

CITY OF SHARON
ZONING ORDINANCE
OCTOBER 2026

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PART 1: GENERAL PROVISIONS

101. TITLE

The official title of this Ordinance shall be the "Zoning Ordinance of the City of Sharon."

102. EFFECTIVE DATE

This Ordinance shall take effect seven days following adoption of City Council.

103. APPLICABILITY / JURISDICTION

The provisions of this Ordinance shall apply to all land, structures, and uses within the corporate limits of the City of Sharon, Mercer County, Pennsylvania.

104. PURPOSE AND AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the City under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The provisions of this Zoning Ordinance are designed:

a. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.

b. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

c. To be in accordance with an overall program and with consideration for the character of the City, its various parts and suitability of the various parts for particular uses and structures.

This Ordinance is intended to implement the City of Sharon Comprehensive Plan, as amended.

105. COMMUNITY DEVELOPMENT OBJECTIVES

The zoning regulations and districts set forth in this Ordinance are made in accordance with a comprehensive plan for the general welfare of the City and are intended to achieve, among others, the following purposes:

a. Overall Objective: Sharon is a community where quality neighborhood development and economic revitalization thrive that benefits all residents, workers, and visitors alike.

b. Downtown/Economic Development Objectives:

    i. Encourage a walkable, vibrant downtown with appropriate uses and mixed-use development.

    ii. Provide for a variety of mixed-use development outside of the core downtown district to accommodate a wider range of uses while protecting the existing character

of the neighborhoods.

iii. Provide better comprehension of parking and signage.

c. Neighborhood/Community Revitalization Objectives:

i. Encourage development of a variety of housing types, including areas prioritized for revitalization with a diversity of family types and ages.

ii. Protect existing residential areas through requirements such as buffers, setbacks, and lighting.

iii. Provide opportunities in areas for planned residential development that are compatible with the neighborhood.

d. Industrial/Economic Development Objectives:

i. Encourage appropriate activities that foster job creation and retention.

ii. Provide opportunities for existing industrial areas, while minimizing impact of neighboring areas and public ways.

e. Historic Preservation Objectives:

i. Protect historic structures and areas, specifically in the downtown area, as an economic development tool.

f. Quality of Life/Environmental & Natural Resource Objectives:

i. Protect the Shenango River and its watershed for its environmental qualities and recreational opportunities.

ii. Protect quality of life of residents by limiting the impact of differing land uses through various requirements.

106.COMPLIANCE

No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, nor shall any interior alteration be performed to any nonresidential building for the purpose of accomplishing a change in the principal use of said building, nor shall any building be converted from one nonconforming use to another nonconforming use, except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance. The City of Sharon will be exempt from the provisions of this Ordinance in the exercise of its municipal functions. Any use not specifically permitted is prohibited. Nothing herein shall be construed to limit activities of the City of Sharon where and to the extent such activities are exempt under applicable state or federal law.

107. INTERPRETATION OF REGULATIONS

Whenever the provisions of this Ordinance are at variance with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

108. SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

109. USES NOT ACCOUNTED FOR

If the zoning officer determines that a proposed lawful use of land is not provided for within any zoning district, such use shall be prohibited if it is proposed to be located within the R-1, R-2, or IN zoning districts. If the proposed use is to be located within any other zoning district, such use shall be prohibited unless the proposed use is authorized by the Zoning Hearing Board as a special exception based on the proposed use being comparable to other permitted uses in the zoning district and compatible with the neighborhood in which it is to be located. All other criteria or conditions generally applicable to special exceptions shall also apply.

PART 2: DEFINITIONS

201. INTERPRETATION

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein.

Throughout the document, certain words shall have the meaning assigned to them as follows:

• For the purpose of this Part, words used in the present tense shall include the future.

• The singular number shall include the plural and the plural shall include the singular.

• The masculine shall include the feminine and the neuter.

• The word "shall" is always mandatory.

• The word "may" is permissive.

• The word "should" means strongly recommended or so far as possible.

• The word "lot" shall include the words "tract" and "parcel."

• The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof."

• The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

• The word "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity.

• The word "includes" or "including" shall not limit the term to the specified example, but is

intended to extend its meaning to all other instances of like kind and character.

• All measured distances shall be to the nearest integral foot.

• Parenthetical words or statements are integral parts of the definitions in which they are located.

• Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

202. SPECIFIC TERMS

The following words and phrases shall have the meaning given in this Section.

Abandonment - To stop the use of property intentionally when the use of property has ceased and the property has been vacant for 12 months. Abandonment of use will be presumed unless owner can show that a diligent effort has been made to sell, rent or use the property for a legally permissible use.

Access Drives - A thoroughfare used by the public that affords a means of access to non-residential uses located between the traveled portion of an arterial, collector or local street or a parking lot for access to and from the parking lot but does not include the parking aisle.

Accessory Dwelling Unit (ADU) - A smaller, independent residential dwelling unit located on the same lot as a detached single-family dwelling. ADUs may be either attached to the primary dwelling or a detached unit.

Adult Entertainment - The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statues are hereby included by reference, including but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion Picture Theater," "Sexual Activities," "Specified Anatomical Areas," and "Specified Sexual Activities."

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

Animal Daycare and Boarding Facility - Any premises where domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised and socialized, but are not, bred, sold or let for hire.

Animal Grooming and Retail Operation - Any establishment, or mobile unit, public or private, where pet animals are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, and for which a fee is charged. This use includes any self-service pet washing business and may be accessory to a retail use. It does not include incidental bathing or combing of pets as part of regular animal care performed at an animal kennel, animal daycare or grooming performed on an infrequent nonprofit basis for hobby or recreational purposes. Animal grooming service does not include the overnight boarding of any animals.

Animal Kennel - Any premises where, except as accessory to an agricultural or veterinary use, dogs and/or cats over three months of age are temporarily boarded overnight.

Animal Shelter – An establishment, licensed by the Commonwealth of Pennsylvania, which provides rescue services and a temporary home for dogs, cats and other animals that are eventually offered for adoption or euthanized when necessary.

Applicant - A landowner or developer, hereinafter defined, who has filed an application for a subdivision or land development including his/her successors and assigns.

Automotive Dealers and Service Establishments – An establishment engaged in the sales and/or service and repair of automobiles, motorcycles, and trucks under 26,000 GVW, but not including heavy equipment or any other vehicle not classified as a motor vehicle under the Pennsylvania Motor Vehicle Code with all service repair and/or maintenance of said vehicles to be conducted within a completely enclosed building. Must be licensed through the Pennsylvania Department State Board of Vehicle Dealers, Manufacturers and Salespersons. This definition shall not apply to any lot upon which motor vehicles are stored but not offered for sale.

Automotive Gas Station/EV Charging Station - An establishment selling gasoline, diesel, natural gas, or other fuel for motor vehicles directly from pumps and storage tanks, and/or electrical vehicle charging station, which may include a convenience store.

Automotive Repair Garage - Any building in which a business or service involves the maintenance, servicing, auto body repairs or painting of vehicles.

Automotive Service Station - An establishment used for automotive services such as lubrication and hand washing or reconditioning of vehicles and/or the sale, installation or minor repairs of tires, batteries, mufflers or other automotive accessories.

