

ZONING ORDINANCE OF SPRINGBORO BOROUGH  
CRAWFORD COUNTY, PENNSYLVANIA

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ZONING OFFICER

Edward H. Thompson

Prepared by the Springboro Planning Commission with  
technical assistance from the Crawford County  
Planning Commission under a grant from the  
Appalachian Regional Commission.

Effective Date - September 7, 1980



ZONING ORDINANCE OF SPRINGBORO BOROUGH

ORDINANCE NO. 82

ORDAINED AND ENACTED THIS 2 day of Sept., 1980

BOROUGH COUNCIL

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR SPRINGBORO BOROUGH, CRAWFORD COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968 AND ITS AMENDMENTS; AND FOR THE REPEAL OF ALL ORDINANCES THAT MAY BE IN CONFLICT HEREWITH.

WHEREAS ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, empowers Springboro Borough to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS SPRINGBORO BOROUGH deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Borough to enact such an ordinance; and

WHEREAS the Springboro Borough Council pursuant to Article II of the Pennsylvania Municipalities Planning Code has appointed a Planning Commission which has studied the Borough and formulated a comprehensive plan for all Borough lands which contains mapped, descriptive and statistical information about the Borough, which articulates development objectives and policies for the Borough and which establishes a land use, facilities, housing and Borough Image plan for the Borough;

WHEREAS the Planning Commission has studied zoning regulations for the Borough, divided Borough lands into districts and prepared regulations for said districts in general accordance with the comprehensive plan and in such a way as to guide development into areas that are suitable to handling it, and to meet the objectives and policies of the comprehensive plan and to promote the health and general welfare of the Borough, and

WHEREAS the Planning Commission has held public meetings thereon and submitted its final report to the Springboro Borough Council; and

WHEREAS the Springboro Borough Council has given due public notice of hearings relating to zoning districts and regulations and has held such public hearings; and

WHEREAS all requirements of the Pennsylvania Municipalities Planning Code with regard to the preparation of a comprehensive plan and zoning regulations have been met;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE SPRINGBORO BOROUGH COUNCIL, CRAWFORD COUNTY, PENNSYLVANIA AS FOLLOWS:

ATTEST:

Alice Silva  
Alice Silva, Secretary

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance duly enacted by the Springboro Borough Council, Crawford County, at its meeting held on the 2<sup>nd</sup> day of September, 1980 at which time a quorum was present.

Alice Silva

Amended:

October 6, 1981; Ordinance No. 85

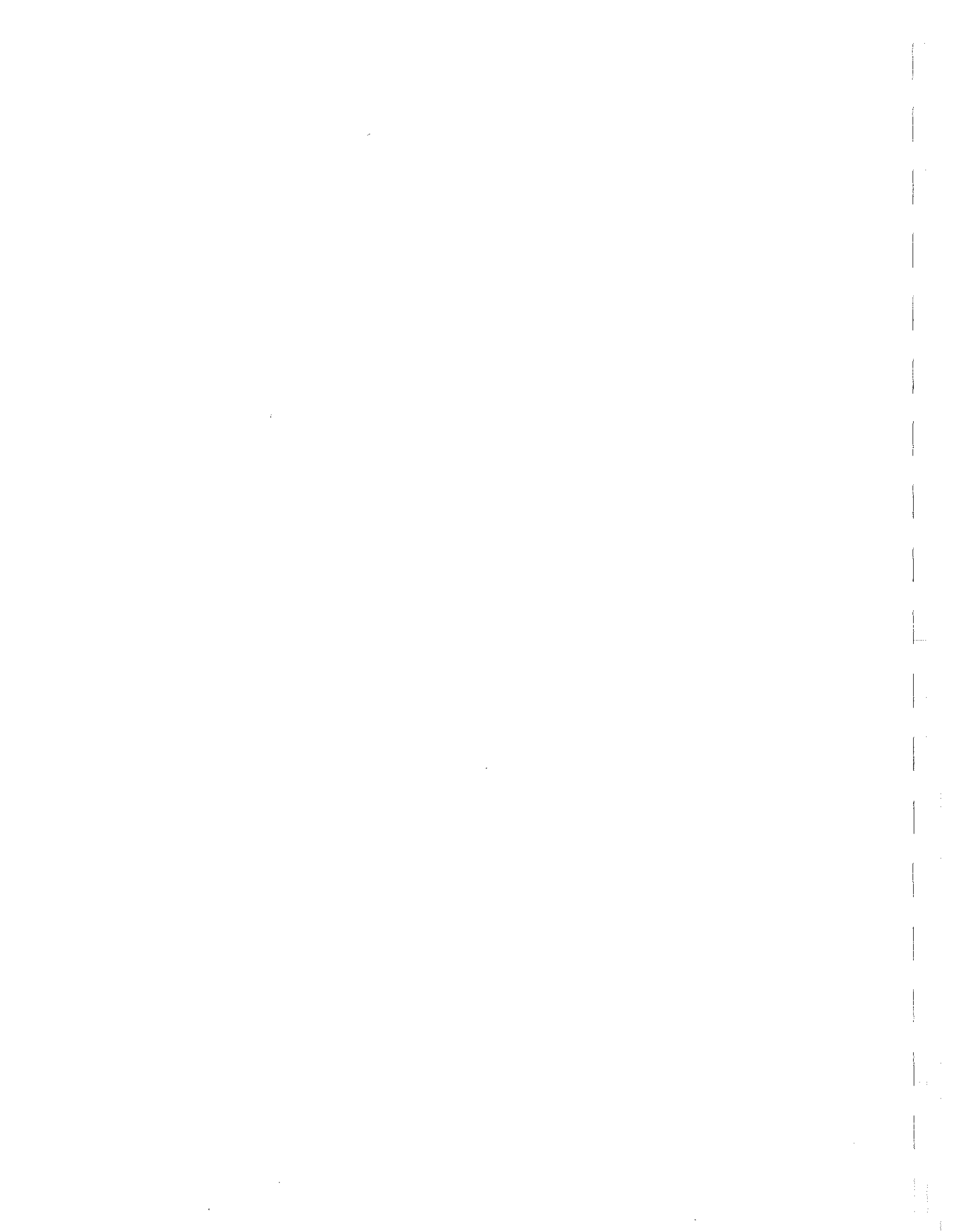


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ARTICLE 1.

GENERAL PROVISIONS

Section 100 Title

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Springboro Borough."

Section 101 Minimum Requirements and Compliance With District Regulations

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall apply as hereinafter provided. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this ordinance.

101.1 No lot or yard existing at the time of the adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance. Yards or lots created after the adoption of this ordinance shall meet, at least, the minimum requirements of this ordinance.

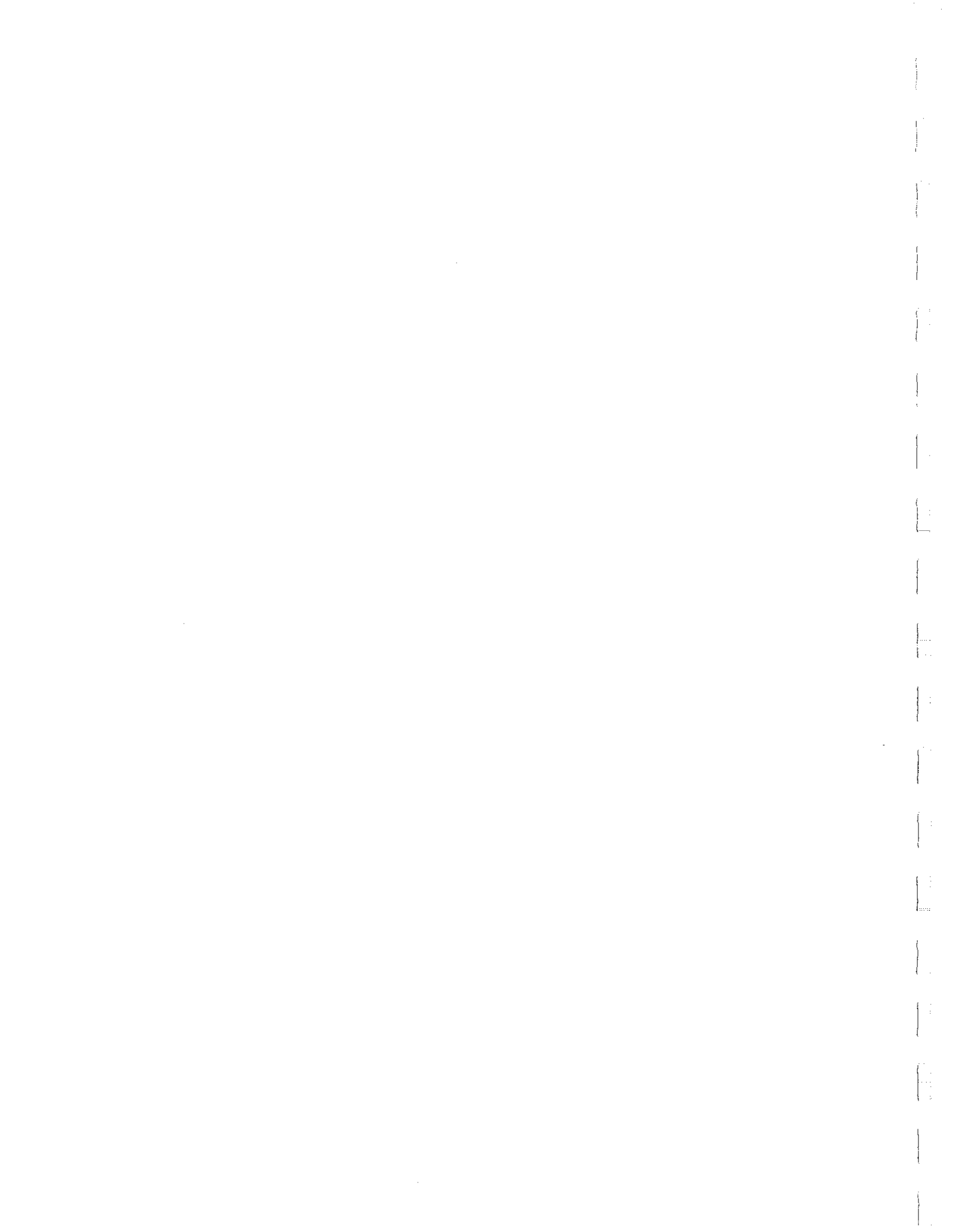
101.2 Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or those imposing the higher standards shall govern.

Section 102 Separability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 103 Repeal of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall take effect five days after its enactment by the Springboro Borough Council. Building construction begun prior to the effective date of this ordinance may continue unaffected by the provisions of this ordinance as established in Section 1301.



## ARTICLE 2.

### OBJECTIVES

#### Section 200 Community Development Objectives

The following community development objectives developed through the Borough's comprehensive planning process and set forth explicitly and implicitly in the Borough's Comprehensive Plan, June 1979, adopted by the Springboro Borough Council and as amended by the council from time to time are the basis for the provisions of this ordinance.

- 200.1 To protect and promote the public health, safety and general welfare of the residents of the Borough.
- 200.2 To obtain a balanced, ordered community in which the maximum development potential for Springboro is realized, according to the carrying capacity of the land. Such growth should include a balance among industrial, residential, commercial and public uses.
- 200.3 To direct land development activities, through the guidance of a land use plan into the areas of the Borough which are best suited for these activities including: residential, commercial, industrial and public uses.
- 200.4 To insure that all development takes place on lots of adequate size to prevent overcrowding of the land, danger and congestion in travel and transportation, loss of health, life and property from fire, flooding, panic or other dangers.
- 200.5 To promote an active Borough Center by encouraging the clustering of new commercial uses and maintaining existing commercial uses in the Beaver - Cussewago - Main Street central focus area of Springboro.
- 200.6 To provide a location for highway related commercial uses along Route 18 in the northern portion of the Borough.
- 200.7 To guide development into locations and patterns which will work to protect property values and prevent incompatible development which would have the effect of undermining such values.
- 200.8 To increase the tax base of the Borough by providing suitable lands for the locations of commercial and industrial uses, preventing such lands from being compromised by inadvisable development not in keeping with their highest and best use potential.
- 200.9 To protect the existing main highway and road system of the Borough from indiscriminantly placed access points and from poorly sited structures along the rights-of-way, insuring that these transportation routes can continue to carry traffic safely and efficiently.

- 200.10 To exercise reasonable regulation over the density of building on the land in order that community facilities and the land itself will not be overtaxed and that maximum efficiencies of facilities and services can be realized.
- 200.11 To promote an efficient network of facilities and services that will satisfactorily serve existing development and promote a maximum of new commercial, industrial and residential development.
- 200.12 To improve the housing stock of Springboro and to provide sufficient housing and/or available land for new construction in order for the Borough to realize its maximum growth potential.
- 200.13 To improve the overall visual image of Springboro, especially along Main Street and, by so doing, helping to attract new residents and business to the community.
- 200.14 To encourage additional housing of all types and cost ranges without jeopardizing established property values.
- 200.15 To protect the Borough's natural amenities including its streams and open space areas best suited for recreation.
- 200.16 To promote multi-family residential development in areas that are in close proximity to the commercial center of the Borough and in the older previously settled areas which are served by the major roads in Springboro.
- 200.17 To promote single family residential development in the undeveloped areas of the Borough not planned for commercial, industrial, public or multi-family uses.
- 200.18 To promote to the fullest extent possible industrial growth in Springboro, and in particular, the abandoned Albro Site as an Industrial Park Development.
- 200.19 To continue to manage and develop existing recreational and open space lands in Springboro and acquire additional lands where necessary, so as to provide adequate open space to meet future park and recreational needs of the Borough.
- 200.20 To designate lands in the Borough that have a history of flooding and to regulate development in these flood hazard areas in acord with State and Federal requirements.
- 200.21 To allow citizens maximum opportunities to develop their land consistent with the other objectives of this ordinance.

## ARTICLE 3.

### LANGUAGE INTERPRETATIONS, DEFINITIONS

#### Section 300 Language Interpretations

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word "shall" is always mandatory;
2. The word "may" is permissive;
3. The word "should" is a preferred requirement;
4. Words used in the present tense shall include the future;
5. Words used in the singular shall include the plural;
6. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

#### Section 301 Definitions

It is not intended that this Article include only words used or referred to in this ordinance. Meanings of words are included in order to facilitate the interpretation of the ordinance for administrative purposes and to aid in the carrying out of municipal duties and responsibilities. Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage:

Accessory Use of Structure. A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure and which is located on the same lot with the principal use or structure.

Alley. A public street which affords only a secondary means of access to abutting property and is not intended for general traffic.

Alterations. As applied to a building or structure means a physical change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. A zoning permit may or may not be required.

Amendment. Any change in the language of this ordinance including a change in use in any district which includes either a revision to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the municipal governing body.

