adjacent to the public right of way.

(c) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either

generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. Such signs should be large enough to adequately alert persons of the risk of or on the property and in such location to be readily visible to those approaching the condition of the property requiring said warning.

(d) A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use and as provided in §163-36C (4). Decoration flags serving no commercial purpose are also permitted.

(e) The signs described in Sub-sections 2, 3, and 4 herein, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

(2). Temporary Signs

(a) Generally.

[1] A property owner may place one temporary sign with a sign face no larger than six (6) square feet on the property at any time.

[2] One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located, per issue and per candidate. Where the size of the property is smaller than 0.25 acres, these signs may be posted on the property for each principal building lawfully existing on the property.

[3] One temporary sign may be located on a property when:

[a] The owner consents and that property is being offered for sale through a licensed real estate agent;

[b] If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner; and

[c] the sign must be removed five (5) days after the conveyance as been completed.

[4] One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public.

[5] For the purpose of decoration, during the 40-day period of December 1 to January 10, and within 30 days prior to and 10 days after any holiday, a property owner may place temporary signs on the property and may use lights between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign.

[6] Athletic Fields. Unlimited temporary signs may be located on athletic fields for a period of time no longer than one week prior to the commencement of an athletic league's season through to one week after the season is complete. Said athletic league must be registered to use the athletic field whereon it desires to place signs. If the signs are to be placed on Borough owned property, the signs must first be approved by appropriate

Borough personnel, and the fees related to the placement of such signs on Borough property must be paid in an amount as set forth in the Borough's fee schedule. If any signs are altered or otherwise changed or damaged after Borough approval of the same, the Borough may remove said altered sign.

[7] When construction activities are taking place. Signs must be removed within five (5) business days of the conclusion of construction activities.

[8] The sign face of any temporary sign, unless otherwise limited herein, must not be larger than two (2) square feet.

(b) Lessors are treated as property owners for the purpose of this Section. If a property has multiple separate commercial or dwelling units, each such unit shall be considered a separate property.

(3) Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

(4) Flags as follows:

[a] Single-family Zoning Districts. In a single-family zoning district, two flags and one flagpole per premises. Each flag must be a maximum of 15 square feet in area. The flagpole must be a maximum of 20 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flagpoles must be set back from all property lines and rights-of-way a distance greater than the height of the flagpole.

[b] Nonresidential Zoning Districts. In a non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and four flagpoles per premises. Each flag may be a maximum of 24 square feet in area. Flagpoles must be a maximum of 25 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flagpoles must be set back from all property lines and rights-of-way a distance greater than the height of the flagpole.

[c] Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles lawfully, in compliance with the Borough of South Greensburg Code, on display for sale or rent at vehicle sales, rental, and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

(5) Vehicle signs, being signs affixed to a vehicle to advertise a purpose, must be covered or otherwise obscured or relocated so as not to be visible from a public way, if the vehicle is parked on the same property for longer than 48 hours. Exempted from this requirement are vehicles with signs affixed thereto, and the vehicle is regularly operated and transported off premises for a commercial purpose.

D. Occupancy Permit required.

(1) In general. An Occupancy Permit is required prior to the display and erection of any sign except as provided in §163-35D (4) of this Article.

(2) Application for Occupancy Permit. Please refer to §163-38.

(3) Borough may revoke a sign permit under any of the following circumstances:

(a) The Borough determines that information in the application was materially false or misleading;

(b) The sign as installed does not conform to the Occupancy Permit application;

- (c) The sign violates this Article IX, this Chapter 163, building code, or other applicable law, regulation, or ordinance; or
 - (d) The Borough determines that the sign is not being properly maintained or has been abandoned.
- (4) Permits not required. A sign permit is not required for signs:
- (a) Described in § 163-35C; or
 - (b) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.

§163-37E. Specific Sign Regulations by District. The following sign regulations apply to all Use Districts as indicated.

A. Residential Districts

- (1) Scope: This Section must apply to all Residential Districts.
- (2) Size:
 - (a) When a sign is authorized on a property, the sign must not exceed 1 square foot in area. Where attached dwellings exist on a property the total square footage of signs must not exceed 1 square feet per dwelling unit and must not exceed a total of 12 square feet in area per structure.
 - (a) For Residential Developments (including subdivision identification) there may be no more than 2 signs with a cumulative total area of 48 square feet.
- (3) Location: Permitted signs may be anywhere on the premises, except in a required side yard or within 5 feet of the boundary of a right-of-way.
- (4) Height: The following maximum heights must apply to signs:
 - (a) If ground-mounted, the top must not be over 4 feet above the ground; and
 - (b) If building mounted, must be flush mounted and must not project above the roof line.
- (5) Illumination: Illumination if used must not be blinking, fluctuating or moving. Illumination must be exterior by way of a fog lamp or other similar light source and may only shine directly upon the sign and upon the improvements within the premises. Any illumination of a sign in a residential district must cease at 9:00 PM. No internal illumination signs are permitted in a residential district
- (6) The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, Projecting Sign and any sign illuminated internally.

B. Commercial Districts – C-1, Convenience Commercial

- (1) Scope: This Section must apply to the C-1, Convenience Commercial, zone district.
- (2) Number and Size:
 - (a) For each lot or parcel a sign no larger than twenty (20) square feet may be authorized.

(b) Two (2) or more lots or parcels having a combined linear frontage of at least 100 feet may combine their sign areas allowed by §163-37E(B)(2)(a) for the purpose of providing one common free-standing or ground-mounted sign. The sign must not exceed sixty (60) square feet.

(c) Corner Lots: Where a lot of fronts on more than one street, only the square footage computed for each street frontage may face that street frontage. The square footage may not be combined, and used on one street frontage, towards a corner, or in any other manner.

(3) Commercial Centers may utilize a sign, free standing, ground-mounted, or otherwise, no larger than the size of 6 square feet per unit, plus 20 square feet, in said Commercial Center to advertise all tenants located therein, and the Individual businesses located therein

are permitted a face building mounted sign within the size requirements of §163-37E(B)(2).

(4) Highway Signs: Highway signs, including Digital Billboards and Outdoor Advertising Signs, may be permitted in parcels in the C-1 Districts only to the extent that said parcels share a boundary with the right of way of Route 30 and/or the exit and entrance ramps to Route 30. Such signs are not permitted in any other portion of the C-1 District. Such signs may not exceed 300 square feet per face, nor may the face exceed a length of 30 feet or a height, excluding foundation and supports, of 12 feet. Back-to-back, multiple signs on one freestanding pole, double-faced or Vtype sign shall be considered as one sign.