Basement - A story or portion of a story entirely below an upper story, and wholly or partly below the average grade of the surrounding ground with at least one-half (1/2) of its height (measured from floor to ceiling) below the average grade level of the surrounding ground.

Bed and Breakfast - A dwelling unit and operated by the dwelling's owner to provide overnight guests sleeping quarters. A bed and breakfast shall not include a boarding house, group living facility or hotel.

Board - The Zoning Hearing Board of the City of Sharon.

Boarding House - See "rooming house."

Brewery/Brewpub/Distilleries - A establishment which brews ales, beers, meads and/or similar beverages and does not serve the beverages on site in a tavern or restaurant, but which may include a public tasting room. For purposes of this ordinance, the term "brewery" shall include distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution. This term does not include "farm winery."

Buffer - An area of land within a property or site, generally adjacent to and parallel to a property line, to provide adequate screening of view, noise, or activity taking place within the property or site from adversely affecting an adjacent property, site, or the public right-of-way. See also "Screening" and "Screen Planting."

Buildable Area/Building Envelope - The area of a lot remaining after the minimum setbacks and open space requirements of the zoning ordinance have been met.

Building - Any enclosed or partially enclosed structure having a roof supported by columns or walls and intended for the shelter, housing, or storage of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory - A building or buildings subordinate and incidental to a principal building or buildings and located on the same lot therewith. An accessory building may not be constructed on a lot without the existence of a principal building.

Building Line - The line within the property defining the required minimum distance between any structure and the adjacent street right-of-way. For purposes of measuring required setbacks, the building line shall be measured to the outermost projection of the principal structure, including covered porches, enclosed sunrooms, and attached garages, but excluding roof overhangs not exceeding two feet, chimneys, gutters, and uncovered steps.

Building, Principal - A building in which the principal use of the lot is conducted.

Business Incubator – An organization or physical space that supports early-stage startups and entrepreneurs by providing essential resources.

Business Services - An establishment engaged in rendering services to business establishment on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments.

Car Wash - An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Cemetery – Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Chemical Storage, Sales and Distribution - The commercial sale, wholesale, storage, and/or distribution of chemicals and hazardous substances.

City - City of Sharon.

City Council - The City Council of the City of Sharon, which is its governing body.

Colleges and Post-Secondary Educational Institution – The grounds and buildings of a public or private college, university, or other post-secondary school or institution.

Commercial Dry Cleaning and Laundry Facility - A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities but do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment (see “Laundromat").

Conversion Apartments – Changing of a single-family dwelling unit or dwelling use to two or more separate living units. Conversion should be sensitive to the neighborhood character.

Clear Sight Triangle - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Refer to PennDOT publications for guidance.

Community Garden - Collaborative projects on shared open spaces where participants share in the maintenance and products of the garden, including healthful and affordable fresh fruits and vegetables.

Conditional Use - An authorized use that may be granted only by the City Council pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendations by the City Planning Commission and a public hearing conducted by the City Council pursuant to public notice.

Condominium - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Contractors Yard - An establishment which may or may not include administrative offices for a business that provides landscaping, construction, excavating, remodeling, home improvement, land development and related services on a contractual basis, but which involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

Convenience Store - A retail establishment offering for-sale food products, household items and other goods commonly associated with the same and generally having a gross floor area of less than 5,000 square feet.

Crematory - An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection (PADEP).

Data Center – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

> **Data Center Accessory Use** - Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center.

Day Care Facility - A facility that provides care, protection and supervision of adults or children. The provider must be licensed through the Department of Human Services. Must adhere to Pennsylvania state regulations.

Decision Final - Adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determination. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies (See MPC §107(a)).

Determination - The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- The governing body.
- The zoning hearing board.
- The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.
- Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal (See MPC §107(a)).

Distribution Center - Any premises used by motor freight company regulated by the Public Utility Commission (PUC) and/or the Interstate Commerce Commission (ICC) as a carrier of goods, where such premises serve as the origin and/or destination point for goods being transported. These facilities are used for storage, warehousing, transfer, loading, and unloading of goods in the course of transportation. Such premises may also be used for the storage and distribution of merchandise or commodities, including wholesale activities. Retails sales are typically limited to retailers, business users, other wholesalers, or their agents or brokers.

Drive-Through - A building opening, including windows, doors or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Dwelling - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house" or "tourist home."

Dwelling, Detached - A dwelling or building that has yard areas on each and all sides.

Single-Family Detached - A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit.

Two-Family - A residential building designed exclusively for occupancy by two families living independently of each other and containing two units that may have common corridors and share exit and entrance facilities.

Multi-Family - A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units that may have common corridors and shared exit and entrance facilities. This definition includes townhomes, condominiums and apartments.

Dwelling Unit - One or more rooms for living purposes together with individual cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one family.

Eating/Drinking Establishment – An establishment where meals are prepared and sold for consumption on and off the premises, which may include indoor and outdoor seating. Such an establishment may also include the on-site sale and consumption of alcoholic beverages, bar service, live entertainment, dancing, and amplified music, consistent with local and state licensing requirements. This definition encompasses restaurants, bars, lounges, and nightclubs, provided all uses are permitted under applicable regulations.

Energy Generation System, Large - A site or plant where energy is produced through the conversion of natural resources (such as wind, solar, hydroelectric, and geothermal) into electrical power or other usable forms of energy. This system includes the infrastructure, equipment, and technologies used in the production, transformation, and sometimes the distribution of energy, and is subject to local, state, and federal regulations regarding environmental impact, safety, energy production standards and land development.

Energy Generation System, Small – A small energy system installed for personal use for residences, commercial properties and institutions as an accessory use where energy is produced through the conversion of natural resources (such as wind, solar, hydroelectric, and geothermal) into electrical power or other usable forms of energy.

Essential Services - The provision of distribution systems by municipal or other government agencies regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, fire hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare. Essential services also include municipal and community sewage disposal systems. For the purpose of this definition, commercial wireless communication facilities shall not be considered essential services and are defined separately.

EV Charging Station - A public or private parking space that is served by battery charging station equipment or the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Facility – A contiguous site, or portion thereof, used for a specific purpose, which may include structures, improvements, ancillary uses, equipment, and outdoor areas.

Family - An individual; two or more persons related by blood, marriage or adoption; or not more than four unrelated persons living as a single housekeeping unit; or any living arrangement provided for by the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*

Farmers Market - An occasional or temporary market held in an open area or in a structure where fresh agricultural products are sold directly to the consumer generally by vendors who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Fence - An accessory structure with artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land and/or dividing one area of land from another. This definition shall not include retaining walls that are designed and approved in accordance with the Uniform Construction Code (UCC).

Financial Institutions - Federal or state-chartered banks, savings and loan associations or credit unions which offer federally insured savings accounts and other financial services to their members or customers. This does not include financial advisors, check cashing, payday lending, and similar uses.

Floor Area, Gross - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Funeral Home - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles.

Future Right-of-Way - The future right-of-way of a street designated on the official street map of the City of Sharon.