Applicant. One who seeks permission or authorization under the provisions of this ordinance to engage in an activity governed in whole or in part by this ordinance. The applicant may be a person, partnership, business or corporation.

Basement. A story all or partly underground but having at least onehalf of its height below the average level of the adjoining ground.

Springboro Borough Council. The governing body of Springboro Borough, sometimes referred to as "Council" or "Borough Council".

Boarding House or Rooming House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods or property.

Building, Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean heights between eaves and ridge for gable, hip and gambrel roofs.

Building Line. A line fixed normally parallel to the lot line and beyond which a building cannot extend under the terms of this ordinance. It is equivalent to the set back or yard line.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Regulations. The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention but who are not provided with room or board or kept overnight on the premises.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.

Cluster Development. An area of land controlled in the initial planning phase by one landowner or development group which is to be developed as a single entity for

a number of dwelling units, the development plan for which does not correspond in terms of bulk regulations, type of dwelling, density, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a zoning ordinance.

Common Area. Any space designed for joint use of residents of a mobile home park, a travel trailer park, a campgrounds or other residential development. Such area is intended for development for recreation and open space use and shall not include areas devoted to vehicular circulation.

Comprehensive Plan. A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives, and policies of a community.

Conditional Use. A development approval granted by the Borough Council through procedures established in this ordinance. See Article 14.

Conversion Unit. The remodeling of a single family dwelling into one or more additional dwelling units.

Density. A unit of measure; the number of dwelling units per acre of land. Where a density figure is given the allowable number of dwelling units permitted, based on this figure, is determined by multiplying the density by the acreage under consideration (gross or net whichever is applicable).

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Net Density - the number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publically available park and recreation areas and does not include the area devoted to public or private streets.

Dump. A lot or parcel of land, or part thereof used primarily for the non-permitted, uncontrolled, illegal disposal, dumping, burial and/or burning of garbage, sewage, refuse and/or junk.

Dwelling. A building, or portion thereof, used for residential occupancy, including single family and multi family dwellings, but, for the purpose of this ordinance, not including hotels, apartment hotels, rooming and boarding houses, mobile homes, or travel trailers.

Dwelling Unit. One or more rooms in a dwelling which are used as living quarters for occupancy by one family, and which unit contains permanently installed bathroom and kitchen facilities reserved for the occupants of such rooms.

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes townhouses.

Dwelling, Detached. A dwelling which is surrounded on all sides by yards on the same lot.

Dwelling, Semi-Detached. A dwelling which is joined to another dwelling at only one side by a party wall and which is otherwise surrounded by yards on the same lot.

Dwelling, Single Family. A dwelling or building containing one dwelling unit.

Dwelling, Two Family. A dwelling or building containing two dwelling units which may be attached side by side, located one above the other or arranged in some other manner.

Dwelling, Multi Family. A dwelling or building containing three or more dwelling units, including condominiums and cooperatives, with varying arrangements of entrances and party walls.

Dwelling, Seasonal (Cottage). A single family detached dwelling intended for resort purposes and occupied on a seasonal or short-term basis.

Emergency Services. Activities provided by the public and private sectors for the public welfare including, but not limited to, fire, police and ambulance services.

Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family. An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; or a group or not more than 4 persons, who need not be related by blood, marriage,



or adoption, living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; plus, in all cases where applicable the usual domestic servants.

Flood Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Flood Plain. That land, including the flood fringe and the floodway, subject to inundation by a regional flood.

Flood Regional. Large floods which have previously occurred or, which may be expected to occur on a particular stream because of its physical characteristics. A regional flood generally has an average frequency of reoccurrence once in 100 years.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of a regional flood's waters.

Floor Area of a Residential Building. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the areas of roofed porches, and roof terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area of a Non-Residential Building. The sum of the gross horizontal area of the several floors of a non-residential building excluding, where applicable, stairs, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.

Garage, Private. A detached accessory building or portion of a principal building used for parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material of the occupants of the premises.

Garbage. Solid waste resulting from animal, grain, fruit or vegetable matter used or intended for use as food.

Group Home. The coming together of more than 4 persons not related by blood, marriage or adoption in a single housekeeping unit which provides the physical and social needs normal to a residence and whose management is under the direction of a public or semi-public institution operating in pursuit of its objectives.

Health Care Facilities. Buildings or portions thereof from which health care is dispensed including, but not limited to, medical and dental offices and clinics, hospitals and nursing and convalescent homes.

Home Occupation. A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or services.

Institutional Use. An organization having a social, educational or religious purpose, such as a school, church, hospital, library.

Junk. Any discarded material or articles including but not limited to scrap metal, abandoned vehicles and machinery, paper or glass. Junk material shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Resources.

Junk Buildings, Junk Yards, Junk Shops. Any land, property, structure, building, or combination of the same, on or in which junk is stored, processed, or sold and which is operated as a business.

Kennel. A structure where 4 or more domesticated animals more than 6 months old are kept and fed and which is operated with the object of earning income.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, or alley right-of-way.

Lot. Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this ordinance.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Frontage. The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets may be considered frontage and yards shall be provided as indicated under Yards in this Article.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot, Reverse Frontage. A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

Mobile Home. A transportable, single family dwelling which exceeds either 8 feet in width and/or 32 feet in length, built on a chassis, used with or without a permanent foundation, intended for permanent occupancy, office or place of assembly which normally arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The term mobile home in this ordinance shall be construed to include the double wide, the triple wide and the expandable mobile home.

Mobile Home, Double or Triple Wide. A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single building while retaining its individual chassis for possible future transport.

Mobile Home, Expandable. A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Mobile Home Lot. A designated portion of a mobile home development designed for the accommodation of one mobile home and its accessory structures.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Mobile Home Stand. That area of a mobile home lot which has been reserved for the placement of a mobile home.

Modular Home (Wheelless Modular). A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into the structure at the site.

Nonconforming Structure. A structure or part of a structure not complying with the applicable provisions in this zoning ordinance, which structure lawfully existed prior to the enactment of this ordinance.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance which use was lawfully in existence prior to the enactment of this ordinance.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursing or Convalescent Home. Any building containing sleeping rooms where persons are housed and furnished with meals and nursing care for hire.

Principle Use or Structure. The main use on a premises or a building in which is conducted the main or principle use on a premises.

Refuse. All materials which are discarded as useless.

Right-of-way. A strip of land taken or dedicated for use as public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities.

Service Station. A site including the structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for the repair, polishing, greasing, washing, spraying, cleaning or general servicing.

Setback Line. A line established by this ordinance generally parallel with and measured from the lot line conterminus with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this ordinance. This line is also referred to as a building line.

Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Story. That part of a building between the surface of a floor and the ceiling immediately above.

Structure. Any man made object constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, fences, walls and other building features but not including sidewalks, drives, and patios.

Thoroughfare, Street or Road. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Arterial Road. A general term denoting a highway primarily for through traffic. Arterial roads are always continuous and are of intermunicipal importance.

Collector Road. Roads that are continuous and that serve primarily as connections between the arterial roads and local streets and which terminate on either end at arterial or other collector roads.

Cul-De-Sac. A local street usually of short length with one end connecting to another street and the other end terminating in a vehicular turnaround.

Dead-End Street. A street temporarily having only one outlet for traffic and intended to be extended or continued in the future.

Local Street. A street not having significant continuity and used primarily for providing access to abutting property.

Marginal Access Street. A local or collector street parallel and adjacent to an arterial or collector road, providing access to abutting properties, and providing periodic access to the adjacent arterial or collector road.

Travel Trailer. A vehicular portable structure, mounted on a chassis, and designed as a temporary dwelling for travel, recreation and vacation uses and which is: (1) identified by the manufacturer as a travel trailer, (2) no more than 8 feet in width, and (3) is of any weight and normally having a body length not exceeding 32 feet.

Travel Trailer Park. A parcel of land under single ownership which has been planned and improved for the placement of travel trailers for transient use consisting of two or more travel trailer stands or lots.

Variance. Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district. See Section 1705.3.

Yard. The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this ordinance.

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard.

Yard, Interior Side. A side yard which adjoins another lot or an alley separating such yard from another lot.

Yard, Rear. A yard extending along the full length of a rear lot line and back to a line drawn parallel to the required rear yard.

Yard, Side. A yard extending along the side lot line drawn parallel with such side lot line at a distance therefrom equal to the required side yard.

Yard, Street Corner Side. A side yard which adjoins a street.

Zoning Hearing Board. A board appointed by the Springboro Borough Council in order to provide for the administrative requirements as set forth in this ordinance; also referred to as the Board.

## ARTICLE 4.

### THE OFFICIAL ZONING MAP

#### Section 400 The Official Zoning Map

The districts established in Article 5. of this ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted as part of this ordinance. The Official Zoning Map shall be identified by the signature of the President of the Springboro Borough Council and attested by the Borough Secretary.

#### Section 401 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

1. District boundaries indicated as approximately following the center lines of streets, highways, or streams shall be construed to follow such center lines.
2. District boundaries indicated as approximately following platted lot or property parcel lines shall be construed as following such lot and parcel lines.
3. District boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits.
4. District boundaries indicated graphically as parallel to the center lines of streets, highways, alleys or streams shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.
5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 1 to 4 as listed above, he shall refer the matter in the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

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ARTICLE 5.

ESTABLISHMENT AND PURPOSE  
OF ZONING DISTRICTS

Section 500 Establishment Of Zoning Districts

In order to carry out the objectives of this ordinance Springboro Borough is hereby divided into the following zoning districts:

- R-1 Low Density Residential District
- R-2 Medium-High Density Residential District
- R-3 Architectural Preservation District
- R-4 Medium-High Density Residential District
- C-1 Central Commercial District
- C-2 Commercial Residential District
- C-3 Highway Commercial District
- C-4 Planned Shopping Center Overlay District
- I-1 Light Industrial District
- RO Recreation Open Space District
- FH Flood Hazard District

Section 501 Purpose Of Zoning Districts

The districts established in this article are intended to achieve the following:

Low Density Residential District, R-1

This district is intended to encourage predominantly single family and two family dwelling units. The R-1 District is expected to accommodate a considerable portion of the future housing needs of the Borough. The regulations applicable for this district are intended to promote stable and desirable neighborhoods and to maintain stable property values by insuring that new construction is substantially similar to existing housing, and to maximize property values.

Further, it is the intention of the R-1 District to encourage the establishment of cluster developments which will be compatible with the other permitted uses within the district, and also institutional uses such as churches, schools, libraries, etc.

Medium-High Density Residential District, R-2

The purpose of this district is to provide an area for higher density residential uses such as townhouses and apartment complexes as well as single family dwelling units. This district encompasses those areas that are in close proximity to the commercial center of the Borough and the older previously settled areas which are served by the major



roads in Springboro. The R-2 District is also intended to provide for institutional uses and cluster developments which will be compatible with the other permitted uses.

#### Architectural Preservation District, R-3

The intent of this district is to preserve, to the extent that is possible and practical, the area in Springboro, generally along the southern end of Main Street, which is characterized by architecturally and/or historically significant structures. Residential and institutional uses are encouraged that would maintain the existing exterior character of the structures. New structures in the R-3 District should be limited to single family and two family dwellings and they are encouraged to be designed to be architecturally compatible with existing structures.

#### Medium-High Density Residential, R-4

The purpose of this district is to provide for a wide variety of housing types (including mobile homes) and uses supplementary thereto in an area of the borough which is predominantly developed with residential uses and which has a special environmental character by virtue of the fact that it is enveloped by industrial uses and the Conneaut Creek and its adjacent flood hazard area.

#### Central Commercial District, C-1

It is the intent of this district to provide an area for the concentration of commercial uses so that they reinforce one another, are convenient to the public and serve the Borough and the surrounding region in the role of a central place for services.

#### Commercial Residential District, C-2

The C-2 District is designed to provide an area, generally located near the center of the Borough, for new commercial development which can help meet the future demand for central place commercial services in the Borough and the surrounding Conneaut Valley area. Because of the existing residential uses in this area and because of the present uncertain market for new commercial uses it is not the intent of this district to prohibit new residential development. However, residential uses wishing to locate in this area should do so with the knowledge that commercial uses are permitted and that eventually these commercial uses may dominate this district.

It is also the intent of this district to provide for institutional and other community forming uses such as government buildings and medical centers.

#### Highway Commercial District, C-3

The purpose of the Highway Commercial District is to provide an area for commercial uses that have a great need for direct access to a major highway and depend heavily on a highway orientation.

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#### Planned Shopping Center Overlay District, C-4

The C-4 District is designed to provide an area in the Borough which is conducive to the development of a shopping center of a size large enough to serve the population of Springboro as well as the surrounding Conneaut Valley area. The other commercial districts in the Borough do not provide sufficient land for the construction of a shopping center of appropriate size. The development should include a unified architectural treatment for the building or buildings that provides space for commercial establishments which are selected and then managed as a unit for the benefit of all tenants. This District is not intended to provide for a miscellaneous or unplanned assemblage of separate or common-wall structures. It is also intended that only one shopping center development be permitted in this District.

#### Light Industrial District, I-1

The purpose of this District is to encourage industrial and manufacturing development that will make use of the existing railroad siding and provide employment opportunities to Springboro residents. Due to the proximity of this zone to residential and commercial uses, it is intended for industrial uses with limited external impact, such as processing, assembling, and minor manufacturing. Electronics and tool and die manufacturing and some of the region's traditional lumber-oriented and metal fabrication industries should be able to be accommodated in this District. The industrial performance standards and procedures outlined in Section 800 of this ordinance are designed to control the objectionable or hazardous external effects of industrial development in order to adequately protect the interests, well-being, health and safety of adjacent residential and commercial property owners and the community as a whole.

#### Recreation/Open Space District, RO

The RO District provides for a recognition of lands considered to be permanently in public ownership for recreation, parks and open space needs.

#### Flood Hazard District, FH

The intent of the Flood Hazard District is to prevent structural development in areas subject to flooding where the results of periodic inundation are loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for

flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. This District is also intended to preserve natural drainage ways keeping these areas free from structural encroachments which impair their usefulness in channeling and conducting water flow.

ARTICLE 6.