(5) Types of Signs and Location:

(a) Flat Wall Signs may be located on any wall of the building.

(b) Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.

(c) One Freestanding or Ground-Mounted sign per lot or parcel, except as provided in §163-37E(B)(3), may be located anywhere on the premises except as follows:

[1] A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.

[2] A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches, and provided sign is set back from the roadway a minimum of 5 feet from a public or privately maintained roadway or a distance as required by the Pennsylvania standards for Traffic Control Devices, 67 Pa. Code Chapter 212, whichever requires a larger distance.

(d) Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). Marque signs are excepted from §163-37E(B)(2), and may not exceed seventy-five (75) square feet. The maximum vertical dimension of signs must be determined as follows:

Height above Grade Vertical	Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high

16' and over

4' 6" high

(e) Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

(f) Highway signs, permitted pursuant to §163-37E(B)(4), including digital billboards and outdoor advertising signs, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a right-of-way.

(g) No portion of a highway sign, including digital billboards and outdoor advertising signs, may be located within three hundred (300) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

(6) Height:

(a) Ground-mounted signs must not exceed four (4) feet in height from ground level.

(b) Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.

(c) Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

(7) Content:

(a) Any of the signs pursuant to this §163-37E(B) may be changeable copy signs.

(b) The primary identification sign as allowed under §163-36C(1)(b) for each dwelling unit must contain its street number. The street number must be clearly visible from the street right-of-way.

(8) Illumination: Must be as provided in §163-37E(F)

C. Commercial Districts – C-2, General Commercial

(1) Scope: This Section must apply to the C-2, General Commercial, zone district.

(2) Number and Size:

(a) For each lot or parcel a sign no larger than sixty (60) square feet may be authorized.

(b) Two (2) or more lots or parcels having a combined linear frontage of at least 100 feet may combine their sign areas allowed by §163-37E(C)(2)(a) for the purpose of providing one common free-standing or ground-mounted sign. The sign must not exceed one hundred and eighty (180) square feet.

(c) Corner Lots: Where a lot of fronts on more than one street, only the square footage computed for each street frontage may face that street frontage. The square footage may not be combined, and used on one street frontage, towards a corner, or in any other manner.

(3) Commercial Centers may utilize a sign, free standing, ground-mounted, or otherwise, no larger than the size of 6 square feet per unit, plus 20 square feet, in said Commercial Center to advertise all tenants located therein, and the Individual businesses located therein are permitted a face building mounted sign within the size requirements of §163-37E(C)(2).

(4) Highway Signs: Highway signs, including Digital Billboards and Outdoor Advertising

Signs, may be permitted in parcels in the C-2 Districts only to the extent that said parcels share a boundary with the right of way of Route 30 and/or the exit and entrance ramps to Route 30. Such signs are not permitted in any other portion of the C-2 District. Such signs may not exceed 300 square feet per face, nor may the face exceed a length of 30 feet or a height, excluding foundation and supports, of 12 feet. Back-to-back, multiple signs on one freestanding pole, double-faced or Vtype sign shall be considered as one sign.

(5) Types of Signs and Location:

(a) Flat Wall Signs may be located on any wall of the building.

(b) Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.

(c) One Freestanding or Ground-Mounted sign per lot or parcel, except as provided in §163-37E(C)(3), may be located anywhere on the premises except as follows:

[1] A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.

[2] A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches, and provided sign is set back from the roadway a minimum of 5 feet from a public or privately maintained roadway or a distance as required by the Pennsylvania standards for Traffic Control Devices, 67 Pa. Code Chapter 212, whichever requires a larger distance.

(d) Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). Marquee signs are excepted from §163-37E(C)(2), and may not exceed seventy-five (75) square feet. The maximum vertical dimension of signs must be determined as follows:

Height above Grade Vertical	Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

(e) Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

(f) Highway signs, permitted pursuant to §163-37E(C)(4), including digital billboards and outdoor advertising signs, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a right-of-way.

(g) No portion of a highway sign, including digital billboards and outdoor advertising signs, may be located within three hundred (300) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

(6) Height:

- (a) Ground-mounted signs must not exceed four (4) feet in height from ground level.
- (b) Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.
- (c) Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

(7) Content:

- (a) Any of the signs pursuant to this §163-37E(C) may be changeable copy signs.
- (b) The primary identification sign as allowed under §163-36C(1)(b) for each dwelling unit must contain its street number. The street number must be clearly visible from the street right-of-way.

(8) Illumination: Must be as provided in §163-37E(F).

D. M General Industrial District

(1) Scope: This section shall apply to the M General Industrial District

(2) Illumination: Must be as provided in Section §163-37E(F)

(3) Number and Size:

- (a) One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage shall be permitted.
- (b) One freestanding or ground-mounted sign not exceeding six (60) square feet per lot or parcel shall be permitted
- (c) A maximum of two (2) signs of three hundred (300) square feet per face may be permitted for industrial parks or complexes. At least one such sign must be erected at the entrance to the park.

(4) Types of Signs and Location: As provided in §163-37E(C)(5), with the exception that Highway Signs are permitted in M District without a geographical limitation.

E. Supplemental Criteria in all Districts

(1) Temporary Signs. Temporary signs are subject to the following standards, unless specifically addressed elsewhere in this Section:

- (a) All temporary signs on a single parcel (a piece of real estate with its own tax map number) may not exceed a total of sixteen (16) square feet in area;
- (b) Must not be located within any public right-of-way;
- (c) Must only be located on property that is owned, or otherwise lawfully possessed, by the person whose sign it is, and must not be placed on any utility pole, street light, traffic sign or traffic sign post, similar object, or on public property;
- (d) Must not be illuminated except as allowed in §163-37E(F), based on the district in which the sign is located; and
- (e) Must be removed within fourteen (14) days after the conclusion of event which is the basis for the sign under § 163-36C (2), or if a different standard is required in §163-36C (2), that different standard is controlling and the sign must be removed within the time period required by that Section.