Gaming Device, Skill-Based - A coin-operated, currency-operated, or cashless electronic device that awards cash, merchandise, or other things of value and that purports to require player skill to influence the outcome. This term does **not** include devices regulated under the Pennsylvania Race Horse Development and Gaming Act.

Gaming Facility – A facility whose primary purpose is to provide devices for the use of its customers that offers a cash payout or other award of value, or compensation directly or indirectly, where such rewards are paid in a manner that is deemed not to constitute unlawful gambling in accordance with prevailing law. Any such facility providing gambling shall be prohibited.

Garage/Storage Structure - An accessory structure or accessory portion of the principal structure which is used by a resident of the property to store motor vehicles, major recreational equipment, or other personal property.

Greenhouse - A structure typically with glass or other transparent materials in which temperature and humidity can be controlled for the cultivation or protection of plants utilized for commercial purposes and which exceeds 150 square feet in size.

Greenhouse (Residential) - A structure typically with glass or other transparent materials in which temperature and humidity can be controlled for the cultivation or protection of plants utilized for residential or commercial purposes and which does not exceeds 150 square feet in size.

Group Living Facility - A residential facility designed, operated and maintained for adults which may include skilled nursing, intermediate care, or personal care facilities, as well as independent living facilities. This use shall not include a home for persons who are currently recovering from addiction (See "Sober Living House").

Height of Building - The vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home-Based Child and Adult Care – Care for children or adults within the provider's home, offering a nurturing, home-like setting that must be located in an area of residential use. The provider must be licensed through the Department of Human Services. Must adhere to Pennsylvania state regulations.

Home-Based Business (No Impact) - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. Must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Home Occupation - Any use customarily carried on a residential property by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel Facility, Special – A hotel that provides temporary lodging to transient guests and is distinguished from a standard hotel by the inclusion of multiple on-site accessory amenities intended to serve both guests and the general public, such as one or more full-service restaurants, bars, meeting or event spaces, fitness or wellness facilities, or similar uses. A Special Hotel Facility is characterized by a higher level of service, on-site activity, and visitor intensity than a standard hotel, and may generate additional traffic, parking demand, deliveries, or operational impacts. Such facilities may be subject to additional review and supplemental standards to ensure compatibility with surrounding uses. Residential occupancy, including dwelling units, apartments, or long-term residency, is not included within this use unless expressly permitted elsewhere in this Ordinance.

Hotel/Motel - One or more buildings providing temporary lodging primarily to persons who have residences elsewhere. The term includes, but is not limited to, hotels, extended stay, motels, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

Laundromat – A business premises equipped with individual clothes washing and drying machines of the use of retail customers.

Libraries/Museums - Public or quasi-public facilities that provide literary, musical, artistic, historical, cultural, and/or educational displays and information. These establishments maintain collections (physical or electronic) to support education and recreational interests.

Lighting:

Footcandles – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified).

Fully Shielded – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.

Glare – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, so as to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety, or welfare.

Illuminance – Quantity of incident light, measured in footcandles.

Luminaire – A complete lighting fixture assembly consisting of light emitting element(s), holders for the light emitting elements, electrical components, lighting directing devices, shielding devices and lenses or diffusers.

Nits – A unit of measure of the luminance or brightness of the light emitted or reflected from a surface, e.g., sign face. Also referred to as candelas per square meter (cd/m^2).

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

Lot, Area - The area of a lot, site, parcel, etc., which is situated within the property lines of said lot, parcel, etc.; provided, that the area shall be measured only to the right-of-way line of a street, road or alley.

Lot, Corner - A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 115 degrees at the intersection of two street lines.

Lot Coverage - The size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel, expressed as a percentage. Lot coverage is basically the total square footage of all structures covering a lot from a bird's eye view. The following areas are to be included for the purpose of computing Lot Coverage:

- All buildings including single, two or multifamily dwellings.
- All buildings of a non-conforming use.
- Accessory structures including sheds, garages, carports, roof over hangs exceeding 20", and similar structures.
- Impervious surfaces, unless excluded in Section 309.20.

Lot Line - Any line dividing a lot from another lot or from an abutting street or other right-of-way.

Manufactured Home - Prefabricated homes built as dwelling units intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit; used for non-transient residential purposes; constructed with the same or similar pitched roofs and conventional roofing and siding materials, electrical, plumbing, and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, it is complete and ready except for minor and incidental unpacking operations, location on foundation supports, connection to utilities and the like. Skirting is required to enclose the entire perimeter, providing a weather-resistant, ventilated barrier that prevents rodent harborage and fire hazards.

Manufactured or Mobile Home Lot - A parcel of land within a manufactured or mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

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

Manufacturing, Heavy - Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products, for which, due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

Manufacturing, Light - Manufacturing conducted within an enclosed building predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, research, testing and packaging of such products, and associated services, storage, sales (retail and wholesale) and distribution of such products, which minimizes noise, odors, vibration, hazardous waste materials, or particulates that could be considered a nuisance to neighboring properties.

Marijuana Dispensary – An establishment providing on-site consultation, point-of-sale areas, and limited accessory functions such as product display and waiting areas, but shall not include cultivation, manufacturing, or on-site consumption unless explicitly permitted by local and state regulations.

Marijuana Processing Facility - A facility used to convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana.

Medical Office and Clinic – An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.

Mobile Home – Generally an outdated term since implementation of the HUD Code, which refers to manufactured homes; shall deemed incorporated with the term "manufactured home." Skirting is required to enclose the entire perimeter, providing a weather-resistant, ventilated barrier that prevents rodent harborage and fire hazards.

Modular Home – A structure designed and built in modules to state and local codes and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation and/or assembly on the building site. For purposes of this Zoning Ordinance, modular housing shall be considered the same as any other similar residential structure which would be constructed on site and shall not be considered a manufactured home. This term is also known as sectional home.

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

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

Nonconforming Use - A use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to it location by reason of annexation.

Office - An establishment providing executive, management, administrative or professional services.

Outdoor Storage Facilities - A secure enclosure which the primary use is for individual, self-contained units that are leased or owned for storage of goods and materials for retail sale, storage or use by a nonresidential use.

Parking Lot or Garage - A lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.

Parking Space - An open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least 18 feet and a uniform width of at least 9 feet for the storage of one automobile and accessible from a public way.

Paved Surface - A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Personal Care Boarding Home – A premise in which food, shelter, personal assistance or supervision are provided for a period exceeding 24-consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in matters as dressing, bath, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Personal Services - An establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, and that is not listed separately. Typical examples include, but are not limited to, barber shops, hair salons, nail salons, beauty parlors, tanning studios, massage therapy (non-medical), tailoring and seamstress services, tutoring or instructional studios, fitness studios, and comparable service-oriented businesses.

Pharmacy – A retail store which primarily sells prescription drugs, patent medicines and surgical and sick room supplies.

Place of Worship - A public or private lot of land, building or structure that is designed for the collection of persons, for religious, educational, or social purposes and where recreation, amusement or dining occur as accessory activities.

Planned Residential Development - Lands, buildings, or structures developed or be to developed for residential use; under the provisions of this Zoning Ordinance.

Planning Commission – The members officially appointed by the City of Sharon Council to administer planning and land use regulations and provide recommendations on a wide array of land use policy issues.