RESIDENTIAL DISTRICTS

Section 600 Low Density Residential District, R-1

- 600.1 Permitted Uses
  - a. Agriculture\*
  - b. Single family and two family detached dwellings
  - c. Single family semi-detached dwelling
  - d. Churches and facilities normally incidental thereto
  - e. School facilities, public and private, including nursery schools
  - f. Library
  - g. Parks, public and private
  - h. Community center - government buildings
  - i. Medical/Dental clinics
- 600.2 Special Exceptions
  - a. Home occupation\*
  - b. Private clubs\*
- 600.3 Conditional Uses
  - a. Land developments (See Section 603 and Article 12)
  - b. Cemetery\*
  - c. Emergency services\*
  - d. Nursing home
- 600.4 Bulk Regulations
  - a. Lot Area

Type of Use	No Public Water or Sewer	Public Sewer Only	Public Water and Sewer
Single Family Detached Dwelling	20,000 sq.ft.	10,000 sq.ft.	8,400 sq.ft.
Two Family Detached Dwelling	25,000 sq.ft.	15,000 sq.ft.	9,300 sq.ft.
Single Family Semi-Detached Dwelling	Not Permitted	9,300 sq.ft.	7,000 sq.ft.
All Other Permitted Uses Except Public Park and Recreation Uses Which Have no Lot Area Requirements	20,000 sq.ft.	10,000 sq.ft.	8,400 sq.ft.

\* See Section 603

- b. Front Yard . . . . . Minimum of 30 feet
- c. Side Yard . . . . . Minimum of 10 feet
- d. Street Corner Side Yard . . . . . Minimum of 30 feet
- e. Rear Yard . . . . . Minimum of 30 feet
- f. Width of Lot Measured at Public Right-of-Way . . .  
. . . Minimum of 70 feet

Section 601 Medium-High Density Residential District, R-2

601.1 Permitted Uses

- a. Agriculture\*
- b. Single family and two family dwellings
- c. Single family attached dwelling
- d. Single family semi-detached dwelling
- e. Multi-family dwellings
- f. Cluster developments (See Article 12.)
- g. Funeral homes
- h. Church
- i. School facilities, public and private
- j. Library
- k. Parks, public and private
- l. Private clubs\*
- m. Community center - government buildings
- n. Day nursery
- o. Medical/Dental clinics
- p. Nursing home
- q. Group homes
- r. Public utilities
- s. Emergency services\*

601.2 Special Exception

- a. Home occupation\*

601.3 Conditional Uses

- a. Mobile home parks\*
- b. Cemetery\*

601.4 Bulk Regulations

- a. Lot Area

\* See Section 603



Type of Use	No Public Water or Sewer	Public Sewer Only	Public Water and Sewer
Single Family Detached Dwelling	20,000 sq.ft.	10,000 sq.ft.	8,400 sq.ft.
Two Family Detached Dwelling	25,000 sq.ft.	15,000 sq.ft.	9,300 sq.ft.
Single Family Attached Dwelling	Not Permitted	4,000 sq.ft. per dwelling	2,500 sq.ft. per dwelling
Single Family Semi-Detached Dwelling	25,000 sq.ft.	9,300 sq.ft.	7,000 sq.ft.
Multi-Family	Not Permitted	3,000 sq.ft. per dwelling	2,500 sq.ft. per dwelling
All Other Permitted Uses Except Public Park and Recreation Uses Which Have no Lot Area Requirements	20,000 sq.ft.	10,000 sq.ft.	8,400 sq.ft.

- b. Front Yard . . . . .Minimum of 30 feet
- c. Side Yard . . . . .Minimum of 10 feet
- d. Street Corner Side Yard . . . . .Minimum of 10 feet
- e. Rear Yard . . . . .Minimum of 30 feet
- f. Width of Lot Measured at Public Right-of-Way . . . . .Minimum of 70 feet, except for Single Family Attached where there is no requirement

Section 602 Architectural Preservation District, R-3

- 602.1 General. The regulations of the R-3 District attempt to provide incentives for the preservation of the existing larger, older homes in this District. This may be done by permitting institutional and higher density residential uses in existing homes having a minimum of 1,800 square feet of floor space, not including basements and attics. These existing homes will hereafter be referred to as designated structures.
- 602.2 Permitted Uses in Structures Built After the Effective Date of this Ordinance.
  - a. Single family and two family detached dwellings, excluding modular dwellings.
- 602.3 Permitted Uses in Designated Structures. The following uses will be permitted in said structures subject to the requirements in Section 602.4.

- a. Single family and two family attached dwellings
- b. Multi-family dwellings
- c. School facilities, public and private
- d. Library
- e. Private club
- f. Community center - government buildings
- g. Day nursery
- h. Medical/Dental clinics
- i. Nursing home
- j. Museum
- k. Funeral home
- l. Group home
- m. Veterinary
- n. Professional offices including but not limited to offices of doctors, dentists, real estate brokers
- o. Home occupations, subject to standards in Section 603.

602.4

Conversion of Designated Residential Structures. The following requirements shall be met for the uses permitted in Section 602.3 other than single family and two family attached dwellings.

- a. The existing exterior architectural character of the structures, visible from the public street, shall be maintained. Any structural improvements to the exterior of the structure shall have the approval of the Zoning Hearing Board. The procedure for this approval shall be as follows.
  - (1) A plan outlining the proposed improvements or alterations shall be submitted to the Zoning Hearing Board. The plan shall be in the form of a drawing and may include a narrative explaining the proposal.
  - (2) The Zoning Hearing Board shall base its decision on the following criterion: All exterior changes shall be of compatible design, including the general form texture, material and color with the existing structures.
  - (3) The Zoning Hearing Board shall process this review as it would a special exception application.

602.5 Off-Street Parking. No more than three off-street parking spaces shall be provided in the front yard on any one lot in this district.

602.6 Bulk Regulations

- a. Lot Area . . . . 10,000 sq. ft.
- b. Front Yard . . . . Minimum of 40 feet
- c. Side Yard . . . . Minimum of 10 feet
- d. Street Corner Side Yard . . . . Minimum of 30 feet
- e. Rear Yard . . . . Minimum of 30 feet
- f. Width of Lot Measured at Public Right-of-Way . . . . Minimum of 80 feet

Section 603 Medium-High Density Residential District, R-4

603.1 Permitted Uses. All the uses listed as permitted in Section 601.1 (the R-2 District) and in addition the following uses:

- a. Mobile homes providing that:
  - (1) the long dimension of the mobile home shall be sited generally parallel to the abutting street in all instances where the lot width is of sufficient size to accommodate the mobile home and required side yard setbacks; where it is established, to the satisfaction of the zoning officer, that the lot width is not of sufficient size to accommodate the mobile home generally parallel to the abutting street, the mobile home may be sited differently on the property;
  - (2) the mobile home shall be securely fastened to a frost free foundation structure;
  - (3) an enclosure of a compatible material and design shall be installed on all sides of the mobile home in a manner so as to provide continuous facades from the ground level upwards; such enclosure shall provide sufficient ventilation to prevent deterioration.
- b. Accessory uses necessary and normal to permitted uses.

603.2 Special Exception

- a. Home occupation

603.3 Conditional Uses

- a. Mobile home park
- b. Cemetery

603.4 Bulk regulations. (The regulations shall be as established in Section 601.4 and the mobile home shall be listed with the Single Family Detached Dwelling.)

Section 604 Supplemental Residential Regulations

In addition to the regulations in Articles 14 and 17 the following additional requirements shall be met.



604.1 Agriculture

- a. No new farming operations shall be permitted in the Borough. However, an existing agricultural operation may expand onto land held in the same ownership before the effective date of this ordinance.
- b. A minimum distance of 100 feet shall be maintained between all farm operations, including but not limited to, the portion of a field used for the cultivation of crops, and a residential or commercial district. A farm dwelling is excluded from this requirement.
- c. The distance between all buildings and structures used for the keeping of animals, including kennels, barns and livestock pens, and a residential or commercial zoning district shall be a minimum of 300 feet, unless the facilities for keeping the animals are situated completely within air conditioned, sound-proofed structures.

604.2 Home Occupation

The purpose of home occupation provisions is to permit the conduct of a business for primary or supplemental income purpose. Home occupations shall be limited to those uses which may be conducted on a residential property without altering its basic residential character. The following provisions shall govern:

- a. There is no sign on a property larger than 5 square feet in area advertising the home occupation activity and no displays that will substantially alter the visual dominance of residential use for the property.
- b. The sale of any commodities not produced or fabricated on the premises shall not constitute either by volume or by amount of dollars, more than 2/3 of total sales.
- c. There are not more than a total of 4 persons, including members of a family occupying the residence, engaged in such use, occupation, or profession.
- d. There is no electrical disturbance that would create visual or audible interference in radio or television receivers off the premises.
- e. There are no more than 8 vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.
- f. There are sufficient off-street parking spaces to accommodate one space for each person engaged in such use, occupation, or profession plus 2 additional spaces; off-street parking requirements, except for members of the family occupying the residence, shall be met in the area other than the required front yard.
- g. Outdoor work, service, and storage areas, if any,

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shall be screened from the view of public roads and from adjacent residences.

- h. There shall be no noise, odor, dust, fumes, glare or flashing lights, which normally are considered objectionable, perceptible without instruments more than 5 feet from the boundaries of the lot.
- i. Where a new building or structure is proposed for construction on a premise for purpose of use in a home occupation activity the new building or structure, (1) shall comply with the requirements listed above, (2) shall be subordinate to the dwelling on the premises, (3) shall be compatible with the residential character of the premises, and (4) shall be utilized for a home occupation activity in no more than 50% of its total floor area, providing however the Board may waive the 50% area requirement if the proposed use, in its opinion, will not change or damage the residential character of the premises and of the neighborhood.

604.3 Private Club

- a. The establishment of a private club in a residential district shall not disturb the general residential character of the district.
- b. Private clubs in the R-1 and R-2 Districts shall not be permitted to sell alcoholic beverages.
- c. Private clubs in the R-1 and R-2 Districts shall be housed only in structures compatible architecturally to the surrounding residential dwellings.
- d. No more than three off-street parking spaces shall be provided in the front yard of an R-1 or R-2 District.

604.4 Cemetery

A cemetery is defined for purpose of this ordinance as a burial place or graveyard including mausoleum, crematory or columbarium.

- a. One off-street parking space for each employee and one off-street space for each four visitors in total capacity of cemetery shall be provided.
- b. Parking areas must be adequately screened when located adjacent to or in a residential district.

604.5 Emergency Services

- a. Emergency services are permitted to locate fronting only on Main, Beaver and Cussewago Streets.





ARTICLE 7.

COMMERCIAL DISTRICTS

Section 700 Central Commercial District, C-1

700.1 Permitted Uses

- a. Retail sales and services
- b. Restaurants
- c. Drive-in/fast food establishments
- d. Financial establishments
- e. Repair shop - including such things as watches, appliances, lawn mowers, guns, bicycles, small machines, etc. This does not include automotive repair.
- f. Motel/Hôtel
- g. Upholstering
- h. Commercial recreation and entertainment
- i. Veterinary
- j. Automobile sales and service\*
- k. Tavern
- l. Laundromats
- m. Professional offices
- n. Printing establishments
- o. Library
- p. Private clubs
- q. Community center - government buildings
- r. Medical/Dental clinics
- s. Emergency services
- t. Dwellings permitted on second and third stories of above listed uses. The minimum floor area per dwelling unit shall be 300 square feet.

700.2 Special Exceptions

- a. Gasoline Service Stations\*

\* See Section 704

700.3 Conditional Uses

- a. Parking lot/garage\*

700.4 Bulk Regulations

- a. Lot Area . . . . . 6,000 sq. ft.
- b. Maximum Lot Coverage by Buildings . . . . 100%  
(See 700.4 - C and D)
- c. Rear Yard . . . . . 20 ft. when adjacent to a  
residential district
- d. Side Yard . . . . . 7 ft. when adjacent to a  
residential district
- e. Minimum Width of Yard at Public Road Right-of-Way  
. . . . . 50 feet

Section 701 Commercial Residential District, C-2

701.1 Permitted Uses

- a. Single family and two family detached dwellings
- b. Single family semi-detached dwelling
- c. Single family attached dwelling
- d. Multi-family dwellings
- e. Retail sales and service
- f. Restaurant
- g. Drive-in/fast food establishments
- h. Financial establishments
- i. Repair Shop - including such things as watches,  
appliances, lawn mowers, guns, bicycles, small  
machines, etc. This does not include automotive  
repair.
- j. Motel/Hotel
- k. Upholstering
- l. Commercial recreation and entertainment
- m. Veterinary
- n. Automobile sales and repair\*
- o. Truck and farm equipment sales and repair

\* See Section 704

- p. Tavern
- q. Laundromat
- r. Professional office
- s. Printing establishments
- t. Church - place of worship
- u. School facilities, public and private
- v. Library
- w. Parks
- x. Private club
- y. Community center -- government building
- z. Day nursery
- aa. Medical/Dental clinics
- bb. Emergency services
- cc. Group home
- dd. Home occupation

701.2 Special Exception

- a. Gasoline service station\*

701.3 Conditional Uses

- a. Shopping center
- b. Parking lot/garage\*

701.4 Bulk Regulations

- a. Lot Area

Type of Use

Single Family Detached . . . . .	6,000 sq. ft.
Two Family Detached . . . . .	8,000 sq. ft.
Single Family Attached . . . . .	3,000 sq. ft. per dwelling
Single Family Semi-Detached . . . . .	5,000 sq. ft.
Multi-Family . . . . .	2,500 sq. ft. per dwelling
All other Permitted Uses Except Public Park and Recreation Uses Which Have no Lot Area Requirements . . . . .	6,000 sq. ft.

\* See Section 704

- b. Front Yard . . . . . 15 feet from public road right-of-way
- c. Rear Yard
  - Residential Uses . . . . . 20 feet
  - Commercial Uses . . . . . 10 feet
- d. Side Yard
  - Residential Uses . . . . . 5 feet
  - Commercial Uses . . . . . None, except when adjacent to residential district or to a lot where the principle use is residential.....5 feet.
- e. Street Corner Side Yard.....15 feet
- f. Minimum Width of Yard at public road right-of-way .....50 feet

Section 702 Highway Commercial District, C-3

702.1 Permitted Uses

- a. Restaurant
- b. Drive-in/fast food establishment
- c. Motel/Hotel
- d. Gasoline service station\*
- e. Automobile sales and repair
- f. Truck and farm equipment sales and repair
- g. Roadside produce stand
- h. Beverage distributor
- i. Welding shop
- j. Emergency services

702.2 Conditional Uses

- a. Shopping Center
- b. Parking lot/garage\*

702.3 Bulk Regulations

- a. Lot Size . . . . . 6,000 sq. ft.
- b. Maximum Lot Coverage by Buildings . . . . . 80%
- c. Front Yard . . . . . None

\* See Section 704

- d. Side Yard . . . . . 5 feet
- e. Rear Yard . . . . . 10 feet

Section 703 Planned Shopping Center Overlay District, C-4

- 703.1 Definition. For purposes of this ordinance a shopping center shall be defined as follows: A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the population served, and including on-site parking in a definite relationship to the size of the shops.
  