(2) Bench Signs: On street benches provided:

- (a) The benches must not be higher than three (3) feet above ground;
- (b) Limited to twelve (12) square feet in area;
- (c) The benches are not located closer than five (5) feet to any street right-of-way line;

- (d) Benches are located in a manner not to obstruct vision;
 - (e) Must be included as part of the total permitted sign area of the premise on which it is located.
- (3) Integral Signs: There are no restrictions on sign orientation including whether it is freeway-oriented. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.
- (4) Private Traffic Direction: Illumination of signs erected as required by the Pennsylvania standards for Traffic Control Devices, 67 Pa. Code Chapter 212, must be in accordance with §163-37E. Horizontal directional signs flush with paved areas are exempt from these standards.
- (5) Original Art Display: Original art displays are allowed provided that they meet the following requirements:
- (a) May be located in the C-1 Convenience Commercial District and the C-2 General Commercial District;
 - (b) Must not be placed on a dwelling;
 - (c) Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
 - (d) Must be no more than sixty-four (64) square feet in size, per parcel;
 - (e) Compensation will not be given or received for the display of the original art or the right to place the original art on site, unless an artist is paid for their time in painting the sign; and
 - (f) Must not be illuminated.
- (6) Athletic Field Signage. Permanent signage is permitted on parcels housing athletic fields, provided that they meet the following requirements:
- (a) Illumination: Must be as provided in §163-37E(F). Additionally, the sign may only be illuminated during the time that a game or community event is being held, plus an additional period of two hours prior to the same. The illumination must terminate by 9:30 PM.
 - (b) The property may contain one freestanding sign not to exceed 120 square feet and twenty feet in height.
 - (c) There shall be no limit to the number of signs affixed to fences, dugouts, and other structures constructed for the sole purpose of athletic competitions or public community gatherings.

F. Illumination. No sign may be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

- (1) No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, may be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
- (2) When neon tubing is employed on the exterior or interior of a sign, the cap of such tubing must not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.
- (3) When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:
 - (a) Within Residential Districts: Interior illumination of a sign shall not be permitted in any Residential Districts.
 - (b) Within land use districts other than Residential: Illumination equivalent to eight hundred (800) milliampere rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

(4) Digital billboards must:

- (a) Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- (b) Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet. The same must be proven by the applicant to the satisfaction of the Borough through the use of a report of a qualified engineer;
- (c) Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- (d) Change from one message to another message no more frequently than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less;
- (e) Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and
- (f) Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

G. Prohibited Signs. The following signs or lights are prohibited which:

- (1) Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- (2) Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;
- (3) Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;
- (4) Are roof signs except as allowed in §163-37D (4);
- (5) Are freeway-oriented signs except as allowed as Highway signs;
- (6) Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or
- (7) Are portable signs that do not comply with the location, size or use restrictions of this Code.

H. Procedures. Applications for a sign Occupancy Permit must be processed through §163-38.

I. Nonconformity and Modification.

- (1) Signs lawfully in existence, or an occupancy permit was applied for and in compliance with the Code, on the date the provisions of this Code were first advertised as a Pending Ordinance, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, maintained, or applied for must be regarded as nonconforming.
- (2) Signs which were nonconforming to the Borough of South Greensburg Code and Zoning Ordinance at the time the sign was constructed, and which do not conform to this Code and Ordinance, must be removed immediately.

I. Compliance. Any sign which is altered, relocated, replaced or otherwise modified in any manner, must be brought immediately into compliance with all provisions of this Chapter 163.

§163-38. Sign Occupancy Permit.

An occupancy permit shall be secured for the establishment, major alteration or the moving of any sign, as the same is required by §163-37. Signs exempted from the Occupancy Permit requirement

by the terms and provisions of §163-37, shall not be required to obtain an Occupancy Permit. An Occupancy Permit shall not be issued unless the sign and application are in compliance with this Chapter 163 of the Borough of South Greensburg Code. An Occupancy Permit shall terminate automatically for nonuse as provided in §163-40.

§163-38.1 (A)

Each sign requiring a permit as required by this Chapter shall be subject to payment of a fee as designated by Council pursuant to §1-16.

SECTION 4. The Borough of South Greensburg Mayor, Council President, and any appropriate Borough employees are hereby authorized to take any and all action necessary to carry into effect the provisions of this Ordinance, including the purchase and installation of appropriate signs.

SECTION 5. All other Ordinances inconsistent herewith are repealed.

ARTICLE X
Zoning Officer

§ 163-39. Administration and enforcement.

- A. Administration. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.
- B. Duties. The duties of the Zoning Officer shall be to:
 - (1) Examine all applications for permits.
 - (2) Issue permits only for construction and uses which are in accordance with the regulations of this chapter and other applicable ordinances as may be subsequently amended.
 - (3) Record and file all applications by tax parcel number for permits with the accompanying plans.
 - (4) Receive all required fees and issue all necessary cease and desist orders.
 - (5) Inspect nonconforming uses, buildings and signs and keep a filed record of such nonconforming uses and buildings by tax parcel number as a public record and to examine them periodically.
 - (6) Upon the request of the Borough Planning Commission, the Zoning Hearing Board or Council, present such bodies facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
 - (7) Be responsible for keeping up-to-date this Zoning Ordinance and accompanying Zoning District Map.
- C. Appeals. Any appeal from a determination of the Zoning Officer shall be made directly to the Zoning Hearing Board.

- D. Notification of violation. If it appears to the Zoning Officer that a violation of the Zoning Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who

has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record. The enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty
(30) days of receipt of the complaint.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.
- E. Causes of action. Council, an officer of the borough with express permission of Council or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such violation. The Zoning Officer shall respond to the complaint with a notice outlining the steps that will be taken within ten
(10) working days after the receipt of the complaint.
- F. Enforcement remedies.
- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the borough, pay a judgment of not more than five hundred dollars (\$500.) plus all court costs, including reasonable attorney fees incurred by the borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice's determination that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the borough.

§ 163-40. Permits.

- A. Requirements of zoning permits. A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof, prior to the

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moving of a building into the borough, from one (1) place in the borough to another, prior to change in use of a building or land, and prior to the change or extension of nonconforming use and shall be issued simultaneously with the required building permits.