Recreation Facility:

> **Commercial/Private, Indoor** - An indoor recreational facility operated as a business and open to the general public for a fee, but does not include shooting ranges or adult-oriented uses.
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> **Commercial/Private, Outdoor** - An outdoor recreation facility operated as a business and open to the general public for a fee in which the patrons participate in or view a recreational or entertainment physical activity, but shall not include activities with the use of firearms or motorized vehicles.
>
> **Public** - Land owned and operated by a public entity, available to the general public, including either indoor or outdoor facilities, for the pursuit of sports, recreation, or leisure activities.

Recycling Center – A facility where recyclable materials such as paper, cardboard, plastics, glass, metals, and other reusable materials are collected, sorted, processed, and temporarily stored prior to shipment to manufacturing or processing plants. This use may involve outdoor storage of recyclable materials and operation of machinery such as balers, compactors, or shredders. This term does not include hazardous waste processing facilities and landfills.

Research and Testing Facility - Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products.

Residence as Secondary Use – Dwelling units located on upper floors of mixed-use buildings, which shall be considered a permitted residential use subordinate to the principal nonresidential ground-floor use.

Retail Business – A business whose primary activities involve the display and sales of goods and products to the general public. This term is intended to encompass all uses involving retail sales that are specifically provided for or are not generally equivalent to uses that are specifically provided for in this Ordinance. This term shall not include adult-oriented uses, marijuana dispensaries, smoke shops, and skill games as defined herein.

Rooming House - A dwelling having four or more sleeping rooms where individual sleeping rooms are rented out to persons not related to its other occupants. The term "rooming house" includes the term "boarding house."

Salvage/Junk Yard - Any enclosed or unenclosed surface area of more than 200 square feet within any parcel, lot or contiguous lots which is used for the storage, keeping, dismantling, processing, baling, or wrecking of inoperable vehicles or portions thereof, inoperable machines, scrap metal, discarded tire casings, used lumber yards or yards for storage of salvaged buildings, wrecking and structural steel materials and equipment and similar materials. This definition includes auto wrecking yards and junk yards; however, it does not include any noncommercial use of the land which is accessory or incidental to an agricultural operation on such land including use, storage, and repair of farm equipment.

School - A publicly- or privately-funded facility that provides a curriculum of elementary and secondary academic instruction including kindergarten, elementary school, junior-high school and high school and is duly approved/accredited by the Pennsylvania Department of Education.

Screen Planting – A continuous year-round buffer consisting of native or regionally adapted species that is appropriate for the site's context, support stormwater management and erosion control objectives, and enhance neighborhood aesthetics and improve impenetrability. Plantings shall be staggered with spacing appropriate to the mature size of the selected species to provide the continuous year-round buffer.

Screening - A structure or planting that may consist of fencing, earthen berms, and/or screen plantings that provide a continuous obstruction or buffer of the view into a site or property where the design prioritizes visibility reduction, privacy, and noise mitigation while also being compatible with the surrounding landscape and built environment.

Sensitive Receptor - Residential zoning district or use, educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age and the elderly regularly gather whether in the City of Sharon or an adjacent community.

Shed – See "Garage/Storage Structure."

Shelter, Emergency – A facility for temporary living arrangement that provides overnight and short-term housing for people unable to live at home due to abusive practices of another resident or other emergency situation, including loss of residence. While the primary function of an emergency shelter is to provide housing, additional social services are often part of the shelter's program.

Shooting Range – An indoor establishment that complies with the requirements and regulations of this Ordinance and any Codified Ordinance that is created to provide for the safe discharge of firearms for sighting, target practice, and related uses.

Shopping Center/Large Scale Retail – A group of retail and other commercial establishments that are planned, developed and managed as a cohesive entity, generally with shared parking, lighting, access, signage and other infrastructure.

Short-term Rental – A legally-permitted dwelling unit owned or managed by a person or entity which is rented or leased to a transient visitor for a period of less than 30 days and shall not be renewed continuously. This term shall not include hotel/motel as that term is referenced in this Ordinance.

Sign – Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement, or identification. Banners and freestanding signs are included in this Ordinance and controlled by its provision. The word "sign" includes the word "billboard" (see "Billboard" for definition), but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, nor traffic or directional signs where said signs are placed and under the control of a state or local government. The word sign includes temporary and portable devices, as well as permanent signs.

> **Sign, Abandoned** – A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 90 days; a sign which is damaged, in disrepair, or vandalized and not repaired within 90 days; a sign which contains an outdated message for a period exceeding 30 days.
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> **Sign Area** – The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 406.40 for standards for measuring sign area.
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> **Sign, Banner** - A temporary sign constructed of lightweight plastic, vinyl, cloth or similar material, which is designed to be tied or attached to structural supports.
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> **Sign, Billboard** - A permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.
>
> **Sign, Changeable Copy** - A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, either manually or electronically, without altering the face or the surface of the sign.

Sign, Animated - A sign or part of a sign that is designated to rotate, move, or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Sign, Flashing - A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

Sign, Construction - A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development work when placed upon the premises where that work is under way, but only for the duration of the work and has received development plan approval.

Sign, Directional - An on-premises sign for the convenience of the public giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities, and housing units, to encourage proper circulation. It may contain the logo of an enterprise but no other advertising or changeable copy.

Sign, Directory - A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information.

Sign, Feather - A lightweight, portable sign mounted along one edge on a single, vertical flexible pole the physical structure of which may resemble a sail, bow, or teardrop.

Sign, Height – The vertical distance measured from the top of the sign structure to the mean finished grade of the street closest to the sign, or in the case of a sign located greater than 100 feet from a public street, the distance from the mean grade at the base of the sign, provided that the ground level is not deliberately elevated to increase the height of the sign.

Sign, Identification - A sign bearing the address of the premises or name of occupant but containing no logo or commercial message.

Sign, Illuminated:

Externally Illuminated - A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

Internally Illuminated - A sign whose light source is either located in the interior of the sign so that the rays go through the sign face, or which is attached to the sign face and is perceived as a design element of the sign. This term includes "neon" signs.

Sign, Menu Board - An accessory sign providing items and prices associated with a drive-thru window.

Sign, Non-Conforming - Any sign that met the requirements of the City at the time it was erected, but does not conform to the requirements of this Ordinance.

Sign, Off-Premises - A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such a sign is located or to which it is affixed.

Sign, On-Premises – A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Sign, Personal Expression – A sign that expresses an opinion, interest, position, or other noncommercial message.

Sign, Permanent Freestanding - A sign constructed in a permanent location, supported by structures or poles which are installed in an underground foundation.

Sign, Portable - A sign which is designed to be movable, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, Projecting – A building-mounted sign, generally perpendicular to the building wall. This term includes "awning" and "canopy" signs.

Sign, Sandwich Board – A type of freestanding, on-premises, portable sign consisting of two faces connected and hinged at the top and whose message is target to pedestrians.

Sign, Suspended - A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

Sign, Roof - A sign which is attached to a building and extends in whole or in part more than two feet above the highest point of the roof of the building, or extends more than two feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign.

Sign, Temporary - A sign which is intended for short term use and constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or if made of some other material and is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground. This includes portable roadside/marquee signs.