- 703.2 District Boundaries. The precise boundaries of the C-4 District are not fixed in this ordinance and would be determined by the developer's proposal. However, the following boundaries designate the area in which a C-4 District may be proposed.
  - Bounded on the north by the Springboro Borough line.
  - Bounded on the south by Canning Street.
  - Bounded on the east by Pa. Route 18.
  - Bounded on the west by the Bessemer and Lake Erie Railroad. (See Section 703.4)
  
- 703.3 Permitted Uses. All uses normal to a shopping center development including an automobile service station,, and uses permitted in the underlying Industrial District.
  
- 703.4 Permanent Establishment of C-4 District Boundaries. At such time as a shopping center is approved under the procedures established in Section 703.6 of this ordinance, the area of the approved development shall be established as the district boundaries of the C-4 District. Additions to the C-4 District shall be limited only to the expansion of the approved shopping center. Expansion development shall be suitably integrated with the existing shopping facility. If construction of the shopping center has not begun before the expiration of the approved building permit, as established in Section 703.6 of this ordinance, the C-4 District shall be void and a new shopping center development may be proposed.

703.5

Design Requirements for a Planned Shopping Center. A shopping center in this district shall meet the following requirements as well as all other applicable regulations contained in this ordinance.

- a. Industrial Land. A proposal for a shopping center shall not harm the use of the remaining industrial land in this District for industrial uses.
- b. Site Size. Minimum area of the shopping center site, including all elements of the proposed development, shall be three acres.
- c. Floor Area. Minimum gross leasable area of the combined shops in the shopping center shall be 20,000 square feet. Gross leasable area is defined as the total floor area designed for the tenants' occupancy and exclusive use including basements, mezzanines, and upper floors -- measured from outside wall faces. It includes all that area on which tenants pay rent, including sales area and integral stock areas.
- d. Parking. The minimum area of off-street parking shall be provided at the ratio of 3 square feet to one square foot of gross leasable area.
- e. Setbacks:
  - (1) All buildings shall be set back from any public road right-of-way a minimum of 30 feet.
  - (2) Side and rear yards where adjoining a residential district shall be 50 feet -- or the developer shall establish a wall or fence barrier which effectively screens the adjoining residential uses. In any event the development shall be sited so that the adjacent residential uses will not be adversely impacted by the shopping center development.
- f. Signs. The standards as set forth in Article 16 of this ordinance shall also be applicable in the C-4 District.

The following guidelines shall also apply:

- g. On-site parking shall be arranged to provide adequate entrance and exit and acceptable walking distances from the parking areas to the stores.
- h. Service facilities for goods delivery shall be separated from customer circulation areas.
- i. There shall be a tenant grouping that provides merchandising interplay among stores and the widest possible range and depth of merchandise appropriate for the population expected to be served.
- j. The site shall be located permitting convenient access from the Borough and surrounding Conneaut Valley area.

#### 703.6 Review and Approval Procedures

- a. A shopping center development proposal shall be treated as a conditional use, and therefore is subject to the regulations established in Article 14. of this ordinance.
- b. The permanent establishment of the C-4 District boundaries requires a zoning amendment as set forth in Article 14. Normally, a public hearing is required for a conditional use and a zoning amendment, however, the Borough Council may determine that one public hearing is sufficient to consider the conditional use and zoning amendment proposal.
- c. For the purpose of establishing a C-4 District a conditional use permit shall be valid for a period of one year, instead of two years, as set forth in Section 1405 of this ordinance. Time extensions may be granted by the Borough Council.
- d. The Borough Council may submit the development plans to the Crawford County Planning Commission for review and comment. The County Planning Commission shall have 45 days to provide comments to the Council.

Section 704 Supplemental Commercial Regulations

704.1 Gasoline Service Station

In addition to the general criteria governing special exceptions the following requirements shall also be applicable.

- a. Scaled development plans shall be submitted to the Zoning Hearing Board showing the location of all buildings and structures, driveways and screen plantings.
- b. Driveways shall be no wider than twenty-four feet. No driveway shall form an angle of less than 45 degrees with the surrounding street network. No driveway shall be located within fifteen feet of another driveway.
- c. The property line of a gasoline service station lot shall be located at least 200 feet from the nearest property line of any hospital, medical clinic, church or public library.
- d. The buildings, pump islands and other equipment shall be at least fifty feet from any residential district and fifteen feet from any street property line.
- e. Service garages shall be at least thirty feet from any street property line.
- f. A screen planting strip and/or fence or wall shall be provided adjacent to properties in residential districts.
- g. All public sidewalks along street property lines except at driveways shall be protected from automobiles extending on or over them by wheel barriers or guard rails.
- h. The site shall be surfaced with dust free material.
- i. All lights shall be shielded to protect adjacent properties in residential districts from glare.



704.2 Off-street Parking Lots

Off-street parking lots shall be subject to the regulations established in Article 15. All lots shall be paved with concrete, asphalt or other similar dust free material.

704.3 Automobile And Truck Repair And Service Shops

Including Paint Spraying And Body and Fender Work.

- a. All repair and paint work shall be performed within an enclosed building.
- b. All automobile parts, refuse and similiar articles shall be stored within a building or enclosed area.
- c. No noise preceptible beyond the boundaries of the lot shall be permitted between the hours of 10 p.m. and 7 a.m.
- d. All buildings shall be at least fifty feet from an adjacent residential district.

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ARTICLE 8.

INDUSTRIAL DISTRICTS

Section 800 Light Industrial District, I-1

800.1 Permitted Uses

Any industrial use that conforms to the industrial performance standards set forth in Section 800.3 and the Supplemental Industrial Regulations set forth in Section 801. All uses shall comply with the requirements set forth in this article and additional sections and articles referred to herein.

800.2 Bulk Regulations

- a. Lot Area . . . . . Minimum of 10,000 square feet
- b. Front Yard . . . . . Minimum of 25 feet from road
- c. Side Yard . . . . . Minimum of 15 feet (See Section 800.2f)
- d. Rear Yard . . . . . Minimum of 20 feet (See Section 800.2f)
- e. Minimum width of yard measured at road right-of-way . . . . . 75 feet
- f. Waiver of Yard Requirements
  - (1) There shall be no setback required for a yard abutting a railroad right-of-way
  - (2) If two or more owners or developers of contiguous lots desire to erect buildings having common walls, the requirement for side and rear yards may be waived if it is determined, through the review and approval process as set forth in Section 800.3, that adequate access and vehicular circulation is provided around the periphery of the building to be constructed.

800.3 Industrial Performance Standards

- a. Purpose. The purpose of the industrial performance standards is to protect the health, safety and well-being of adjacent residential and commercial property owners and the community as a whole by regulating the potential objectionable, nuisance or hazardous effects of industrial operations such as noise, vibration, odor, glare, heat, explosive materials, and electrical disturbance.

- b. Application. The industrial performance standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses established after the effective date of this Ordinance.
- c. Procedure. All uses in the I-1 District shall be handled as conditional uses and are subject to the requirements in Article 14.
- d. Data Requirements. The Borough Council may require the Applicant to submit further information and evidence as needed to make a final determination, including but not limited to, any of the following:
- (1) Plans of the proposed construction and development;
  - (2) A description of the proposed machinery, manufacturing processes, raw materials, products and by-products;
  - (3) Specifications for the techniques proposed to be used in restricting the emission of any of the hazardous or objectionable elements controlled by the performance standards;
  - (4) Measurements of the amount or rate of emission of hazardous or objectionable elements controlled by the performance standards; and
  - (5) Evidence of compliance with applicable state and federal laws covering air and water pollution, and solid and hazardous waste disposal, including a description of type and amount of liquid, solid and hazardous wastes generated and plans for their safe disposal.
- e. Report by an Expert Consultant. The Borough Council may require the Applicant to retain an expert consultant to study and report as to compliance or non-compliance with the performance standards, and to advise how a proposed use can be brought into compliance with the standards. The consultant or consultants shall be persons or firms mutually agreeable to the Council and the Applicant. In the event of inability to select a mutually agreeable consultant, the Council shall select the consultant. The cost of the consultant's services shall be borne by the Applicant.

- f. Crawford County Planning Commission. All required data or expert consultant reports shall be submitted to the Crawford County Planning Commission and the Borough Planning Commission for review. The County and the Borough Commission shall have forty-five days in which to provide review comments to the Borough Council.
- g. Borough Council Response. Within 30 days of receipt of review comments from the Crawford County Planning Commission and the Borough Planning Commission, the Borough Council shall provide a final determination of the proposed uses' compliance or non-compliance to the Borough Building Inspector.
- h. Building Department Action. Upon receipt of the Borough Council's final determination, the Building Inspector shall issue or deny permits, within 15 days.
- i. Continued Enforcement. The Building Inspector shall investigate any purported violation of the industrial performance standards, relying on the resources and enforcement authority of state and federal regulatory agencies if applicable. In extreme cases or cases over which the Borough has sole authority, the Building Inspector may retain the services of expert consultant or certified environmental testing laboratories. The service of any consultants retained in the Building Inspector's investigation shall be paid by the violator if the violation is established, otherwise by the Borough.

If the Building Inspector finds that a violation has occurred or exists, a copy of his findings shall be sent to the industrial owner or operator with instruction to correct the violation within a specified time period.

- j. Cancellation of Permits. If after the conclusion of the time granted for compliance with the performance standards, the building Inspector finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.
- k. Standards
  - (1) Noise. At no point on the boundary of a Residential or Commercial District or beyond shall the sound pressure level of any individual industrial operation or plant exceed the decibel levels in the designated octave bands shown in the following table:

<u>Octave Band</u>	<u>Maximum Permitted Sound Level (Decibels)</u>
(Frequency in Cycles per Second)	<u>At or Beyond Residential or Commercial District Boundaries</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
4,800 to 10,000	32

These standards also apply to truck or vehicle noise on the site or on Main or Beaver Streets between the hours of 10 p.m. and 7 a.m. Truck or vehicle noises are exempt from these standards between the hours of 7 a.m. and 10 p.m.

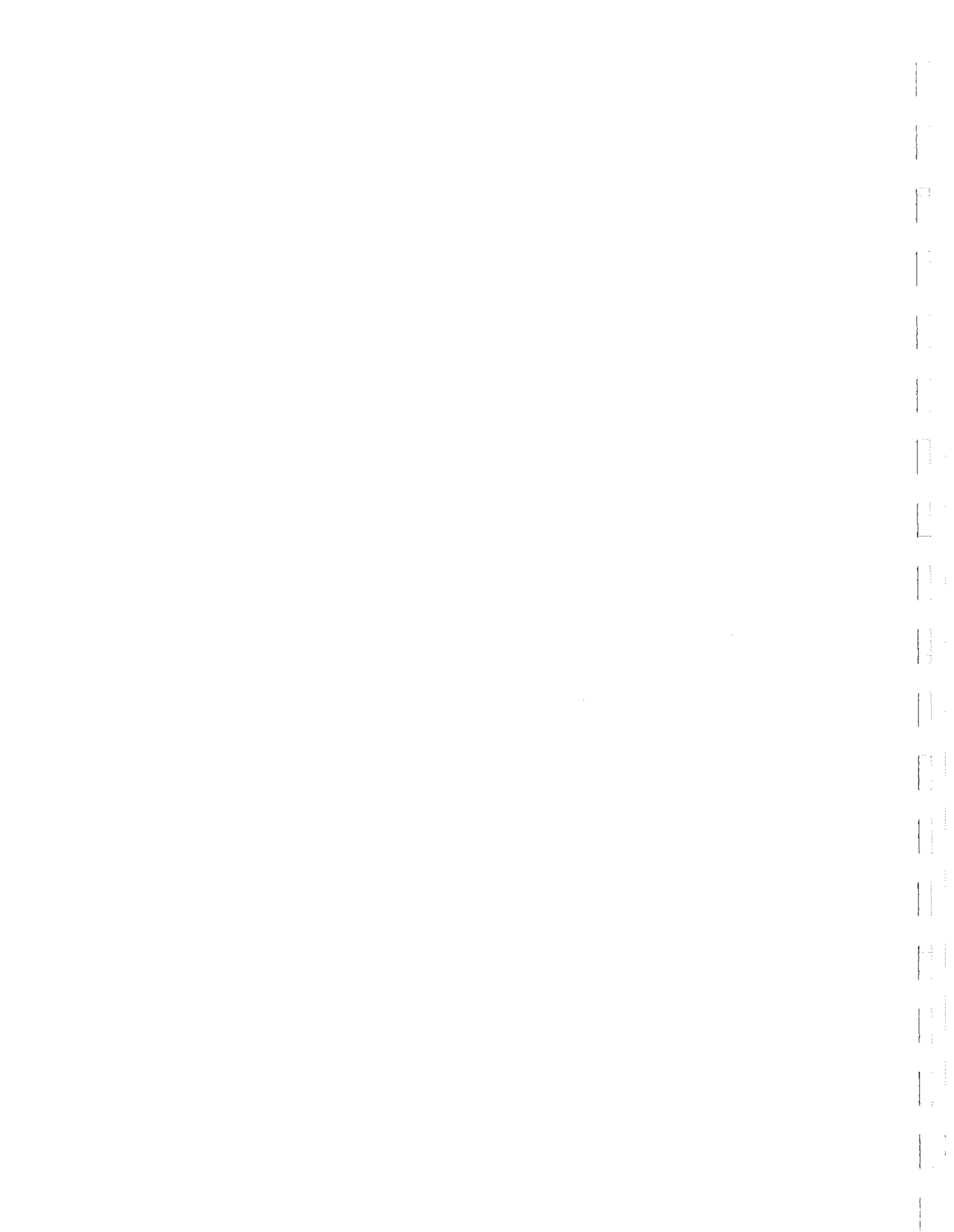
- (2) Vibration. At no point at the boundary of a Residential or Commercial District or beyond shall any vibration emanating from an individual industrial operation or plant be discernible without the use of instruments.
- (3) Odor. At no point at the boundary of a Residential or Commercial District or beyond shall any odor emanating from an individual operation or plant exceed the odor threshold. (The odor threshold is the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.) The Borough of Springboro will rely on the Pennsylvania Department of Environmental Resources to enforce this standard, if necessary, through its Public Nuisance Standards.
- (4) Glare. Any industrial operation or activity producing glare shall be performed within a completely enclosed building and be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half foot candle when measured at a Residential or Commercial District line. Exposed sources of light shall be shielded and flickering or intense sources of light shall be controlled so as not to cause illumination in excess of one-half foot candle when measured at a Residential or Commercial District line.

- (5) Heat. Any operation producing intense heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard at or beyond the lot line of the property.
- (6) Electrical Disturbance. The proposed use shall not cause any electrical disturbance that would create visual or audible interference in radio or television receivers off the premises.
- (7) Fire and Explosive Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and adequate fire-fighting and fire-suppression equipment.
- (8) Air and Water Pollution. The applicant shall demonstrate compliance with all applicable standards and regulations of the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Resources and the Pennsylvania Bureau of Labor and Industry concerning allowable air emissions, disposal of waste water and solid waste, and control and safe disposal of hazardous materials. In monitoring the applicant's compliance with these standards, the Borough will rely on the Pennsylvania Department of Environmental Resources to investigate potential violations and take enforcement action, if necessary.
- (9) Radioactivity. No activities shall be permitted which emit radioactivity at any point. Applicable federal regulations will be enforced.