- (1) Time limitation. No zoning permit for construction, erection or alteration of any building or structure or for any sign shall be valid for more than six (6) months from date of issue unless extension is otherwise granted by the Zoning Officer in accordance with provisions of § 61-4 of the Building Construction Ordinance as contained in Chapter 61 of the Code for the Borough of South Greensburg. No zoning permit for use of a building or land shall be valid for more than six (6) months from the date of issue unless such use is established within the six-month period; provided, however, that where such use is dependent upon erection or alteration of a building, the zoning permit shall continue in force if the erection or alteration is completed within the six-month period. **[Amended 12-12-1994 by Ord. No. 94-10]**
- B. Building permit required. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the Zoning Officer. No building permit shall be issued by the officer except in conformity with the provisions of this Zoning Ordinance, unless he receives a written order from the Zoning Hearing Board or from Council in the form of an administrative review, special exception, conditional use or variance as provided by this chapter.
- (1) Application for building permit. All applications for building permits shall be accompanied by plans in triplicate, drawn to scale, showing the actual dimensions and shape of the lot or buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Ordinance.
 - (2) One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after he has marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the Zoning Officer.
- C. Notice of start of work. The Zoning Officer shall be given at least twenty-four (24) hours' notice by the owner or applicant prior to commencement of work at the site under zoning or building permits.
- D. Occupancy permits.
- (1) For new use or expansion of existing uses:
 - (a) Upon completion of any nonresidential building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the Zoning Officer for an occupancy permit.
 - (b) The Zoning Officer shall inspect the premise and, if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this chapter and may be used for the purposes set forth on the building permit.
 - (c) If the Zoning Officer, upon inspection, finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the

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violations corrected to conform to the building permit and shall not issue an occupancy permit until satisfied these corrections have been made.

(2) For changing existing uses:

- (a) If a property owner wishes to change the use of any nonresidential building or structure or the property he owns, he shall apply to the Zoning Officer for an occupancy permit. Changes for which an occupancy permit shall be required include conversion from nonconforming to a conforming or less nonconforming use or conversion to another permitted use.
 - (b) If the Zoning Officer is satisfied that such change is in conformance with all requirements of this chapter and of other development ordinances of the borough, he shall issue an occupancy permit.
 - (c) Applications for occupancy permits for a change of use that are denied by the Zoning Officer may be appealed to the Zoning Hearing Board.
- E. Home occupancy permits. A one-time purchase of a home occupation permit for major and minor home occupations will be required for home occupation businesses grossing over one thousand two hundred fifty dollars (\$1,250.) a year in sales.
 - F. Unregulated uses. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Officer shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.
 - G. Application for permits. Application for permits shall be made in writing to the Zoning Officer.

ARTICLE XI

Zoning Hearing Board

§ 163-41. Administration and enforcement.

A. Establishment; appointment, term and removal.

- (1) Pursuant to Article IX of Act 247, known as the "Pennsylvania Municipalities Planning Code,"³¹ a Zoning Hearing Board is hereby established, which shall consist of three (3) members who shall be residents of the borough, to be appointed by the Borough Council for terms of three (3) years each. Appointments shall be so established that the term of office of no more than two (2) members of the Board shall expire each year. Members of the Board may be removed from office by the Borough Council for cause upon written charges and after public hearing if the member requests such hearing in writing. Vacancies shall be filled by appointment by the Borough Council for the unexpired term of the member affected. Members of the Board shall hold no other office in the borough.
- (2) Alternate members. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated as a member, the alternate member shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings and shall have all the powers of the Board members.

B. Proceedings of the Board.

- (1) The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance. Meetings shall be held at the call of the Chairman or, in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (2) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, an indication of such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and immediately filed in the office of the Board.

C. Hearings; appeals; notice.

(1) Hearings.

- (a) Initiating action before the Board. All action before the Board shall be initiated by a written application for hearing which shall be filed with the Borough Secretary at least thirty (30) days prior to the meeting at which the matter is to be heard. All applications shall be made on forms specified by the Board. No application shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached and until all fees required shall have been paid.

(b) Time Limitations.

- [1] Landowner appeals. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
- [2] Appeal of persons aggrieved.
 - [a] No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer.
 - [b] Any person or persons, board or bureau of the borough aggrieved by any decision by the Zoning Hearing Board may within thirty (30) days of the decision by the Zoning Hearing Board seek review of such decision by a court of record, in the manner provided by the laws of the commonwealth and particularly by Article X of the Pennsylvania Municipalities Planning Code.
- (c) Hearing schedule. The Board may conduct hearings and make decisions at any regular or special meeting. In no instance will a hearing be scheduled later than sixty (60) days from the date of the applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- (d) Notification of hearing.
 - [1] Whenever a hearing has been scheduled, public notice shall be given to the general public by means of publication once each week for two (2) successive weeks in a newspaper of general circulation with the community. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the hearing.

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- [2] Written notice shall be given to the applicant, the Planning Commission, the Zoning Officer and to any person who has made a timely request for such notice.
- [3] In addition to the notice provided herein, the Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven (7) days prior to the date of the hearing.
- (e) Conduct of hearing. The hearing shall be conducted by the Zoning Hearing Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, but the appellant or the application, as the case may be, in addition to the borough, may waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- (2) Information required on appeals to the Board. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
 - (a) The name and address of the applicant or appellant.
 - (b) The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
 - (c) A brief description and location of the zone lot to be affected by such proposed change or appeal.
 - (d) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
 - (e) A statement of the part of this chapter under which the appeal is made, and reasons why it should be granted, or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
 - (f) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

§ 163-42. Administrative review.

The Zoning Hearing Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Zoning Ordinance.

§ 163-43. Special Exceptions.

The Zoning Hearing Board shall hear and decide only such special exceptions as such Board is specifically authorized to pass on by the terms of this Zoning Ordinance; decide such questions as are involved in determining whether special exception should be granted; and grant special exceptions with such conditions and safeguards as are appropriate under this chapter or the Pennsylvania Municipalities Planning Code, or deny a special exception when it is not in harmony with the purpose and intent of this chapter.

§ 163-44. Variances.

The Zoning Hearing Board shall authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board unless:

- A. A written application for a variance is submitted by a landowner or a tenant with the landowner's permission demonstrating that:
 - (1) 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 and conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) Such unnecessary hardship has not been created by the appellant.
 - (4) 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.
 - (5) 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.

§ 163-45. Reversing decisions of Zoning Officer.

- A. In exercising its powers, the Zoning Hearing Board may, as long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary, and to that purpose shall have the powers of the Zoning Officer from whom the appeal is taken.
- B. A majority of the quorum of the Board shall be necessary to reverse any order, requirement, decision or determination of the Officer, or to decide in favor of the applicant on any matter upon which it is required to pass in this chapter, or to effect any variance in the application of this chapter.

§ 163-46. Mediation option.

- A. Parties to proceedings authorized in this chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation

shall be determined by the particulars of each case and the willingness of the parties to negotiate. The borough assures that in each case, the mediating parties, assisted by the mediator as appropriate, will develop terms and conditions for:

- (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in this chapter, provided that there is written consent by the mediating parties, and by an applicant or Council, if either is not a party to the mediation.
 - (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this chapter.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 163-47. Intent.