Sign, Wall - A sign which is attached to or painted on the wall or sloping roof of a building, and which does not extend more than two feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign, and which does not extend more than two feet horizontally from the building wall.

Sign, Window – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Smoke Shop – A retail sales or wholesale establishment primarily engage in selling tobacco and/or tobacco products and/or vaping products. A retail or wholesale establishment which holds itself out as a "tobacco store," a "smoke shop," a "vape shop" or similar establishment, shall also be considered a "tobacco store/smoke shop" for the purposes of this Ordinance. Examples of vaping products referred to in this Ordinance include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems ("ENDS"). ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Ordinance shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories. For the purposes of this Ordinance, cannabidiol products, also known as "CBD" products, shall be excluded when counting the total merchandise of such retail sales or wholesale establishment. Any such facility providing a product in violation of 35 P.S. § 780-101, et seq., or any other applicable law, shall be prohibited.

Sober Living Home - A structured, substance-free residence for no more than three individuals recovering from addiction. It is a transitional environment that provides accountability and peer support as residents work towards independent living.

Social Club - Any facility or establishment that provides facilities to members, or other persons specifically invited or permitted, for social or recreational purposes, and that is owned by a nonprofit corporation or entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.

Special Exception - A use permitted with special permission granted by the Zoning Hearing Board to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - That portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

Street - A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to an abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - A line defining the right-of-way boundaries of a street.

Structure - Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory – A detached structure customarily incidental and subordinate to the principal structure or use of the lot. This use shall include Accessory Buildings, but shall also include additional structures, including, but not limited to, fences, play structures 150 square feet or larger and pools and hot tubs of any size.

Theater/Auditorium - An establishment, other than an adult-oriented entertainment, inside a completely enclosed building devoted to showing motion pictures and/or live dramatic or musical performances.

Townhouse - A dwelling unit in a building containing three or more dwelling units sharing two vertical party walls, except that the end units have a single party wall. Each unit contains private entrance and a totally exposed front and rear wall to be used for access, light, and ventilation.

Urban Agriculture/Vertical Farming – Indoor facility that grows crops in stacked layers (horizontal or vertical), and uses artificial growing systems such as hydroponics, aquaponics, or other methods of soil or soilless agriculture.

Use - Any purpose for which a building or other structure or a lot of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure on a lot of land.

Use, Accessory - A use clearly incidental, and subordinate to, and located on the same lot occupied as the principal use.

Use, Attached – A secondary independent use which is permitted when attached to or located within the same building as a permitted principal use or uses, and when the total floor area of the attached use or uses does not exceed 25% of the total building floor area.

Use, Principal - The primary use to which the property is devoted and to which all other uses on the premises are accessory.

Variance - A relief from the strict letter of the Zoning Ordinance, as it applies to specific property, as granted by the Zoning Hearing Board in accordance with the terms of this ordinance and the Pennsylvania Municipalities Planning Code.

Veterinary Services – An establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic or agricultural animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

Wholesale Landscaping - A business primarily engaged in processing, selling and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional or professional users or to other wholesalers.

Wireless – Transmission of electromagnetic waves through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Communication Facility - The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

> **Collocation** – The mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.
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> **Communications Antenna** - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (dish) or any other wireless antenna. Communications antennas shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground level.
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> **Communications Tower** – Any structure that is constructed for the primary purpose of supporting one or more communications antennas, including, but not limited to, self-supporting lattice towers, guyed towers, monopoles, utility poles, and light poles. DAS hub facilities are considered to be communications towers.
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> **Distributed Antenna System (DAS)** – A network of spatially separated antenna nodes (at various sites) connected to a common source that provides wireless service within a geographic space or structure.
>
> **Height of a Communications Tower** - The vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennas mounted on the tower and any other appurtenances.

Small Wireless Communications Facility – A wireless communications facility that meets the following criteria:
(1) The structure on which antenna facilities are mounted (i) Is 50 feet or less in height, or (ii) Is no more than 10 % taller than other adjacent structures, or (iii) Is not extended to a height of more than 50 feet or by more than 10 % above its preexisting height as a result of the collocation of new antenna facilities; and
(2) Each antenna associated with the deployment (excluding associated equipment) is no more than three cubic feet in volume; and
(3) Each antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.

Substantially Change or Substantial Change - A modification that substantially changes the physical dimensions of a wireless support structure if it meets any of the following criteria:
(1) For wireless support structures outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for communication towers in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater;
(2) For wireless support structures outside the public rights-of-way, it protrudes from the edge of the tower by more than 20 feet, or more than the width of the tower structures at the level of the appurtenance, whichever is greater; for those communication
towers in the public rights-of-way, it protrudes from the edge of the structure by more than six feet;
(3) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
(4) It entails any excavation of deployment outside the current site of the wireless support structure; or
(5) It does not comply with conditions associated with prior approval of construction or modification of the wireless support structure unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

Wireless Support Structure – A freestanding structure, such as a communications tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the City.

Yard - An open space that lies between the principal building or buildings and the nearest lot line.

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

Yard, Front - The open space extending across the full width of the lot between the street right-of-way line and the nearest portion of the principal building. Where a future right-of-way has been established by City ordinance, the front yard shall be measured from the future right-of-way line. On corner lots, the front yard shall be the yard abutting the street toward which the principal entrance of the building is oriented. The remaining street frontage shall be considered a side yard.

Yard Line/Setback Line - A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Rear - A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side - A yard between the side lot line and parallel thereto extending from the front lot line to the rear lot line. Where the lot is a corner lot, the side yard on the street side shall be measured to the future right-of-way of the street, if such future right-of-way has been established by City ordinance.

Zoning Amendment - A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by the City pursuant to the procedures specified in this Ordinance.

Zoning District - A finite area of land, as designated by its boundaries on the Official Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

Zoning Map - The official plan delineating the official Zoning Districts of the City of Sharon, Mercer County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer - The Zoning Officer of the City of Sharon or their authorized representative.

Zoning Ordinance - Currently Part 12, Title 4 of the Planning and Zoning Code of the Sharon Code of Ordinances.

PART 3: DISTRICT REGULATIONS

301. ZONING MAP

A map entitled the City of Sharon Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the Municipal Building.

302. ZONING DISTRICTS

The City is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Zoning Map.

Residential Districts are designated for residential use are for dwellings and uses normally associated with residential neighborhoods.

Mixed Use District is designed to accommodate a healthy mixture of residential and non-residential uses along corridors that may serve as a transitional area between residential neighborhoods and commercial districts as well as encourage more development for housing and other development.

Institutional District is intended to permit a variety of institutional, office, commercial and related activities within the City of Sharon.

The Commercial Districts are designed to provide for commercial, entertainment, and service-related activities within the City. The Central Commercial District is divided into two categories: C-1 (Central Commercial), which encompasses the broader downtown commercial area, and C-1A (Central Business District), which includes the core walkable downtown area.

The Industrial Districts are designed to allow space for existing and new development to support the City's economic life. Development within these zones is expected to be of a quality that will be compatible with surrounding land use.