Section 801 Supplemental Industrial Regulations

801.1 All Permitted Industrial Uses

- a. Physical Appearance. All outdoor industrial operations, including outdoor storage of materials shall be screened from view from any Residential or Commercial District or Public Right-of-Way through the use of a solid wall or fence.
- b. Parking and Loading. (See Article 15: Off-Street Parking and Loading Requirements).
- c. Signs. (See Article 16: Sign Regulations).
- d. Dust Control. Dust and other airborne particulate pollution from such sources as storage areas, yards, roads, construction sites or industrial operations shall be minimized at all times through landscaping, paving, oiling, fencing or other effective means.





ARTICLE 9

RECREATION/OPEN SPACE DISTRICTS

Section 900 Public Recreation District, RO-1

900.1 Permitted Uses

- a. Indoor and outdoor recreation

900.2 Conditional Uses

- a. Community center -- government buildings

900.3 Bulk Regulations

- a. Lot Size . . . . no minimum lot size
- b. Front Yard . . . . none
- c. Side Yard . . . . 10 feet for structures when abutting a residential district.
- d. Rear Yard . . . . 10 feet for structures when abutting a residential district.

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ARTICLE 10.

FLOOD HAZARD DISTRICTS

Section 1000 General Flood Hazard District, F-1

- 1000.1 Delineation of District. The Flood Hazard District was delineated from soils information obtained from the official soil survey of Crawford County and from interpretations provided by the U. S. Soil Conservation Service. The Federal Insurance Administration (FIA) map dated April, 1975 was also used as a source for flood hazard areas. Background work for the delineation of this District is found in the report, Comprehensive Plan, Springboro Borough, dated June, 1979. Land located within this District shall be considered subject to flooding hazards and shall be regulated as established in this ordinance. To delineate accurately land subject to flooding is very difficult and where specific building proposals are advanced in areas near or in the Flood Hazard District adjustments may have to be made to relate the district line more realistically to topographic conditions. Where it is felt certain lands should not be in this District amendment proceedings should be initiated and flooding information including, but not limited to, observations on the elevation of highwaters in previous floods, watershed runoff surveys, calculations on the floodway capacity, and more detailed topography shall be presented and evaluated.
- 1000.2 Permitted Uses
- a. Agricultural uses such as general farming, pasturing, forestry and nursery management
  - b. Industrial-commercial uses confined only to loading and vehicle parking
  - c. Private and public recreation
  - d. Residential uses such as lawns, gardens and parking areas.
- 1000.3 Prohibited Uses. Through analyses of flooding experience throughout Pennsylvania it has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and

property if such activities and development are located, either entirely or partially, within an identified flood-prone area:

- a. Hospitals (public or private);
- b. Nursing homes (public or private);
- c. Jails and prisons;
- d. New mobile home parks and mobile home subdivisions, and substantial improvements and additions thereto (See Section 1000.6 a. for definition of substantial improvement);
- e. Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, evacuation and emergency medical centers;
- f. Sanitary land fills;
- g. Structures which will be used for the production or storage of any material or substance listed below or which will be used for any activity requiring the maintenance of a supply -- more than 550 gallons or other comparable volume -- of any of the listed materials or substances shall not be kept on the premises.
  1. acetate
  2. ammonia
  3. benzene
  4. calcium carbide
  5. carbon disulfide
  6. celluloid
  7. chlorine
  8. hydrochloric acid
  9. hydrocyanic acid
  10. magnesium
  11. nitric acid and oxides of nitrogen
  12. petroleum products -- gasoline, fuel oil and the like
  13. phosphorus
  14. potassium
  15. sodium
  16. sulfur and sulfur products

Because of the special hazards presented by the list of activities and developments in this subsection, they shall be prohibited from locating within any identified flood-prone area; and where these activities and developments exist as of the date of the adoption

of this ordinance they are prohibited from expanding on the lot upon which they exist -- should it be in the Flood Hazard District -- and into any land located within the Flood Hazard District.

1000.4 Special Exception Uses. Should an applicant feel that the permitted uses in this District are too restrictive he may request a special exception permit, which may involve the following activities: (1) the use of fill, (2) the construction of structures, or (3) the storage of materials. The use which the applicant may seek for this property shall be as permitted in the adjacent zone district. The adjacent district shall be interpreted to include only the land on the same side of the stream or drainageway as the property in question. Should the identification of an adjacent district not be obvious, or should a reasonable interpretation of the pattern of district boundaries, based upon the general purpose of this ordinance and the regulations established therein, cause the Zoning Officer to be unclear in this identification of the adjacent district, he shall request that the Zoning Hearing Board consider this matter. As required in this ordinance the Board shall render a written decision and/or findings on the matter.

1000.5 Procedures For Special Exception Permits. In addition to the information required in Article 18. of this ordinance, when making application for a zoning permit in this district, the following information shall be supplied to the Zoning Hearing Board; however in no instance shall activities or developments be permitted as special exception uses which are prohibited in Section 1000.3.

- a. The location of the proposed development in relation to the flood prone area as identified by the Flood Hazard District boundary; and
- b. A statement, certified by a registered professional engineer or architect, that the new construction or substantial improvements (including prefabricated buildings and mobile homes) is designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage. The plans for the development of the site shall comply with the requirements listed in Section 1000.6.

1000.6 Specific Requirements. In the identified flood hazard area, development and/or uses of land beyond those listed in Section 1000.2 may be permitted providing the development and/or uses comply with the following requirements:

- a. The first floor level (including basement) in residential structures as well as substantial improvements to residential structures shall be constructed at an elevation of at least  $1\frac{1}{2}$  feet above the established, or agreed upon, flood elevation; the term substantial improvement shall be defined as any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent or more of its market value calculated before the improvement is started.
- b. Non-residential structures, or parts thereof, may be constructed below the established flood elevation provided these structures are designed to preclude and/or withstand inundation to an elevation of at least  $1\frac{1}{2}$  feet above the established flood elevation.
- c. Where fill material is used it shall extend laterally 15 feet beyond the building perimeter from all points.
- d. Fill material shall consist of soil and/or small rock materials only. The fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring and settling. Where fill is utilized slopes shall be no steeper than one vertical unit to two horizontal units and such fill shall not adversely affect adjacent properties.
- e. Structures shall be anchored to prevent movement or collapse. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation.
- f. Fences, except two-wire fences, and other structures which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water shall not be placed in the flood prone area.
- g. All water heaters, furnaces and other critical electrical and mechanical installations shall be prohibited below an elevation of  $1\frac{1}{2}$  feet above

the established flood elevation. Electrical distribution panels shall be placed at least 3 feet above the established flood elevation, and separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

- h. No part of any on-site sewage disposal system shall be allowed within the flood prone area unless the system is designed to function and is installed a minimum of 1½ feet above, the established flood elevation.
- i. Water supply, sanitary sewage, gas and oil supply systems shall be designed to preclude the infiltration of flood waters into such systems and the discharges from such systems into flood waters. All utilities including electric and telephone systems being placed in the flood prone area should be located, elevated (where possible) and constructed to minimize impairment during a flood.
- j. Storm drainage facilities where constructed shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff into adjacent properties.
- k. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- l. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.
- m. Special Requirements for Mobile Homes
  - (1) All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
    - (a) Over-the-top ties shall be provided at each of the 4 corners of the mobile home with 2 additional ties per side at intermediate locations for units 50 feet or more in length, and 1 ad-

ditional tie per side for units less than 50 feet in length.

- (b) Frame ties shall be provided at each corner of the mobile home, with 5 additional ties per side at intermediate locations for units 50 feet or more in length, and 4 additional ties per side for units less than 50 feet in length.
  - (c) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
- (2) All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
- (a) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at an elevation of at least  $1\frac{1}{2}$  feet above the established or agreed upon flood elevation.
  - (b) Adequate surface drainage is provided.
  - (c) Adequate access for a hauler is provided.
  - (d) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.
- (3) An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate Borough Officials for mobile home parks and mobile home subdivisions.

#### 1000.7 Other Permit Issuance Requirements

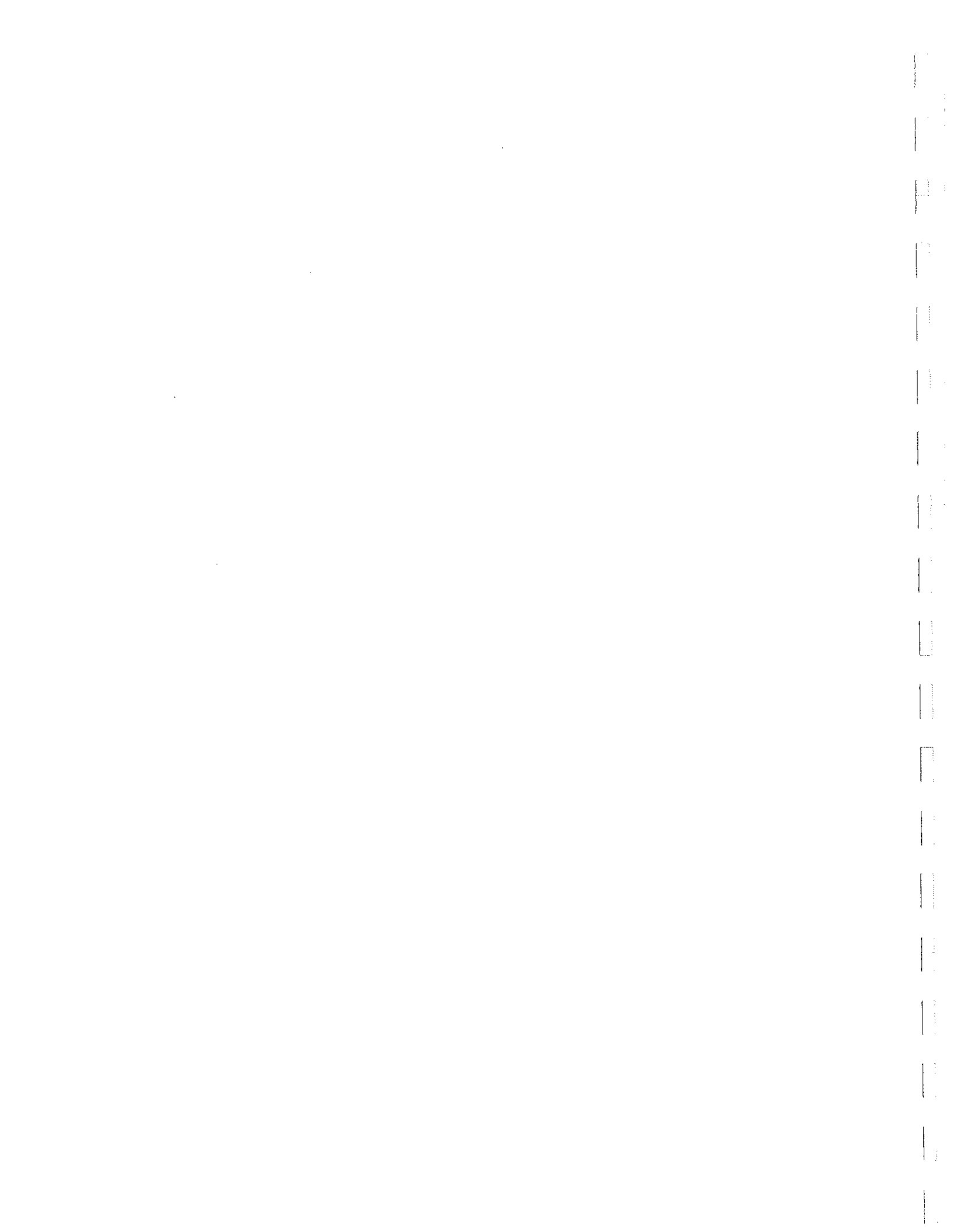
- a. Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstructions, and Storm Water Manage-



ment, as specified in the Water Obstruction Act of 1913 as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the State Department of Community Affairs.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage facility or system.

- b. Prior to the issuance of any building permit, the Borough shall review the application to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendment of 1972, Section 404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.
- c. A copy of all applications and the plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Borough to the Crawford County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Borough for possible incorporation into the proposed plan.
- d. A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Borough to any other appropriate agencies and/or individuals for review and comment.



ARTICLE 11.

GENERAL REGULATIONS

The regulations set forth in this Article shall be applicable in all zoning districts or, where so stated, to a specific group of zoning districts.

Section 1100 Uses Not Listed. Where an applicant proposes to develop a use which is not designated in this ordinance or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in this ordinance then such use shall not be permitted. The applicant, however, may request, through the Zoning Officer, a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this ordinance, the Board shall render a written decision and/or findings on the matter of the applicant's request which shall be transmitted to the Zoning Officer, the Planning Commission, and the Borough Council. Depending on this written decision the applicant's proposed use may be permitted. Amendments to this ordinance may be initiated as set forth in Article 14.

Section 1101 Lots of Record. Any lot or parcel of record in separate ownership existing at the effective date of this ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this ordinance. However, minimum yard setbacks and floor area must be met.

Section 1102 Floor Area, no single family detached dwelling shall have a floor area of less than 720 square feet. Basements shall not be included in this accounting.

Section 1103 Height Regulations. No structure shall exceed 3 stories in height providing however that this requirement shall be waived for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, monuments, spires, steeples, water towers and tanks, wind generators, cooling towers, elevator enclosures, skylights, stage towers, air conditioning units, all buildings accessory to agricultural operations, grain elevators, utility poles, parapet walls provided such walls shall not exceed such height as necessary to screen mechanical

equipment, television and radio towers. Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level, either into the front or rear yard, such building level shall be considered a story for the purpose of interpreting this ordinance.

Section 1104

Computation of Permitted Dwelling Units. To compute the maximum number of permitted dwelling units for a property, the area of the total property is divided by the lot area requirement in the applicable district. Fractional numbers shall not be used to increase the number of permitted dwelling units or uses.

Section 1105

Permitted Structural Projections and Obstructions Into Required Yards. Except for the specified projections and obstructions listed below, every part of a required yard, with respect to structures, shall be open and unobstructed to the sky. In the following listing projections into yards are permitted, and the yards into which projections are permitted are indicated by, "F", for the yard adjacent to the main abutting street; "S", for the side yards including a street corner side yard; "R", for the rear yard. Where no number is given the projection is unlimited.