- A. It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Zoning Hearing Board, only on appeal from the decision of the Officer, and that recourse from the decisions of the Board shall be to the courts as provided by law and particularly by Article X of the Pennsylvania Municipalities Planning Code.
- B. It is further the intent of this chapter that the duties of the Borough Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this chapter, the Borough Council shall have only the duties of: considering and adopting or rejecting proposed amendments or the repeal of this chapter or any section thereof, as provided by law; establishing a schedule of fees and charges in accordance with the Pennsylvania Municipalities Planning Code; and those duties specifically noted in other articles of this chapter.

§ 163-48. Fees and amendments.

- A. Establishment of fee schedule. The Borough Council shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this Zoning Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Borough Council.
- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 163-49. Amendments to Zoning Ordinance.

- A. The regulations, restrictions and boundaries set forth in this Zoning Ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto by the Borough Council, at which time interested parties and residents shall have an opportunity to be heard. At least fourteen (14) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the borough at least once in each of two (2) successive weeks.
- B. If the amendment is initiated by any parties other than the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission the opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

ARTICLE XII

Planning Commission

§ 163-50. Planning Commission.

The Mayor and Council shall appoint a Planning Commission of three (3) members. The Planning Commission shall carry out the functions described in this chapter under the procedures established for the operation of the Planning Commission.

§ 163-51. Powers and duties of Planning Commission.

The Planning Commission, at the request of Council, shall have the power and shall be required to:

- A. Prepare plans for the development of the Borough of South Greensburg as set forth by the Pennsylvania Municipalities Planning Code, and present them for consideration by Council.
- B. Maintain and keep on file records of its actions. All records and files of the planning commission shall be in the possession of Council.
- C. Make recommendations to Council concerning the adoption or amendment of the Official Map.
- D. Prepare and present to Council updates to the Zoning Ordinance, and make recommendation to the Council on proposed amendments to it as set forth in this chapter.
- E. Prepare and present to the Council a Building Code and Housing Code and make recommendations concerning proposed amendments thereto.
- F. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this chapter.
- G. Make recommendations to the Council for capital improvement programming.

- H. Promote public interest in, and understanding of planning.
- I. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
- J. Review the Zoning Ordinance, Zoning Map, provisions for planned residential development and such other ordinances and regulations governing the development.

§ 163-52. Membership.

All of the members of the Planning Commission shall be residents of the borough. In accordance with the Pennsylvania Municipalities Planning Code, two (2) members of the Commission shall be designated as citizen members and shall not be officers or employees of the borough.

§ 163-53. Removal.

Any member of the Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

§ 163-54. Appointment, term and vacancy.

- A. All members of the Planning Commission shall be appointed by Council.
- B. The term of each of the members of the Commission shall be for five (5) years, or until his successor is appointed and qualified.
- C. The Chairman of the Planning Commission shall promptly notify Council concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this chapter.

§ 163-55. Conduct of business.

The Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by laws and rules and regulations to govern its procedures consistent with the ordinances of the borough and the laws of the commonwealth. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to Council. Interim reports may be made as often as may be necessary, or as requested by the Council.

§ 163-56. Administrative and technical assistance.

The Planning Commission, under authority of Council, may employ administrative and technical services to aid in carrying out the provision of this chapter either as consultants on

particular matters or as regular employees of the borough.

§ 163-57. Assistance.

The Planning Commission may, with the consent of Council, accept and utilize any funds, personnel or other assistance made available by the county, the commonwealth or the federal government or any of their agencies, or from private sources to carry out the provisions of this chapter. The Council may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with the governmental procedures of the borough.

ARTICLE XIII

Sexually Oriented Establishments

[Added 9-9-2002 by Ord. No. 2002-06.]

§ 163-58. Intent.

- A. It is the intent of this regulation to further the purpose of the zoning regulations. The borough, through its planning and zoning regulations, wishes to provide for its citizens and tourists an atmosphere that is both safe, healthy and aesthetically pleasing, one that fosters activities appropriate for visitors of all ages on its thoroughfares. In addition, the borough through its neighborhood planning program and Comprehensive Plan recognizes that some residential neighborhoods, because of their proximity to commercial districts, are more susceptible to the effect of intensive or obnoxious activities. This regulation aims to preserve neighborhood integrity while fostering a positive and wholesome image for visitors from out of the area.
- B. It is further the purpose of this article to promote the health, safety and general welfare of the citizens of the borough and to establish reasonable regulations. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distributions of obscene material.

§ 163-59. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still -or-motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. All adult arcades must be constructed according to Exhibit A, which is part of this article.

ADULT BOOKSTORE or ADULT VIDEO STORE - A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other

printed matter; photographs, films, motion pictures, videocassettes, video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET A nightclub, bar, restaurant or similar commercial establishment which regularly features persons appearing in the state of nudity; live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any and all visual media using the most recent technology, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL - A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any visual media using current technology which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or offers sleeping rooms for rent four or more times in one calendar day during five or more calendar days in any continuous thirty-day period.

ADULT MOTION-PICTURE THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

CHILD-ORIENTED BUSINESS - Any commercial establishment which, as one of its principal business purposes, serves and/or sells children and their family's food, apparel, goods, services, play and/or entertainment.

ESCORT - A person whom, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY - Any person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

PERMITTEE and/or LICENSEE Any person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

NUDE MODEL STUDIO - Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or A STATE OF NUDITY - The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

PERSON an individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDE - A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES - Includes any of the following: fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any other specified sexual activities.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS - That increase in floor areas occupied by the business by more than 25%, as the floor area exists on date of enactment of this article.

MUNICIPALITY - The Borough of south Greensburg.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS -

Includes any of the following: the sale, lease or sublease of the business; the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

§ 163-60. Classification.

Sexually oriented businesses are classified as follows:

- A. Adult arcades.
- B. Adult bookstores or adult video stores.
- C. Adult cabarets.
- D. Adult motels.
- E. Adult motion-picture theaters.
- F. Adult theaters.
- G. Escort agencies.
- H. Nude model studios.
- I. Sexual encounter centers.

§ 163-61. Permit required; application; inspection.

- A. Any person who operates a sexually oriented business without a valid permit issued by the borough is guilty of a violation of the Zoning Ordinance.
- B. An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. Pennsylvania Department of Labor and Industry approved plans showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business, must accompany the application. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- C. The applicant must be qualified according to the provisions of this chapter, and the premises must be inspected and found to be in compliance with the law of the Zoning Officer.
- D. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten-percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.
- E. The fact that a person possesses other types of borough permits does not exempt the person from the requirements of obtaining a sexually oriented business permit.