The intent statements for each district are provided to guide interpretation of permitted uses, dimensional standards, and special exception or conditional use review

The zoning districts are as follows:

> **Section 302.10: Residential – R-1 Low Density** – This district is designed for single-family dwellings and related uses.
>
> **Section 302.20: Residential – R-2 Medium/High Density** – This district is designed to provide an area of single-family, two-family, and multi-family dwellings in a varied residential setting.
>
> **Section 302.30: Institutional – IN** – This district is designed to encourage a compatible mix of residential, institutional, and limited commercial uses within specific areas within the City.
>
> **Section 302.40: Central Commercial – C-1** – This district is designed to accommodate a wide range of commercial, institutional, and low-impact manufacturing uses.
>
> **Section 302.50: Central Business District – C-1A** – This district is designed to encourage a vibrant, walkable Downtown Sharon that provides a mixture of residential and non-residential uses.

Section 302.60: Mixed Use – MU – This district is designed to accommodate a mixture of residential and small-scale commercial uses in transitional areas between residential and non-residential areas.

Section 302.70: Light Industrial – L-I – This district is designed to accommodate light manufacturing, commercial/recreational, and similar kinds of uses.

Section 302.80: Heavy Industrial – H-I – This district is designed to accommodate commercial/recreational, and various types of manufacturing and industrial uses, including heavy industries.

Section 302.90: Special Industrial – S-I – This district is designed to accommodate a variety of other types of manufacturing and industrial uses.

303. ANNEXED AREAS

Newly annexed lands shall be zoned R-1 until such time as City Council adopts a zoning amendment assigning a permanent district classification.

In addition, any area that is not shown on the official City of Sharon Zoning Map but is deemed to be located within the City's borders shall be automatically zoned R-1, until otherwise classified by the City.

304. DISTRICT BOUNDARIES AND SPLIT LOT ZONING

304.10. District Boundaries

Where possible, district boundaries follow property lines or streets. When district boundaries are shown between the lines of streets, streams and transportation rights-of-way, they shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. The Zoning Officer shall make a best, good faith effort to determine the location of a district boundary by utilizing centerlines, the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line. Any person aggrieved by the Zoning Officer's determination as to the location of the district boundary shall be permitted to file an appeal to the Zoning Hearing Board, which shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

304.20. Split Lot Zoning

Where a zoning district boundary splits a lot, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply:

A. Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.

B. Where a lot cannot be subdivided in compliance with this Ordinance and the Mercer County Subdivision and Land Development Ordinance, the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this Ordinance where the largest portion of the lot is located. If strict application of this section creates an undue hardship, the Zoning Hearing Board shall have jurisdiction to grant a variance in accordance with the standards set forth in the Pennsylvania Municipalities Planning Code.

305. ZONING DISTRICT CHANGES

All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

306. GENERAL DISTRICT REGULATIONS

306.10. The permitted uses, conditional uses and special exceptions, principal and accessory uses, for each district are listed in Section 307.

306.20. Conditional uses may be granted or denied by City Council in accordance with the express standards and criteria of this Ordinance and after the review and recommendations of the Sharon Planning Commission. In granting a conditional use, the City Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as well as protect the surrounding neighborhood.

306.30. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania Municipalities Planning Code, and to protect the surrounding neighborhood.

306.40. Uses in all categories shall be consistent with the definitions set forth in Part 2. In the event such uses are not defined, they shall be consistent with the their common meaning.

306.50. In all zoning districts where single-family dwellings are an authorized use or are a legally nonconforming use, the single-family dwelling shall be the only principal structure on the lot.

306.60. In all zoning districts where authorized by this Ordinance, two or more multifamily dwellings may occupy the same lot, two or more nonresidential buildings may occupy the same lot, and two or more nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot. In all such cases, lot coverage, yard requirements, parking requirements, and all other applicable dimensional standards shall be met.

306.70. Accessory Structures and Uses and Accessory Buildings

In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot. Accessory structures shall not be located within any required front yard unless expressly permitted elsewhere in this Ordinance. For purposes of this section, square footage shall be measured as the total horizontal footprint of the structure at grade.

A. All accessory uses and structures shall meet the following criteria:
    1. Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure, unless otherwise specified this Ordinance.
    2. Such use is not intended to expand a use otherwise limited in that area.
    3. Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
    4. Such use is not detrimental to the surrounding area or properties.
    5. Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.
B. The following accessory structures shall not require a building permit, provided they do not exceed 150 square feet in footprint area and comply with all applicable setback, height, and lot coverage requirements:
    1. Detached sheds
    2. Pool houses without plumbing
    3. Greenhouses
    4. Gazebos
    5. Play structures not exceeding 10 feet in height
    6. Carports
    7. Trampolines and standalone basketball hoops
    8. Flagpoles
C. All accessory buildings or structures regardless of size shall conform to the setback requirements for accessory structures.
D. All accessory buildings or structures shall be permanently and adequately anchored to the ground in accordance with accepted engineering standards or practices to prevent personal or property damage due to high winds, floatation, collapse, or lateral movement.

E. No use that is to be carried on in an accessory structure shall violate the permitted uses in the district in which the principal structure is located.

F. Accessory structures shall be permanently anchored to the ground and constructed in accordance with the Pennsylvania Uniform Construction Code and all applicable building codes.

G. Accessory structures other than the garage/storage structures cannot be used for the storage of motor vehicles or major recreational equipment.

H. The architectural style, color, and facing material of a accessory structure must be compatible with the principal structure.

I. Accessory structures in all residential districts must be located behind the front building line of the principal uses. In no event can the size of all structures on a lot exceed the allowable lot coverage as set forth by this Ordinance.

306.80. Fences and Walls

A. Permit Required. No person shall construct or install any wall, fence, or other such type structure on any lot in any zoning district without first making application and obtaining a permit from the Zoning Officer. The applicant must submit:

1. Zoning application that includes a scale drawing showing the location, height, type of fence and distance from structures, easements, and swales.
2. Following approval of the zoning application accompanied by a zoning permit, the applicant must submit a building permit application to obtain the building permit. Such application shall be accompanied by a fee in the amount set for the building permit.

B. Fence Design Standards.

1. Includes all zoning districts, except for height regulations in industrial districts.
2. Minimum Fence Setback/Property Line Setback. A fence shall be within the property line.
3. No fence is permitted to exceed six feet above the average grade within the limits of the side and rear yards and shall not be placed in any front yard unless they do not exceed three feet above the average grade.
4. All fences shall be located so as to maintain visibility for traffic on adjacent streets and traffic entering and leaving properties and shall comply with the clear sign triangle requirement.
5. All supporting posts, brackets, and any other structural bracing elements must be faced to the interior of the lot being fenced. The finished side of any fence shall face outward toward the adjacent property line or street right-of-way line. Fence supporting posts including decorative tops or finals shall not exceed seven feet above the average grade. All fences shall be structurally sound, constructed to withstand wind loading.
6. Applicants with structures on corner lots may construct fences subject to the following:
    a. No fence shall encroach into the public right-of-way.
    b. Within the required front yard of either street frontage, fences shall not exceed three feet in height above average grade.

c. Fences located between the building line and the street shall be of an open design consisting of at least 50% open area.

d. Within the required clear sight triangle at street intersections, no fence, wall, hedge, shrubbery, or planting shall exceed 24 inches in height above average grade and shall not obstruct the view of traffic or public walkways.

e. Fences located outside of required front yards may not exceed six feet in height.