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| a. Arbors or trellises attached to the principal structure, - not more than 3 feet  | F, S, R |
| b. Arbors or trellises, free standing   | R       |
| c. Air conditioning units, - not less than 3 feet from any lot line   | F, S, R |
| d. Awnings or canopies for a window, porch, or door - not more than 4 feet  | F, S, R |
| e. Balconies, open - not more than 4 feet   | F, S, R |
| f. Chimneys - not more than 2 feet  | F, S, R |
| g. Cornices, eaves, belt courses, sills, one story bay windows, and other similar architectural features - not more than 3 feet | F, S, R |
| h. Fences and walls - not more than 3½ feet in height   | F       |
| i. Fences and walls - not more than 6 feet in height  | S, R    |

- j. Fire escapes open or enclosed - not more than 6 feet R
- k. Flag poles F,S,R
- l. Garages, detached R
- m. Lawn furniture such as benches, sundials, birdbaths F,S,R
- n. Open off-street parking and loading spaces; providing, however, that off-street parking and loading may not be permitted in a front yard for industrial and institutional uses unless approved under the conditional use procedure, or, where conditional use procedures are not used for these uses, unless approved as a special exception F,S,R
- o. Ornamental light standards - not over 6 feet in height F,S,R
- p. Playground and laundry-drying equipment R
- q. Playhouses and outdoor fireplaces R
- r. Porches, open, with or without roof, and not more than one-story in height - not more than 8 feet F, R
- s. Signs and nameplates as regulated in this ordinance. F,S,R
- t. Steps, open F,S,R
- u. Swimming pools and tennis courts R
- v. Terraces and patios, open F,S,R
- w. Toolhouses and other similar structures for the storage of accessory supplies R

Section 1106 Private Swimming Pools

A private swimming pool shall be permitted as an accessory use in all districts providing the swimming pool is:

- a. Located, including any paved areas or accessory structures which are part of the swimming pool development, a minimum of 10 feet from any property line of the property on which it is located; and

- b. Walled or fenced to prevent uncontrolled access by persons, particularly children, from adjacent areas; said fence or wall shall not be less than 4 feet in height, and maintained in good condition with a gate and lock; this requirement shall be considered as complied with where the pool deck is constructed in such a manner as to be a minimum of 4 feet above ground level.

Section 1107 Oil and Gas Deposits. Nothing in this ordinance shall be considered to regulate the use of land for the recovery of subsurface oil and gas deposits; providing, however, all structures related to this activity shall be in compliance with the yard regulations established in this ordinance.

Section 1108 On-Lot Sewage Treatment Requirement. Where on-lot sewage treatment is utilized the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Resources (PennDER) or its agent. In no case shall the minimum lot sizes or the density provisions of this ordinance take precedence over the regulations promulgated by PennDER where PennDER regulations are more strict.

Section 1109 Essential Services. The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal system, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare, - all shall be permitted outright without qualification but not including buildings other than such buildings as are primarily enclosures of the above essential service equipment.

Section 1110 Major Public Utility Structures. Public utility structures including but not limited to storage tank farms, electric substations and power generation plants, sewage treatment plants and major cross country transmission lines shall be permitted as conditional uses.

Section 1111 Property Owned, Leased Or Operated By Public Agencies. Property owned, leased or operated by the Commonwealth of Pennsylvania, the United States or Springboro Borough or any other public or governmental body created by the Borough shall be subject to the requirements of this ordinance as follows:

- a. Where such public or governmental uses are specifically listed, they shall be regulated as indicated.
- b. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature, - otherwise they shall not be permitted.
- c. Property owned or leased by the Commonwealth of Pennsylvania or the United States shall be exempt from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by the Borough.

Section 1112 Temporary Structures

Temporary structures including mobile homes and construction trailers may be permitted in any district during the period construction work is covered under a valid zoning permit issued by the Zoning Officer. Such temporary structures may be used as offices and construction headquarters but may not be used for living quarters.

- 1112.1 Except for special or emergency periods of no more than 30 consecutive days parked or stored camping and recreational equipment including travel trailers shall not be occupied or used for living quarters providing, however, a longer period may be permitted under the special exception process if the applicant can establish that he had adequate facilities on the property, including sufficient sewage disposal capacities, to accommodate the additional residents based on the various regulations established to promote the general health, safety and welfare of the Borough.

Section 1113 Storage Of Vehicles, Machinery And Other Items Of General Storage

Automotive vehicles including trailers and travel trailers of any kind or type without current license plates and inspection stickers and farm implements and other machinery which are clearly abandoned, deteriorated and which are defined as refuse and which are established as constituting a threat to public health and safety shall not be parked or stored in the open air on a property such that they are visible and/or accessible by the public. No portions of a property or buildings including open porches attached to buildings, shall be used for the storage of garbage, old appliances, rubbish or miscellaneous refuse where such storage is open to the public view and access and where it is established that said storage constitutes a threat to public health and safety. Outdoor storage of such abandoned vehicles, machinery, and items of general storage where it is established that this material is refuse and where it is established that such storage is a threat to the public health and safety shall be considered a public nuisance;

the Borough, under State Laws and the provisions of this ordinance and other applicable Borough ordinances, may abate such nuisances.

Section 1114 Building Setback Modification

Where one or more existing structures are located on adjacent lots and on the same side of the road within 150 feet in either direction of a proposed structure, the setback of the proposed structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the District.

Section 1115 Access To Lots

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least 12 feet wide and shall extend from the dwelling to a public street or highway or to a private street constructed and maintained that vehicles of all kinds may readily pass over it in all seasons of the year.



ARTICLE 12.

LAND DEVELOPMENTS

Section 1200 Mobile Home Park

- 1200.1 Conditional Use Permit Required. It shall be unlawful for an applicant to establish, construct, or extend a mobile home park unless such applicant obtains a valid permit issued by the Pennsylvania Department of Environmental Resources (PennDER) and in addition has had the proposed Development approved as a conditional use under the provisions of this ordinance.
- 1200.2 Referral to Crawford County Planning Commission. Mobile Home Parks are classified as land developments based on the provisions of the Pennsylvania Municipalities Planning Code, Act 247, and shall be reviewed by the Crawford County Planning Commission. Two copies of the application for approval for a Mobile Home Park shall be submitted to the Borough Zoning Officer. The application shall contain the information as required in Section 1401 of this ordinance as well as adequate plans, details and narrative to cover all the requirements listed in this Section. One complete application shall be submitted to the Crawford County Planning Commission which shall have 45 days to forward its review to the Borough. The Borough shall not make its final decision on the approval of the proposed development until the 45 day review period provided the County Planning Commission has elapsed.
- 1200.3 Minimum area requirement. The minimum gross area of the site shall be 2 contiguous acres of land.
- 1200.4 Required facilities. Each mobile home stand shall be supplied with connections to sanitary, water and electrical systems. Common sewerage and water systems shall be provided subject to PennDER requirements. Each mobile home shall have a toilet, bathtub or shower, heating system, and kitchen in good working order. The development owner shall be responsible for maintaining the site in a clean and sanitary condition. An adequate system of storm water drainage shall be shown on development plans and shall be part of the required facilities.
- 1200.5 Site requirements.
- a. The locations of mobile home areas shall be carefully related to the topography and shall be organ-

ized into a well conceived site plan, preserving as much as possible of the natural site.

- b. Mobile home lots within the park shall have a minimum of 4,800 square feet; double and triple wide mobile home lots shall have a minimum of 6,000 square feet. Lots and areas shall be directly accessible to the internal street system. There shall be provided on each mobile home lot a patio area of at least 100 square feet with a least dimension of 10 feet. Driveways, parking spaces and patios shall be constructed with a permanent, stable, dust-free surface adequate for use during all seasons.
- c. There shall be provided on all lots one off-street parking space which shall contain a minimum of 200 square feet with a least dimension of 10 feet. There shall be a minimum of 1½ parking spaces for each mobile home stand in a mobile home park.
- d. Stands shall be constructed of an appropriate material, properly graded, placed, compacted and drained so as to be durable and provide an adequate frost free foundation for the support of the anticipated loads. Mobile homes shall be either permanently fastened to a foundation slab or footings or tied down to secure against uplift, sliding or overturning. A gradient on the stands shall occur in only one direction perpendicular to an edge, and shall be a maximum of 4%.
- e. There shall be a minimum distance of 20 feet between each mobile home, including accessory structures attached thereto, and any portion of any other structure in the Development. There shall be a minimum distance of 15 feet between each mobile home and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of 50 feet between each mobile home and the Development's boundary lines.
- f. Walks shall be planned and constructed so as to provide safe and convenient access throughout the Development connecting individual stands to common areas, to all facilities, and to each other. Connecting walks shall be at least 3 feet wide and walks on individual lots shall be a minimum of 1½ feet wide. Walks shall provide an all-weather walking surface, and be reasonable free from mud, dust, and standing water.

- g. A common area shall be provided to serve the residents of the Development. A minimum of 10% of the gross acreage shall be established and developed as a common area.
- h. Adequate storage facilities conveniently located to lots in the mobile home park shall be provided for storage of often used outdoor equipment, furniture and tools and such other material that is used only infrequently and which cannot be conveniently stored in the typical mobile home.

1200.6 Access and internal road system.

- a. The minimum width of the portion of the site used for vehicular access shall be 60 feet.
- b. The Development's internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all lots and common facilities. Streets shall provide a sound, all-weather, driving surface, be reasonably smooth and free from mud, dust and standing water. Street paved surface shall be a minimum width of 14 feet for one-way streets and 18 feet for two-way streets; where on-street parking is permitted 8 feet of road surface shall be added to each side of the street on which on-street parking is permitted. Road surface widths as required herein do not include the road cross-section devoted to storm water drainage, which shall be accommodated satisfactorily.

1200.7 Skirting on mobile homes. All mobile homes shall be covered or skirted around the entire base of the unit in such a manner that continuous facades exist from the ground upwards. The material forming this enclosure shall be compatible with the remainder of the unit and provide sufficient ventilation to inhibit decay and deterioration of the structure.

1200.8 Visual relation to surrounding area. Either partial or full screening may be required at the boundaries of the Development depending on the nature of the site and its relation to the uses in the surrounding area. Such screening may consist of walls, fences, plantings or terrain features, or any combination of these devices. If open fencing such as chain link fence is used it should be installed within plantings so as not to be easily visible from inside or outside of the Development.

1200.9 Signs. See Article 16.

1200.10 Uses other than residential. No commercial uses considered as auxiliary to the Developments shall be permitted. Service uses such as laundry and dry cleaning rooms and vending machines handling commonly needed supplies, however, shall be permitted as well as management offices.

Section 1201 Cluster Developments

1201.1 Purpose. This ordinance provides for cluster developments in order:

- a. To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;
- b. To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and
- c. To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process.

The cluster development provides a technique and a process which accommodates building proposals not readily adaptable to zoning district regulations which are geared to the conventional subdivision method of development. Lot size and yard requirements, use restrictions and normal methods for the provision of street, park and utility maintenance may be set aside where the identical ends sought through conventional regulations can be achieved under cluster developments through the superior designs of dwellings, site relationships and land parcelization, and through the establishment special arrangements for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities. The provisions of this article are based upon and are intended to be in compliance with the Pennsylvania Municipalities Planning Code Act 247 as amended, specifically Article VII, Planned Residential Development.

1201.2 Relationship to other articles of this ordinance and to the Crawford County Subdivision regulations. Because of the special characteristics of cluster developments a different process and different requirements

shall govern development. Whenever there is a conflict between the provisions of this article and other articles of this ordinance, or between the provisions of this article and the Crawford County subdivision regulations, the provisions of this article shall prevail.

- 1201.3 General requirements. The following general requirements shall be met in order to process a development under the provisions of this article:
- a. Ownership. Throughout the planning and approval process land to be developed under the provisions of this article shall be in single ownership, or in the case of multiple ownership, satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through cooperative or condominium arrangement; or the dwellings may be managed as rental properties. In any event a satisfactory structure shall be established by the developer to maintain common areas designated in the development plan and improvements or utilities that are not accepted for public maintenance.
  - b. The tract of land shall be located in a zoning district which permits the planned residential development.
- 1201.4 Permitted uses. A cluster development may include all housing types and uses normally ancillary thereto, recreation uses serving the development, and non-residential uses supportive to residences. More specifically the following uses are among those permitted: single family dwellings in detached, semi-detached and attached forms; two-family detached dwellings; seasonal dwellings; multi family dwellings including multi-story apartments and townhouse apartments; prefabricated homes including mobile homes in the double wide, stacked and expandable forms; churches, schools, non-profit or philanthropic institutions, commercial uses, including offices, if such uses are ancillary and supportive to the residential uses in the cluster development; and facilities necessary for providing the public utilities serving the development.
- 1201.5 Minimum size and density of development. Cluster developments shall have a minimum gross area of 2 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by 20% over what would normally be allowed based upon the bulk regulations established in the applicable districts.

1201.6 Processing procedures. Applications shall be processed in 2 steps: (1) preliminary plan review and (2) final review. Prior to submission of the preliminary plan an optional step, the pre-application conference, is encouraged.

- a. Pre-Application Conference. At the pre-application conference the applicant discusses all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and the Borough Council. This conference enables the developer to obtain the views of the Borough officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.
- b. Administrative Responsibilities, the Preliminary Plan. The preliminary plan shall be filed with the Zoning Officer. Within 60 days of the acceptance of the plans as complete by the Zoning Officer: (1) the Planning Commission shall review the application, (2) the Borough Council, after public notice is given, shall hold a public hearing on the application, (3) the application shall be sent to the Crawford County Planning Commission which shall have 45 days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within 30 days following the public hearing the Board shall notify the applicant by letter of its approval, denial, or approval subject to specific conditions. All pertinent review comments shall be included in this letter.
- c. Administrative Responsibilities, The Final Plan. Within 6 months of the date of preliminary plan approval, unless the developer requests and is granted a time extension, the developer shall submit the final plan application to the Zoning Officer. After the acceptance of the final application as complete by the Zoning Officer the application shall be provided to the Planning Commission which shall have 30 days in which to review it. Within 45 days the application shall be acted upon by the Board. The Board shall notify the applicant by letter of its action on the proposal.

- d. Recording of Final Plan. The original plan drawing(s), or reproducible and equally excellent copies thereof, shall be in the hands of the Borough Council before its final action on these plans. Upon approval of these plans they shall be recorded in the office of the County Recorder at the applicant's expense.
- e. Cluster Development Involving Subdivision Plat. Where a subdivision plat is involved in the development it shall be processed as required in the Crawford County subdivision regulations and shall be given its final approval and recorded concurrent with the final plan as approved for the cluster development.