§ 163-62. Issuance of permit.

- A. The Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:
 - (1) An applicant is under 18 years of age.
 - (2) An applicant or an applicant's spouse is overdue in his payment to the borough of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - (3) An applicant has failed to provide all information required for issuance of the permit or has falsely answered a question or request for information on the application form.
 - (4) An applicant is residing with a person who has been denied a permit by the borough to operate a sexually oriented business within the preceding 12 months or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
 - (5) The premises to be used for the sexually oriented business have been reviewed and have been disapproved by the Zoning Officer as not being in compliance with applicable laws and ordinances.
 - (6) The permit fee required by this article has not been paid.
 - (7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.
 - (8) An individual applicant or any individual holding a direct or indirect interest of more than 10% of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited

partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant' [s business, has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including but not limited to prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania . In order for approval to be denied pursuant to this subsection, the person or person's conviction or release in connection with the sexual misconduct offense must have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.

- B. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- C. The Zoning Officer shall complete the certification that the premises are in compliance or not in compliance within 20 days of receipt of the application to the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.

§ 163-63. Fees.

The annual fee for a sexually oriented business permit shall be as designated by Council pursuant to §1- 16 herein

§ 163-64. Inspection.

- A. An applicant, or permittee, shall permit the Zoning Officer to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time that the sexually oriented business is open for business.
- B. A person who operates a sexually oriented business or his agent or employee violates the Zoning Ordinance if he refuses to permit such lawful inspection of the premises at any time it is open for business.

§ 163-65. Expiration of permit.

- A. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 5. Application for renewal should be made at least 30 days before the expiration date, and, when made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.
- B. If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days having elapsed since the date of denial; the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

§ 163-66. Suspension of permit.

The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he determines

that a permittee or an employee of a permittee has violated or is not in compliance with any section to this article; refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; knowingly permitted gambling by any person on the sexually oriented business premises.

§ 163-67. Revocation of permit.

- A. The Zoning Officer shall revoke a permit if a cause of suspension set forth in Section 9 occurs and the permit has been suspended within the preceding 12 months.
- B. The Zoning Officer shall revoke a permit if he determines that:
 - (1) Permittee, or any of the persons specified in Section 5, or has been convicted of the offenses specified in said section.
 - (2) Permittee gave false or misleading information in the material submitted to the borough during the application process.
 - (3) Permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises.'
 - (4) Permittee or an employee of a permittee has knowingly allowed prostitution on the premises.
 - (5) Permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
 - (6) Permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the permitted premises.
 - (7) Permittee is delinquent in payment to the city or state of any taxes or fees relating to sexually oriented businesses.
- C. When the Zoning Officer revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation becomes effective, except that if the revocation is pursuant to Subsection B (1) above, the revocation shall be effective for two years in the event of a misdemeanor or five years in the case of a felony.
- D. To minimize and reduce delay to the applicant or permittee, and in addition to the appeal time frames and remedies available under the Municipalities Planning Code, 53 P.S. S 10101, et seq., all permit denial, renewal, suspension or revocation decisions shall be sent, in writing, to the applicant or licensee. All such decisions which deny, refuse or renew, suspend or revoke a permit shall state specifically the ordinance requirement not met and any other basis of the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any permit, the applicant or permittee may appeal pursuant the procedures of the Local Agency Law (2 Pa. C. S.A. S 101 et seq.) to the South Greensburg Zoning Hearing Board, except as modified herein. Any such appeal must be filed, in writing, with the Zoning Officer; within 30 days from the date of the mailing of the decision appealed from and shall specify, in detail, the basis for the appeal. Failure or refusal to file said appeal or specify the basis of said appeal with the Zoning

Officer shall be deemed a conclusive determination as to the issues or matters addressed by the written decision. If an appeal is timely filed, the Zoning Hearing Board will then hold a Local Agency Law hearing pursuant to 2 Pa. C. S.A. SIOI et seq. within 20 days from the date the appeal is filed and will render a written decision within 10 days from the date such hearing concludes. In the case of a denial or renewal, or in the case of a permit suspension or revocation, the permittee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of:

- (1) The expiration of the ten-day appeal period without filing of an appeal; or
- (2) The date of a final decision dismissing any appeal.

- E. To minimize and reduce delay to the applicant or permittee, and in addition to the appeal time frames and remedies available under the Municipalities Planning Code, 53 P.S. S 10101 et seq., any person aggrieved by a decision of the Zoning Hearing Board may appeal to a court of competent jurisdiction pursuant to the Local Agency Law (2 Pa. C. S.A. S 101 et seq.) and 42 Pa.

C.S.A. S933 (a) (2). The Zoning Hearing Board shall, upon filing of such an appeal, consent to any request by a permit applicant or permittee to the court to give expedited review of such appeal. The Zoning Hearing Board shall certify any record to the court within 20 days after the appeal is filed. In the case of a denial of a permit renewal, or in the case of a permit suspension or revocation, the permittee may continue to operate to the same extent as immediately prior to the denial, suspension or revocation until the earlier of the expiration of the thirty-day appeal period without filing of an appeal; or the date of a decision dismissing an appeal by a court of competent jurisdiction.

§ 163-68. Transfer of permit.

A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

§ 163-69. Transfer of permit.

- A. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented business shall be located outside a district in which a sexually oriented business is a permitted use. Sexually oriented businesses as defined herein shall be permitted in the General Industrial District (M). Hours of operation shall be from 8:00 a.m. to 10:00 p.m., Monday through Saturday. No hours of operation on Sundays and legal holidays.
- B. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business within 1,000 feet of a church; a public or private pre-elementary, elementary or secondary school; a public library; a child-care facility or nursery school; a public park adjacent to any residential district; a child-oriented business; a college and/or public or private university; and any residentially zoned districts in the borough.
- C. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

- D. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation of a substantial enlargement of the sexually oriented business.
- E. For the purposes of this article of the Zoning Chapter of the Code of the Borough of South Greensburg, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child-care facility, child-oriented business or nursery school; or to the nearest boundary of an affected public park, college, university or residentially zoned district.
- F. For purposes of this section of this article of the Zoning Chapter of the Code of the Borough of South Greensburg, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- G. Any sexually oriented business lawfully operating on date of enactment of this article that is in violation of any part of this Section 12 shall be deemed a nonconforming use. Any preexisting nonconforming use sexually oriented business that is abandoned or is not used as such for a period of at least 12 months loses its preexisting nonconforming status and must thereafter comply with all provisions of this article to reopen. At the time of the writing of this article there are no such preexisting uses in the borough. If in the event that two or more sexually oriented businesses are within 1, 000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child-care facility, child-oriented business, nursery school or public park within 1, 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

§ 163-70. Exemptions.