7. Prohibited Fences.

a. In no instance shall any above-grade fence be electrically charged or wired to accept an electrical charge. Approved pet containment fences installed below grade and invisible upon the ground shall be exempt from this requirement.

b. No barbed wire, razor wire, or other sharp objects or similar material shall be permitted.

c. Fabric.

d. Wire strand, wire mesh material, including a "poultry fence".

e. Any fence, which has become deteriorated, decayed, or in disrepair.

f. Any stake, stick, pole, stone, rock or other dangerous or hazardous object to mark, designate, or establish any property or property line other than required survey markings.

g. Chain link fencing shall be vinyl-coated in Residential and Commercial zoning districts. Galvanized or coated chain link fencing shall be permitted in Industrial districts.

8. Non-Conforming Fences. Any lawful non-conforming fence that is damaged, destroyed or removed, in part, may be reconstructed provided that all necessary permits for construction shall be applied within one year of date of such damage, destruction, or removal and the reconstruction shall be completed within one year of the date of such damage, destruction or removal, and provided that the replacement fence is:

a. The same height or lower than the fence that was removed, but in no case greater than six feet in side and rear yards and no greater than three feet in front yard;

b. Constructed of the same material as the fence that was removed, unless that material is no longer allowed under the provisions of this Ordinance hereof, in which case the replacement fence shall be made of the compatible materials allowed under this Ordinance hereof;

c. The same style as the fence that was removed;

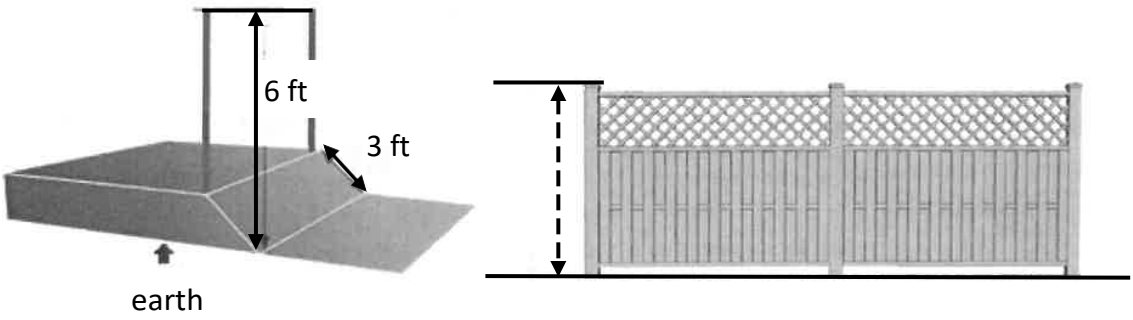
d. In the same location as the fence that was removed;

e. Installed in compliance with the permit procedures outlined in this Ordinance.

9. Fence Measurement Standards.

    a. Fence height shall be measured as the vertical distance between the grade of the ground abutting the fence and the top edge of the fence material including any ornamental or decorative extensions of a fence.

    b. When measuring the height of a fence located on sloping topography, the fence height shall be measured from the lowest point within three feet on either side of the fence as depicted in the diagram below.



10. Temporary Fences, Walls or Similar Structures.

    a. Temporary fences, walls or similar structures may be used on construction sites, provided such fences, walls or similar structures are removed upon completion of the construction project. The Zoning Officer may request a timetable for construction from the contractor. All temporary fences, walls or similar structures shall meet the requirements of that zoning district.

11. Conflicting Fence and Wall Regulations.

    a. In the event of conflicting fence or wall regulations found in this Section versus other Parts of this Ordinance, the regulations set forth in the other Parts shall control.

C. Industrial District Regulations.

    1. Fences in industrial districts may be taller than six feet above the average grade; provided that such fences shall not exceed eight feet in height above the average grade.

306.90. Swimming Pools

A. Swimming pools shall be considered accessory structures.

B. Private swimming pools shall comply with the following standards:

    1. Swimming pools shall not be located within any required front yard.

    2. Swimming pools shall be set back not less than ten feet from any side or rear lot line.

    3. On corner lots, swimming pools shall not be located within the required street side yard.

4. All swimming pools shall comply with the Pennsylvania Uniform Construction Code, including required fencing, safety barriers, and electrical standards.

C. Temporary or portable pools with a water depth of less than 24 inches shall be exempt from setback requirements, provided they are not located within a public right-of-way and are removed when not in seasonal use.

307. PERMITTED USES, CONDITIONAL USES, AND SPECIAL EXCEPTIONS

Table 307.10 – Permitted Land Use Table										
Land Uses	**R-1**	**R-2**	**IN**	**C-1**	**C-1A**	**MU**	**L-I**	**H-I**	**S-I**	**Supplemental Regulations**
Residential Uses										
Conversion Apartments		SE				SE				309.190
Dwelling, Multi-Family		P	P			P				309.240
Dwelling, Single-Family	P	P	P			P				
Dwelling, Two-Family		P	P			P				
Group Living Facility			P							
Mobile Home Park		SE								
Personal Care Boarding Home for Adults		SE								309.430
Planned Residential Development		C	C			C				Part 8
Residence as a Secondary Use				P	P	P				309.490
Rooming / Boarding Home						SE				309.500
Short Term Rental	SE	SE		P	P	SE				309.530
Sober Living Home						SE				309.550
Townhouse		P				P				

Land Uses	R-1	R-2	IN	C-1	C-1A	MU	L-I	H-I	S-I	Supplemental Regulations
Commercial Uses										
Adult Entertainment Establishments									SE	309.20
Animal Daycare and Boarding Facility									SE	309.30
Animal Grooming and Retail Operation				P	P	P	P			309.40
Animals Kennel									SE	309.30
Animal Shelter									SE	309.30
Automotive Dealers and Service Establishments						SE	SE			309.50
Automotive Gasoline Station						SE	SE			309.60
Automotive Repair Garage							SE	P	P	309.70
Automotive Service Station							SE	P	P	309.70
Bed and Breakfast						SE				309.80
Brewpubs/Breweries/Distilleries				P	P	SE	P	P	P	309.90
Business Services				P	P	P	P			309.110
Car Wash						SE	SE			309.120
Convenience Store		SE				P				309.180
Crematory								P	P	
Day Care Facility			P	P		P				309.210
Eating and Drinking Establishments				P	P	P	P	P		
Farmers Market				P	P	P				
Financial Institution				P	P	P				
Funeral Homes						SE				309.280
Gaming Facility						SE	SE	SE	SE	309.300