1201.7 Plan Requirements.

- a. Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted where appropriate. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.
  - (1) Information on all pertinent existing conditions.
  - (2) General site plan and various detailed plans as appropriate showing all proposed structures, uses, circulation systems, utility systems, and common open space.
  - (3) Architectural plans showing the intent of the development for typical buildings.
  - (4) Statement of intent regarding ownership and maintenance of required common open space and the development's improvements including its utility systems.
  - (5) Schedule of stages of development where applicable.
- b. Final Plan Review. The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

- (1) A general site plan legibly prepared on tracing film or equal material at a scale not smaller than one hundred feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Borough shall be fixed on the general site plan.
- (2) Engineering plans detailing the construction of the required improvements as listed in Section 1201.9.
- (3) All supporting material including information submitted as preliminary review including but not limited to plans, maps, sketches, elevations, cross sections, reports and narrative.
- (4) Evidence of approvals by appropriate public authorities, or agencies where applicable.
- (5) Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.

1201.8 Design Standards. The developer should be free to create a more physically integrated, aesthetic and functional living environment using design skills and the latest achievements in building technology.

- a. Performance Requirements. The development plan shall indicate how adequate privacy, light, air and protection from noise shall be achieved through building design, street layout, screening, plantings and the special siting of buildings.
- b. Public and Private Streets. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Borough standards regarding subgrade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- c. Common Open Space. A minimum of 20% of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time



shall the total area of dedicated open space be less than 20% of the area of the project approved for development.

1201.9 Required Improvements. The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development. These include, but not limited to, survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff structures, and open space improvements. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Resources, Northwest Crawford County Sewer Authority and the Borough.

- a. Common Open Space. Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Borough agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.
- b. Assurances. Before the final plan is approved by the Borough Council required public improvements (distinguished from private improvements to be maintained by the developer or a residents' association) shall be:
  - (1) Licensed under Public Utility Commission regulations and procedures, where applicable, and
  - (2) Constructed and approved as built by the Council, or
  - (3) Insured under a performance bond approved by the Council, or
  - (4) Assured through a letter of credit from a lending institution, or
  - (5) Covered under some agreement mutually satisfactory to both the developer and the Council, or
  - (6) Covered under any combination of the above methods as listed (2) through (5).

1201.10 Amendments. Major revisions to the approved final plan, such as changes in land use, streets, major changes in the common open space system, major changes in building

locations, shall be considered as amendments to the final plan and shall be processed as set forth in Sections 1406 through 1409 of this ordinance. All other changes to the approved plan shall be submitted to the Borough Council and, with the Council's concurrence that such changes are minor in nature, shall be filed in the Borough records as normal changes occurring through the "dynamics of living." All changes submitted to the Council should be delineated graphically on plans with accompanying text as needed.

## ARTICLE 13.

### NONCONFORMITIES

#### Section 1300 Intent

Within the districts established by this ordinance, or amendments that may be later adopted, there exist lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this ordinance was adopted or amended, but which are or would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments to this ordinance. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful nonconforming uses. It is the intent of this ordinance to permit these nonconformities to continue until they might be removed and, under certain conditions as set forth in this Article, to permit these structures and uses of land to expand to a limited degree.

#### Section 1301 Avoidance Of Hardship Where Construction Or Use Has Begun

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption of this ordinance, or the adoption of an amendment to this ordinance, and upon which actual building construction has been carried on diligently.

#### Section 1302 Single, Separate, Nonconforming Lots Of Record

In any district any lot or parcel of record existing at the effective date of this ordinance, which lot or parcel is held in separate ownership and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though area and lot width requirements, or both, are less than the minimum required in this ordinance. Variance of other yard requirements shall be obtained only through action of the Zoning Hearing Board.

#### Section 1303 Multiple And Contiguous Nonconforming Lots Of Record

If two or more lots or parcels or a combination of lots and portions of lots or parcels are contiguous and in single ownership and are of record on the effective date of this ordinance, or amendments thereto, and if all or part of the lots or parcels with no buildings thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance

with lot width and area requirements established by this ordinance, not shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

Section 1304 Nonconforming Uses Of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance the uses may be continued and shall be subject to the following additional provisions:

- 1304.1 A nonconforming use of land may be enlarged or extended to occupy an area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- 1304.2 A nonconforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this ordinance or amendment thereto providing that such use shall not be enlarged or extended except as permitted in Section 1304.1, and providing such move is permitted as a special exception by the Zoning Hearing Board.
- 1304.3 In the event a nonconforming use of land ceases or is abandoned, for whatever reason, for a period of more than 18 months, any subsequent use of the land shall conform to the regulations specified by this ordinance for this district in which such land is located.

Section 1305 Nonconforming Uses Of Structures Or Of Structures And Premises In Combination

Where at the time of adoption of this ordinance a lawful use of structure or of structures and premises in combination exists which would not be permitted by the regulations imposed by this ordinance the use may be continued and shall be subject to the following additional provisions:

- 1305.1 A nonconforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.
- 1305.2 A nonconforming use of a whole building may be enlarged or extended to occupy additional building area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.

- 1305.3 A nonconforming use may be changed to another nonconforming use providing this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- 1305.4 Where a nonconforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed.
- 1305.5 A nonconforming use which has been damaged or destroyed by fire, windstorm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than one year after the event of the destruction.
- 1305.6 In the event a nonconforming use of building or building and premises in combination ceases or is abandoned for whatever reason, for a period of more than 18 months such nonconforming use, building or building and premises in combination, shall not be reconstituted and any future use shall be in conformity to the district regulations.

Section 1306 Repairs And Maintenance

On any nonconforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

Section 1307 Where an existing use of premises, or of a building, or of premises and building in combination is permitted under this ordinance as a conditional use such use shall in no way be considered nonconforming, and it may be expanded, without special review, in conformance to the bulk regulations and other applicable regulations in this ordinance.

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## ARTICLE 14.

### CONDITIONAL USES AND AMENDMENTS

#### Section 1400 Conditional Uses

There are times when decisions as to what particular uses shall or shall not be allowed to locate in a district should be based upon special facts and characteristics peculiar to the specific application. A sample listing of permitted or prohibited uses may be too inflexible to accommodate basically sound development proposals. Where uses are generally consistent with a particular zoning district they should be permitted of right; where uses are generally inconsistent with a particular zoning district they should be prohibited; but a number of decisions on uses fall between these two "extreme" situations. The conditional use is designed to provide some flexibility in locating uses in particular districts; it provides a middle ground between the extremities of "permitted" and "prohibited" uses. The conditional use is much like the special exception use explained in Article 17. except that it is permitted or denied by the Borough Council; the Planning Commission has an opportunity to review and make recommendations on conditional use applications. Conditional use proposals may be permitted based upon a review of the particular characteristics they are represented to possess including their size, physical design, method of operation, vehicular circulation requirements, and general impact on community facilities.

#### Section 1401 Application For Conditional Use

An application for a conditional use permit shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

1. Name, address and phone number of applicant
2. Legal description of property
3. Description of existing use
4. Present zoning district
5. Description of proposed use
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Council may require to determine if the proposed use meets the requirements of this ordinance.
7. A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility

with other properties in the district; and (c) explaining the relationship of the proposed use to the Borough's Comprehensive Plan.

8. Any such other materials as may explain how the proposed use will comply with the requirements established in Section 1402 of this ordinance.

#### Section 1402 Standards Applicable To All Conditional Uses

In addition to specific requirements for conditional uses as specified elsewhere in this ordinance the Borough shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

1. Will be in accordance with the community development objectives set forth in Article 2.;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors;
7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance.

#### Section 1403 Supplementary Requirements For Conditional Uses

Supplementary standards may be established for specific conditional uses as established in the appropriate sections of this ordinance. In granting a conditional use the Borough Council may prescribe additional requirements and safeguards providing they are in harmony with the community development objectives set forth in Article 2. Vio-



lations of such additional requirements, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under section 1807.

#### Section 1404 Procedure For Approval Of Conditional Uses

Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by the Borough Council. The Zoning Officer shall refer immediately one application to the Planning Commission and one application to the Borough Council. The Planning Commission shall review the proposal and forward its recommendations to the Borough Council. The Planning Commission may request the Zoning Officer and the applicant to be present at its meeting in order to obtain more complete information concerning the proposal. The Planning Commission shall forward its recommendation within 45 days of the date the application was accepted by the Zoning Officer as complete; failure to act within this allotted time shall be considered a favorable recommendation.

Within 50 days of the date the application was accepted by the Zoning Officer as complete the Borough Council, after giving public notice, shall consider the proposal. The Council within 30 days after the termination of the hearing before their Board shall render a decision. The decision shall be accompanied by findings of fact and conclusions.

Upon approval by the Borough Council the application shall be signed by the Council and all development and construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this ordinance.

#### Section 1405 Expiration Of Conditional Uses Permit

A conditional use permit shall be considered to authorize only one particular use as approved by the Borough Council and said permit shall automatically expire if, for any reason, the conditional use shall cease for 2 years or longer. To reinstate a conditional use a new application shall be filed and approved under the terms of this ordinance.

#### Section 1406 Zoning Ordinance Amendments

Whenever the public necessity and convenience, or the general welfare, or good zoning practices require it the Borough Council may, subject to the procedures and requirements set forth herein, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property established in this ordinance.

#### Section 1407 Initiation Of Zoning Amendments

Amendments to this ordinance may be initiated through proper application in the following ways:

1. By resolution of the Borough Council;
2. By resolution of the Borough Planning Commission; and
3. By a landowner who desires to challenge on substantive grounds the validity of this ordinance claiming that the provisions of this ordinance prohibit or restrict the use or development of land in which he has an interest. An amendment proposed in this manner shall be known as a curative amendment and shall be heard and decided upon as provided for in this ordinance and in Sections 609.1, 609.2 and 1004 of the Pennsylvania Municipalities Code, Act 247 as amended.

Section 1408 Contents Of Zoning Amendment Application

The application for an amendment shall contain at a minimum the following:

1. Name, address and phone number of applicant.
2. Specific language of proposed amendment to the text, and/or the legal description of any district or boundary change.
3. The present use and zoning district.
4. The proposed use and zoning district.
5. An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.
6. A listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
7. A statement on how the proposed amendment relates to the Borough's comprehensive plan.
8. A fee as may be established by the Borough Council.

Section 1409 Procedure For Zoning Amendments

- 1409.1 In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by the Borough Council opportunities shall be offered the Borough Planning Commission and the Crawford County Planning Commission to review the amendment. The Borough Council shall hold a public hearing on the proposed amendment pursuant to public notice before taking action. The Borough Council may initiate a zoning amendment.
- 1409.2 The Borough Planning Commission and the Crawford County Planning Commission shall have a maximum of 45 days from the date of their receipt of a proposed amendment during which time they shall review the amendment and trans-

mit their comments and recommendations to the Council. Action by the Council on the amendment need not be delayed beyond the 45 day limit set for the reviewing organizations.

- 1409.3 If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of the ordinance, the Council shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Section 1409.2 before proceeding to a decision on the amendment.
- 1409.4 Content of Public Notice - Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.
- 1409.5 Publication after Enactment - After enactment, if the advertisement of a zoning amendment is required by other laws respecting the advertisement of ordinances the advertisement may consist solely of a reference to the place within the municipality where copies of such ordinance or amendment may be obtained for a charge not greater than cost, or a reference to the place where the ordinance is available for examination without charge.

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## ARTICLE 15.

### OFF-STREET PARKING AND LOADING REGULATIONS

#### Section 1500 General Requirements

- 1500.1 No structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
- 1500.2 The provisions of this Article, except where there is a change of use, shall not apply to any existing structure. Where a change of use occurs after the effective date of this ordinance and involves no building additions or enlargement, off-street parking for the new use shall be provided based upon the requirements of this ordinance.
- 1500.3 Whenever a structure constructed after the effective date of this ordinance is changed or enlarged to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the area of the enlargement or change. If a structure was erected prior to the effective date of this ordinance new or additional off-street parking and loading spaces shall be provided based only on the additional building area added.

#### Section 1501 Size And Number Of Parking And Loading Spaces

An off-street parking space shall be a minimum of 9 feet in width and 20 feet in length. A loading space shall be a minimum of 14 feet in width and be adequate in length to accommodate the largest vehicle expected to service the establishment which may be a length up to 60 feet. These dimensions are exclusive of required driveway and aisle (approach) space. Loading spaces in particular shall be positioned so as to provide a convenient vehicular approach. The number of required off-street loading spaces is not fixed in this ordinance. Where loading spaces are a consideration they vary depending on the type and size of the use; normally one off-street loading space is sufficient to serve the average establishment.

#### Section 1502 Paving, Drainage And Maintenance

The required number of parking and loading spaces together with driveways and aisles shall be planned in a manner which insures safe and convenient vehicular movement into and throughout the parking and loading area. The parking and loading area shall be improved with a durable, dust-free surface such as gravel, concrete, or bituminous concrete. Storm water drainage shall be handled so that water previously not concentrated in defined channels is not collected and directed in new channels onto adjacent property. The parking and

loading area shall be maintained in good condition without hazardous holes and shall be free of dust, trash and other debris.

Section 1503 Location Of Parking Spaces

Parking spaces for all detached and semi-detached residences shall be located on the same lot as the uses which they are intended to serve. Parking spaces for apartments, single family attached residences and similar residential uses may be located on the same lot or a different lot but not more than 200 feet from the principal use. Parking spaces for commercial, industrial or institutional uses may be located on the same lot or on an adjacent lot in which case they shall be located no more than 300 feet from the principal use they serve.

Section 1504 Parking Space Requirements

For purpose of this ordinance the following minimum parking space requirements shall apply. Parking space requirements for other permitted or conditional uses not listed herein shall be determined by the Zoning Hearing Board based on a comparative evaluation of the requirements listed below. Where fractional numbers result from off-street parking requirement calculations the required number of spaces shall be increased or decreased to the nearest whole number. In the listing below, unit means dwelling unit; floor area shall be construed to mean the sum of the several floors or a structure including the basement; measurements shall be from the outside faces of the exterior walls.

<u>Type Of Use</u>	<u>Minimum Parking Spaces Required</u>
Residential	
Single family detached dwelling.....	Two per unit
Two family detached dwelling (2 units).....	Three per building
Modular home.....	Two per unit
Seasonal dwelling.....	Two per unit
Single family semi detached dwelling.....	Two per unit
Single family attached dwelling.....	One per unit
Multi family detached dwellings (apartments).....	One and one-half per unit
Boarding and rooming houses.....	One per sleeping room
Group homes.....	One for each supervising staffer and one for every four persons that can be served in the home
Commercial (does not apply to C-4 District - See Section 703)	
Automobile service station.....	One for each gasoline pump and two for each service bay

Agricultural produce sales from  
   farm or production center.....Five spaces  
 Bowling Alleys.....Five for each alley  
 Fast food establishments.....Two for each 100 square  
   feet of floor area  
 Golf course.....Two for each hole  
 Golf driving range.....Two for each driving tee  
 Laundromat.....One for each machine on  
   the premises  
 Motel and hotel.....One for each rental unit  
   and one for each two  
   employees  
  
 Office buildings, including  
   municipal, state and federal  
   offices, professional services  
   establishments and banks.....One for each 200 square  
   feet of floor area  
 Repair shops of all types.....Three for each full and  
   parttime employee  
 Restaurant, taverns and  
   nightclubs.....One for each 100 square  
   feet of floor area  
 Retail stores and service shops.....One for each 200 square  
   feet of floor area  
 Shopping center.....Two square feet of gross  
   parking area shall be  
   provided for each 1  
   square foot of com-  
   mercial floor space  
  
 All other commercial uses  
   permitted.....One for each 300 square  
   feet of floor area .  
  