It is a defense to prosecution under SS5 and 12 that a person appearing in a state of nudity did so in a modeling class operated by a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; in a structure which has no sight visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; where, in order to participate in a class, a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any one time.

§ 163-71. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this article is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Ordinance.

§ 163-72. Severability.

The provisions of this article are severable, and, if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this article. It is hereby declared to be in the intent of the Council that this article would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Article XIV
Medical Marijuana Organizations

§163-73. Medical Marijuana Organizations.

Medical Marijuana Organizations shall only be permitted as a special exception in the zone districts so designated in this Chapter 163, if in compliance with the provisions of this Article XIV.

§163-74. State Law.

Where state law, rules, and/or regulations provide more strict standards, the state law, rules, and/or regulations shall be controlling over this Article XIV. Should any provision of this Article XIV be preempted by state law, rules, and/or regulations, be invalidated, or deemed unconstitutional, that offending provision herein shall be stricken and the remainder of this Article XIV shall remain in full force and effect.

§163-75. Definitions.

Refer to the definitions in South Greensburg Code Chapter 163, Section 163-7, as well as the definitions set forth in 35 P.S. §10231.103, as amended. The definitions set forth in §163-7 shall be controlling where in conflict with 35 P.S. §10231.103.

§163-76. Intent.

It is the intent of the Borough of South Greensburg to provide reasonable and responsible controls for Medical Marijuana Organizations located within the Borough. The Borough understands that medical marijuana has the opportunity to provide countless individuals within the Commonwealth and this Borough with the treatment and medication that they

need. However, the Borough of South Greensburg must treat Medical Marijuana Organizations like all other land uses within the Borough and regulate their operations as permitted by law, in order to maintain and enhance the public health, safety, and welfare.

§163-77. Requirements for all Medical Marijuana Organizations.

A. Special Exception Permit Required. Medical Marijuana Organizations shall be permitted to operate within the Borough upon issuance of a special exception permit, issued pursuant to and under the conditions of the terms and provisions of this Chapter 163.

B. Siting. Medical Marijuana Organizations shall not be located within two-hundred feet of any dwelling located on property in the R-1 One-Family Residence District, R-2 Two Family Residence District, or R-3 Residence District. Medical Marijuana Organizations shall not be located within two-hundred feet of the boundary of any property that houses a public park. Medical Marijuana Organizations shall not be located in nor shall they abut or be adjacent to any building that has any residential tenants at the time of the Medical Marijuana Organization's application for a special exception permit. Special exception status shall not be rescinded solely because a residential tenant moved into a building abutting, adjacent to, or housing a medical marijuana organization following the filing of a completed application for a special exception.

B. Home Business. Medical Marijuana Organizations shall not be operated as a home business.

C. Compliance. Medical Marijuana Organizations shall operate in compliance with the Medical Marijuana Act, Act No. 16 of 2016, as amended, and all regulations promulgated pursuant thereto. Should a Medical Marijuana Organization be in violation of the Medical Marijuana Act, their special exception permit may be revoked upon motion of the Borough Counsel at a duly noticed public hearing.

D. Permit. Medical Marijuana Organizations may not operate unless and until they have obtained a permit or other authorization issued by the Department of Health of the Commonwealth to conduct activities under the Medical Marijuana Act, Act No. 16 of 2016, as amended. A Medical Marijuana Organization may not apply for a special exception under this Article unless they demonstrate that they are qualified to apply for a permit to be issued by the Department of Health of the Commonwealth under the Medical Marijuana Act, Act No. 16 of 2016.

E. Indoor Operations. All activities related to Medical Marijuana shall be conducted by Medical Marijuana Organizations inside of a building or fully enclosed structure. No activities related to the dispensing, growing, or processing of medical marijuana shall take place outside the envelope of a building or fully enclosed structure. The transportation of medical marijuana from one location to another shall not be subject to this prohibition.

F. Signs. Medical Marijuana Organizations shall comply the Borough of South Greensburg sign requirements, as set forth in Article IX of Chapter 163 of the South Greensburg Code.

G. Security. All Medical Marijuana Organizations shall secure their locations.

(1) All possible methods of egress and ingress shall be locked to the public at all times, with the exception of one public entrance to the location, which may be unlocked during the hours of operation of the facility. The building shall otherwise comply with the Property Maintenance Code, the Fire Code, and all other applicable codes to structures located within the Borough to ensure that the structure is safe and provides adequate exits for safety and in the event of an emergency.

(2) The building must contain a video surveillance system that monitors the area of the building open to the public, the location of all marijuana, processed medical marijuana, and by-product, regardless of form, and all exits and entrances to the building. All exits and entrances to the building shall be illuminated at all times to allow for video surveillance. The video surveillance system shall contain sufficient storage to retain a minimum of seven days of footage.

(3) The building must be covered by a security system that alerts the business owner and law enforcement should there any unauthorized access to the building housing the Medical Marijuana Organization.

(4) Medical Marijuana Organizations must comply with all electronic security and surveillance requirements as implemented by the Commonwealth and the Department of Health of the Commonwealth, as required by the Medical Marijuana Act, Act No. 16 of 2016, as amended.

§163-78. Requirements Specific to Medical Marijuana Dispensaries.

A. Medical Marijuana. All medical marijuana shall be stored in a locked location not accessible or visible to the public. Excepted from this requirement is medical marijuana on display for purchase. Medical marijuana on display for purchase must be secured in a locked case. Medical marijuana can be in a locked display case during the dispensary's hours of

operation, plus a reasonable period of time before and after the store is open. An employee for the Medical Marijuana Dispensary shall be in the room housing the medical display case at all times when the case is housing medical marijuana and the dispensary is open to the public. Medical marijuana shall only be removed from the display case when it is being dispensed to a patient holding a certification issued pursuant to the Medical Marijuana Act, Act No. 16 of 2016, as amended, or it is being transported to or from the secure medical marijuana storage location in the building or another Medical Marijuana Organization.

B. Location. In addition to the requirements of Section 163-77(B) herein, Medical Marijuana Dispensaries shall:

(1). Shall not be located within one thousand (1,000) feet of any public, private, or parochial school (kindergarten through twelfth grade) or day care center. This prohibition does not apply to any post-secondary educational facilities.

(2). Medical Marijuana Dispensaries may be located on the same site as a Medical Marijuana Grower/Processor.

C. Services and Supplies

(1). Medical Marijuana Dispensaries may sell medical devices and instruments which are needed to administer medical marijuana under the Medical Marijuana Act.

(2). Medical Marijuana Dispensaries may sell services approved by the Department of Health of the Commonwealth related to the use of medical marijuana.

(3). Medical marijuana may be consumed on-site, if the Medical Marijuana Dispensary provides a private space within the building for on-site consumption. This private space must have water available to the patient free of charge. The on-site physician, pharmacist, physician assistant or certified registered nurse practitioner must consent to the on-site consumption prior to the same, which can be denied due to any medical or safety concern. If on-site consumption is permitted, the Medical Marijuana Dispensary shall also have a restroom available for public use.

§163-79. Requirements Specific to Medical Marijuana Growers/Processors

A. Marijuana.

(1). All marijuana, whether in seed form, a living plant, a plant that is being processed, a plant that has been processed, medical marijuana (as defined by 35 P.S.

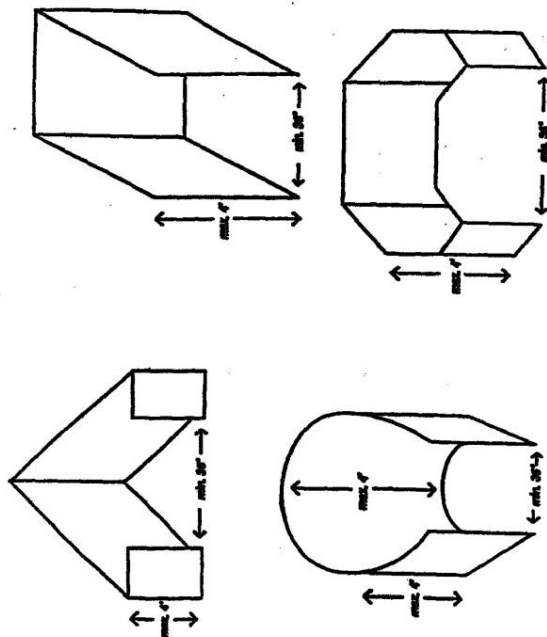
§10231.103), the remains of the plant following processing, or any other forms, shall be kept at all times in a locked location not open to the public. Medical marijuana being transported to or from any other Medical Marijuana Organization pursuant to the Medical Marijuana Act, Act No. 16 of 2016, shall be exempt from this requirement.

(2). All refuse generated from the growing and production of medical marijuana shall be stored in a locked location not open to the public. It shall be disposed of in such a manner that the refuse is not accessible to the public at large.

B. Location. Medical Marijuana Growers/Processors may be located on the same site as a Medical Marijuana Dispensary.

SECTION 6. That the Council President, Mayor and/or Secretary of the Borough of South Greensburg and any other proper Borough officer be and are hereby authorized and directed to sign any and all documents and take any and all action necessary to carry into effect this ordinance.

EXHIBIT A
ADULT MOTION-PICTURE ARCADES
BOROUGH OF SOUTH GREENSBURG
BY ORDINANCE NO. 2002-06



All arcade booth interiors must be designed in accordance with ADA (Americans with Disabilities Act) requirements.

Bulk Regulations
Summary Table

	District					
	R-1	R-2	R-3	C-1	C-2	M
Height	Single-family dwelling: 35 feet (not to exceed 2½ stories)	Single-family and two-family dwellings: 35 feet (not to exceed 2½ stories)	All structures: 75 feet	Main buildings 35 feet (not to exceed 2 stories)	Main buildings: 45 feet; however, may increase 4 feet for every 1 foot set back from the permitted setback	Main buildings: 85 feet
	Other main buildings: 45 feet (not to exceed 3 stories) Accessory structures: 15 feet (not to exceed 1 story)	Other main buildings: 45 feet (not to exceed 3 stories) Accessory structures: 15 feet (not to exceed 1 story)	--	Accessory structures: 15 feet (not to exceed 1 story)	Accessory uses: 15 feet	Accessory uses: 15 feet
Setbacks	Front: 15 feet	Front: 15 feet	Front: 25 feet	Front: None, except in the following instances: 5 feet when abutting a residential district	Front: None, except in the following instances: 5 feet when abutting a residential district	Front: None, except in the following instances: 5 feet when abutting a residential district
	Side: 5 feet (principal structure) 5 feet (accessory structure) A side yard abutting a street shall not be less in width than the depth of the front yard required on the adjoining lot on that street	Side: 5 feet (principal structure) 5 feet (accessory structure) A side yard abutting a street shall not be less in width than the depth of the front yard required on the adjoining lot on that street	Side: 50 feet (principal structure) 5 feet (accessory structure)	Side: None except in the following instances: 5 feet when abutting a residential property or district	Side: None except in the following instances: 5 feet when abutting a residential property or district	Side: None except in the following instances: 5 feet when submitting a residential property or district
	Rear: 15 feet (principal structure) from the right-of-way line when abutting an alley 40 feet (principal structure) when abutting another property Accessory structure: 15 feet from the center line when abutting an alley; 5 feet when abutting another property	Rear: 15 feet (principal structure) from the right-of-way line when abutting an alley 40 feet (principal structure) when abutting another property Accessory structure: 15 feet from the center line when abutting an alley; 5 feet when abutting another property	Rear: 15 feet (principal structure) from the right-of-way line when abutting an alley 40 feet (principal structure) when abutting another property Accessory structure: 15 feet from the center line when abutting an alley; 5 feet when abutting another property	Rear: None except in the following instances: 15 feet (principal structure) from the right-of-way line when abutting an alley	Rear: None except in the following instances: 15 feet (principal structure) from the right-of-way line when abutting an alley	Rear: None except in the following instances: 15 feet (principal structure) from the right-of-way line when abutting an alley
Width	Interior lot: 40 feet	Interior lot: 40 feet	--	--	--	--
	Corner lot: 50 feet	Corner lot: 50 feet	--	--	--	--
Area	Minimum lot area: 4,000 square feet	Minimum lot area: 4,000 square feet	Minimum lot area: 1/3 acres	--	Minimum lot area: 6,000 square feet plus 300 square feet for each sleeping room in excess of 4	--
	Minimum lot area: 4,000 square feet per family	Minimum lot area: 2,000 square feet per family	Minimum lot area: 50 units per acre	--	--	--