 Churches, theaters and other  
   places of assembly.....One for each three seats  
 Clubs, lodges, philanthropic and  
   charitable institutions, and  
   funeral parlors.....One for each 200 square  
   feet of floor area  
 Convalescent and nursing homes.....One for each three beds  
 Day nurseries and day care centers.....One and one-half for  
   each employee  
  
 Elementary, junior and senior  
   high schools, private schools.....One for each teacher and  
   staff member plus one  
   for each six seats in  
   the auditorium  
  
 Health care facilities and  
   veterinary clinic.....Four for each professional  
   health care staffer  
  
 All other public and semi-  
   public buildings.....One for each 300 square  
   feet of floor area

Industrial.....One for every two employees plus one for each motor vehicle used in the business

Truck terminals.....One for every two employees and one for each motor vehicle maintained on premises



ARTICLE 16.

SIGN REGULATIONS

Section 1600 Purpose

The purpose of this Article is to provide certain regulations on the display of signs. It is recognized that signs serve an important function. Yet reasonable regulations for the display of signs are desirable. These regulations are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community and to discourage sign distractions and obstructions that may contribute to traffic accidents.

Section 1601 General Regulations

The regulations contained in this section shall apply to all signs in all zoning districts.

- 1601.1 Zoning permits shall be required for the erection of all signs including general advertising signs, except those listed in Section 1604 and except those given specific exemption in this Section, 1601. Signs not listed as permitted in this Article shall be considered prohibited in the Borough. Conflicts over the interpretation and coverage of the regulations of this Article shall be referred to the Zoning Hearing Board and the Board shall render a decision based upon the purpose and implied intent of these regulations.
- 1601.2 No flashing, rotating, or oscillating sign shall be permitted. Any sign which, by reason of its intensity, color, location, noise, or movement, may interfere with traffic lights, signals or other traffic controls shall not be permitted.
- 1601.3 No sign shall be placed on the roof of any building.
- 1601.4 No signs, other than official street or road and traffic control signs, shall be erected within the right of way of any street, unless authorized by Borough Council. Permits are not required for street and traffic control signs.
- 1601.5 No sign shall be constructed, erected or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking area.
- 1601.6 All signs shall be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.

- 1601.7 All signs erected and maintained pursuant to and in discharge of any governmental function are permitted.
- 1601.8 Temporary signs, not exceeding 20 square feet in area, announcing special public or institutional events, or the erection of a building (including the name of the architect and/or contractors) may be erected for a period of 60 days plus the construction period. Permits are not required for these signs.
- 1601.9 Painted signs on building surfaces shall be permitted in accordance with the other applicable regulations herein.
- 1601.10 The surface area of a sign shall be computed as the entire area comprising the display area; framing members not part of the display area shall not be included in the computation.
- 1601.11 Signs of schools, churches, nursing homes and philanthropic, charitable and similar institutions are permitted in districts which accommodate these uses; provided that:
- (a) such signs shall not exceed 40 square feet in area;
  - (b) not more than 2 such signs are erected on the property
- 1601.12 Signs advertising professional offices (such as those of a physician, engineer, etc.) and home occupations, where permitted by the Zoning Hearing Board as established in Section 603.2 of this ordinance are permitted in districts accomodating such uses; providing that:
- (a) Such signs shall not exceed 5 square feet in area;
  - (b) Such signs shall be non-illuminated signs
- 1601.13 All signs shall be removed when the circumstances leading to their erection no longer apply.

Section 1602 Signs Permitted in the Light Industrial District, I-1

Business identification, advertising and name plate signs bearing the name of the occupant, business or manufacturer and/or the products manufactured, processed, sold or displayed on the premises

shall be permitted in the Light Industrial, I-1, District; provided that:

- 1602.1 The total area of such signs shall not exceed:
- (a) the length in feet of the front wall of the building, multiplied by the factor 2; or
  - (b) a total of 100 square feet, whichever is less.
- 1602.2 Signs attached to building walls shall not project from the wall by more than approximately 1 foot.
- 1602.3 There shall be no more than one sign of this size for each industrial use, not including name plates attached to the structure, and
- 1602.4 Free standing signs shall not exceed a height of 30 feet nor an area of 100 square feet.

Section 1603 Signs Permitted in the General Commercial, C-1, Commercial Resident, C-2, and Highway Commercial, C-3, Districts

Business identification, name plate and advertising signs bearing the name of the business or occupant, and/or the products manufactured, processed, sold or displayed and/or the services provided on the premises shall be permitted; provided that:

- 1603.1 The total area of such signs shall not exceed an area calculated by multiplying the length in feet of the building wall facing the main street by the factor of 2.
- 1603.2 Only one sign of this size shall be permitted for each principal use and such sign shall be installed upon the building and shall not project more than one foot from the building wall to which it is attached. Business identification signs painted on windows of the structure shall not be included in this requirement, nor shall these signs be included in the area requirements.
- 1603.3 General advertising signs referring or relating to products or materials not made, sold or displayed on the premises shall not be permitted.
- 1603.4 Automobile service stations shall be permitted to install one free standing oil company sign not exceeding 36 feet in height and not exceeding 80 square feet in area. Other signs customarily incidental to service station use are permitted. The total area of all signs permitted on a premises shall not exceed 80 square feet.

Section 1604 Signs Permitted In All Districts Without Zoning Permits

The following types of signs shall be permitted in all zoning districts and shall not require a zoning permit:

- 1604.1 Signs advertising the sale or rental (or indicating "sold" or "rented") of the premises upon which they are erected; providing that:
- (a) the size of any such sign shall not exceed 6 square feet in area; and
  - (b) there are not more than 2 such signs placed upon the property.
- 1604.2 Signs of mechanics, painters, and other such artisans during the period such persons are performing work on the premises; providing that:
- (a) the size of any such sign shall not exceed 6 square feet in area; and
  - (b) each sign is removed promptly upon completion of the work.
- 1604.3 Political campaign signs during election campaign periods; providing that:
- (a) the size of any sign shall not exceed 8 square feet in area;
  - (b) the approval of the property owner has been obtained by the candidate prior to the erection of the sign;
  - (c) the provisions of Section 1601 (especially 1601.4 and 1601.5) are complied with;
  - (d) not more than two such signs shall be permitted on each property having a combined area of not more than 8 square feet; and
  - (e) all such signs shall be removed within 30 days following the election.
- 1604.4 Trespassing signs or signs indicating the private nature of a driveway or property; providing that the size of such signs shall not exceed 3 square feet in area.
- 1604.5 Signs denoting the name and address of the occupants of a premises; providing that such signs do not exceed 2 square feet in area.

- 1604.6 Signs directing and guiding traffic and parking on private property and bearing no advertising matter; provided that such signs shall not exceed 2 square feet in area.
- 1604.7 Signs installed on a temporary basis to sell an occasional item from the premises, such as a used lawn mower or garden tools and including garage sale signs; providing that:
- (a) such signs shall not exceed 3 square feet in area;
  - (b) not more than 2 such signs shall be erected on the property;
  - (c) all such signs shall be removed when the sale activity is concluded; and
  - (d) the provisions of Section 1601 (specifically 1601.4 and 1601.5) are complied with.



ARTICLE 17.

ADMINISTRATION

Section 1700 Zoning Officer

A Zoning Officer shall be appointed by the Borough Council. The Zoning Officer shall administer this ordinance; he may not hold any elective office in the Borough.

Section 1701 Duties Of The Zoning Officer

The Zoning Officer shall have the following duties:

1. Receive applications for zoning permits including sign permits and issue same; he 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 this ordinance;
2. Identify and register all nonconforming uses and structures existing in the Borough at the effective date of this ordinance.
3. Issue certificates of occupancy;
4. Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this ordinance;
5. Inspect premises as may be necessary;
6. Order the action necessary to correct any violation of this ordinance where violations are found to exist;
7. Order discontinuance of illegal uses of land, buildings or structures; removal of illegal structures; discontinuance of any illegal work; and
8. Utilize proceedings before district magistrates to enforce the provisions of this ordinance.

Section 1702 Duties Of The Planning Commission

The Springboro Borough Planning Commission shall have the following duties:

1. Review all proposed amendments to this ordinance and make recommendations to the Borough Council thereon;
2. From time to time as needs arise, propose to the Borough Council amendments to this ordinance;
3. Conduct other reviews and make recommendations as required by the provisions of this ordinance.

### Section 1703 Zoning Hearing Board

Creation and Appointment - A Zoning Hearing Board shall be created by the Borough Council. The Board shall consist of three members appointed by the Borough Council. Each member shall be a resident of the Borough. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, except that no more than one member of the Board may also be a member of the Planning Commission.

### Section 1704 Organization Of Zoning Hearing Board

The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Borough and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for a secretary, a clerk, and legal counsel.

### Section 1705 Functions Of Zoning Hearing Board

- 1705.1 The 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 administration of this ordinance.
- 1705.2 The Board shall hear challenges to the validity of the zoning ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the ordinance and map. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.
- 1705.3 The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance, strictly applied, inflict unnecessary hardship upon the applicant; public notice shall be given for such hearings. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship which would deprive the applicant of a reason-



able use of land or building. A variance may be granted provided the following findings are made by the Board:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinance;
- b. That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance.
- c. That such unnecessary hardship has not been created by the applicant;
- d. That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Furthermore in considering requests for variances the following principles shall apply:

- f. Nonconforming uses of neighboring lands, or certain types of structures in the same district and permitted or nonconforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- g. The Board shall not permit variances which allow a use not permissible under the terms of this ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this ordinance and punishable under Section 1807.

1705.4 The Board shall issue special exception permits for any of the uses requiring such permits under the terms of this ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria; public notice shall be given for such hearings. In granting special exception permits the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of public interests. No special exception permits shall be granted by the Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of this ordinance, as established in Section 200, not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare, and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire.

Applications for special exceptions may be subject to additional more specific standards and criteria as established in other sections of this ordinance.

1705.5 Where the Board has jurisdiction over matters pursuant to the above subsections the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon nonzoning issues but shall take evidence and make a record thereon as provided in this ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

#### Section 1706 Zoning Hearing Board Procedures

The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247) of 1968 as amended and such rules, not inconsistent therewith, as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements:

1706.1 Any appeal for a variance from the strict requirements of the zoning ordinance or an appeal from an order, decision or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer who shall transmit immediately said notice of appeal to the Zoning Hearing Board. The Zoning Officer

- shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.
- 1706.2 The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by the Borough Council to defray or help defray the cost of the appeal, including advertising.
- 1706.3 Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Council may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- 1706.4 The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- 1706.5 The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
- 1706.6 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 1706.7 The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost. Proceedings may be taped.
- 1706.8 The Board shall hold the required hearing within 60 days from the date of the applicant's request for the hearing. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
- 1706.9 Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails

to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

- 1706.10 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- 1706.11 No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given.

Section 1707 Relationships: Zoning Officer, Zoning Hearing Board, And Borough Council

It is the intent of this 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 Zoning Officer, and the recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this ordinance that the duties of the Borough Council shall not include hearing and deciding questions of interpretation and enforcement that may arise.

## ARTICLE 18.

### ENFORCEMENT

#### Section 1800 Actions Requiring Zoning Permits

No structure, as defined in Article 3. of this ordinance, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this ordinance; providing, however, that, (1) accessory buildings, fences, and walls incidental to agricultural operations shall not require a zoning permit, although such accessory building incidental to agricultural operations, except for silos, shall require a building permit, (2) structures such as a sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and (3) alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations where the value of the improvement exceeds \$1,000 shall require a building permit.

#### Section 1801 Zoning permit Application Requirements

The application for the zoning permit shall be signed by the owner, or applicant, or his authorized agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire, and may be revoked if the work has not begun within one year of issuance. At a minimum the application shall contain the following information:

1. Name, address and phone number of applicant
2. Legal description of property
3. Existing use of property
4. Proposed use of property
5. Description of work contemplated
6. Zoning District
7. Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of an existing building on the lot, if any; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances.
8. Building heights
9. Number and location of off-street parking spaces, and loading spaces where applicable.
10. Number of dwelling units where applicable

11. Estimated time for completion
12. Estimated cost
13. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

#### Section 1802 Approval Of Zoning Permit

Within 15 days after receipt of an application the Zoning Officer shall either approve or disapprove the application. One copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either approved or disapproved and attested to same by his signature. One copy of the plans, similarly marked shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use structure or alteration is in conformance with the provisions of this ordinance.

#### Section 1803 Expiration Of Zoning Permit

If the work described in the zoning permit application has not begun within one year from date of issuance, the permit shall expire. It shall be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within 2½ years of the date of issuance said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

#### Section 1804 Certificate Of Occupancy

Completion of activity authorized by zoning permit under the provisions of this ordinance as set forth in the Sections immediately preceding shall not be considered to allow occupancy until a certificate of occupancy has been issued by the Zoning Officer. Written request to the Zoning Officer for a certificate of occupancy shall be processed within one week of receipt of the request. The certificate of occupancy indicates that the building and/or proposed use is in compliance with the zoning permit as issued and the provisions of this ordinance. Refusal by the Zoning Officer to issue a certificate of occupancy shall be accompanied by a written statement to the applicant containing the reasons for the denial. The Zoning Officer shall maintain a record of all certificates of occupancy.

- 1804.1 Temporary Certificate of Occupancy: A temporary certificate of occupancy may be issued by the Zoning Officer for occupancy of a building undergoing construction or alteration pending final completion of the construction and/or alteration work.

Section 1805 Construction And Use To Be As Provided In Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorized only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

Section 1806 Compliants Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this ordinance.

Section 1807 Penalties For Violation

Any person, partnership or corporation who or which shall violate the provisions of this ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than 500 dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this ordinance shall be paid over to the Borough Council. Nothing herein shall prevent the Borough from taking such other lawful action as is necessary to prevent, restrain, remedy, or abate any violations.

Section 1808 Fees

The Borough may establish a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this ordinance. Until all applicable fees, charges, and expanses have been paid no action need to be taken on any application or appeal.

Section 1809 Municipal Liability

The granting of a Zoning Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure or use and shall create no liability upon, or a course of action against, such public official or employee for any damage that may result pursuant thereto.

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