Land Uses	R-1	R-2	IN	C-1	C-1A	MU	L-I	H-I	S-I	Supplemental Regulations
Commercial Uses Cont.										
Greenhouse						P	P			
Hotel Facility, Special	C									309.340
Hotel/Motel				P	P	P				
Laundromats				SE		SE	P			309.350
Marijuana Dispensary				SE		SE	SE			309.370
Medical Office and Clinic			P	P	P	P				309.390
Office			P	P	P	P	P	P	P	309.400
Personal Services				P	P	P	P			309.440
Pharmacy				SE		SE	SE			
Recreation Facility - Commercial/Private, Indoor				P	P	P	P	P	P	
Recreation Facility - Commercial/Private, Outdoor				SE			P	P	P	309.450
Retail Business				P	P	P				
Shopping Centers / Large Scale Retail				SE		SE	SE			
Shelter, Emergency		SE					SE	P	P	309.530
Smoke Shop						SE	SE	SE	SE	309.540
Theater/Auditorium				P	P					
Urban Agriculture/Vertical Farming				P		P	P	P	P	
Veterinary Services			P	P	P	P				309.570

Land Uses	R-1	R-2	IN	C-1	C-1A	MU	L-I	H-I	S-I	Supplemental Regulations
Institutional Uses										
Business Incubator			P	P	P	P	P			309.100
Cemetery and Pet Cemeteries									SE	309.130
College and Post-Secondary Educational Institution			P			P	P			309.150
Community Garden	P	P	P							309.160
Essential Services	P	P	P	P	P	P	P	P	P	309.270
Hospital			P							
Libraries/Museums			P	P	P	P				
Parking Lot or Garage				SE		SE	P	P	P	309.420
Place of Worship	SE	P	P	SE		SE				309.150
Recreation Facility - Public	P	P	P	SE	SE	P	P	P	P	309.460
School	SE	P	P			P				309.150
Social Clubs				P		SE				309.560
Industrial Uses										
Chemical Storage, Sales, and Distribution								SE	SE	309.140
Commercial Dry Cleaning and Laundry Facility							P	P	P	
Contractors Yard								P	P	309.170
Data Center								SE	SE	309.200
Distribution Center							SE	P	P	309.220
Energy Generation System, Large								SE	SE	309.250
Manufacturing, Heavy								P	P	
Manufacturing, Light				P	P	SE	P	P	P	309.360

Land Uses	R-1	R-2	IN	C-1	C-1A	MU	L-I	H-I	S-I	Supplemental Regulations
Industrial Uses Cont.										
Marijuana Processing Facility								SE	SE	309.380
Outdoor Storage Facilities								P	P	309.410
Recycling Center								SE	SE	309.470
Research and Testing Laboratories			SE			SE	P	P	P	309.480
Salvage/Junk Yards									SE	309.510
Shooting Range, Indoor						SE	SE	SE	SE	309.520
Wireless Communication Facility								SE	SE	309.590
Wholesale Landscaping							SE	P	P	309.580
Accessory Uses										
Accessory Dwelling Unit (ADU)		SE				SE				309.10
Accessory Uses / Structures	P	P	P	P	P	P	P	P	P	
Drive Through				SE		SE	P	P		309.230
Energy Generation System, Small (Solar)	P	P	P	P	P	P	P	P	P	309.260
Energy Generation System, Small (Wind, Geo, Hydro)									SE	309.260
EV Charging Station			P	P	P	P	P	P	P	
Gaming Device, Skill-Based						SE				309.290
Greenhouse (Residential)	P	P	P			P				
Home-Based Business (No Impact)	P	P	P	P	P	P	P	P	P	309.320
Home-Based Child and Adult Care	SE	SE	SE			SE				309.330
Home Occupation	SE	SE	SE	SE		SE				309.310
Parking Lots				P		P	P	P	P	
Wireless Communication Facility								SE	SE	309.590

308. LOT, YARD, AND HEIGHT REQUIREMENTS

The minimum lot area, minimum lot width, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in each district.

TABLE 308.10 LOT, YARD, AND HEIGHT REQUIREMENTS

Zoning District			R-1	R-2	IN	C-1	C-1A	MU	L-I	H-I & S-I
Minimum Lot Area			6,000 ft^2	5,000 ft^2	10,000 ft^2	-	-	6,500 ft^2	12,000 ft^2	40,000 ft^2
	Two Units		-	8,000 ft^2	12,500 ft^2	-	-	8,500 ft^2	-	-
	Each Additional Unit		-	Additional 2,000 ft^2	Additional 2,500 ft^2	-	-	Additional 2,000 ft^2	-	-
Minimum Lot Width	Corner Lot		60 ft	60 ft	80 ft	-	-	60 ft	80 ft	100 ft
	Interior Lot		50 ft	50 ft	60 ft	-	-	50 ft	80 ft	100 ft
Minimum Front Yard[2]			20 ft	20 ft	15 ft	-	-	20 ft	20 ft	20 ft
Minimum Rear Yard	Principal Structure		20 ft	20 ft	30 ft	10 ft	10 ft	20 ft[1]	30 ft	40 ft
	Accessory Structure		5 ft	5 ft	5 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Side Yard (Each Side)	Interior Lot Line	Principal Structure	5 ft	8 ft	10 ft	-	-	8 ft	15 ft	15 ft
		Accessory Structure	5 ft	5 ft	5 ft	-	-	5 ft	15 ft	15 ft
	Street Side Corner Lot	Principal/ Accessory Structure	10 ft	10 ft	15 ft	-	-	10 ft	15 ft	15 ft
Max Lot Coverage			30%	30%	35%	100%	100%	50%	50%	80%
Maximum Structure Height	Principal Structure		35 ft	40 ft	40 ft	60 ft	60 ft	50 ft	50 ft	90 ft
	Accessory Structure		20 ft	20 ft	25 ft	50% of principal	50% of principal	25 ft	30 ft	50 ft

1 30 feet if non-residential use is adjacent to a residential use or district.
2 Accessory structures in all residential districts must be located behind the front building line of the principal uses.

308.20. Application of Yard Regulations

All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as follows:

A. Typical architectural features on buildings, including but not limited to bay windows, windowsills, cornices and eaves, are permitted to project into required yards no more than two feet.

B. Patios, decks, and unenclosed porches are permitted to project into required front yard no more than six feet.

C. Steps above grade, open fire escapes, and other similar features are permitted to project into required yards no more than three feet.

D. ADA-compliant accessibility ramps may encroach into required yards by up to eight feet, or as necessary to meet accessibility standards, provided they do not obstruct sight distance or create safety hazards.

The only exception to this rule shall be in instances where a property on which a structure is proposed has an adjoining property on which a structure currently exists that is nonconforming with the front yard requirement. In such instances where one adjoining property has a structure that does not conform with the front yard setback, the minimum front yard shall be the average of the actual front yard for the neighboring property and the appropriate front yard in this ordinance. In cases where two or more adjoining properties are nonconforming, the minimum front yard shall be the average of the adjoining front yards.

The following areas are to be excluded for the purpose of computing Lot Coverage:

- Uncovered decks and patios.
- At-grade walkways and driveways.
- Retaining walls and fences.
- Swimming pools.

308.30. Through Lots

A through lot is a lot that fronts upon two parallel or approximately parallel streets. For through lots, the front yard shall be the yard abutting the street from which the lot takes its official address. The yard opposite the designated front yard shall be considered the rear yard. Where no official address has been assigned, the Zoning Officer shall designate the front yard based upon existing access, driveway location, and neighborhood context. In the absence of a clear front yard designation, both street frontages shall be considered front yards.

308.40. Height Limitations

The following structures are exempt from height regulations, except as otherwise regulated by this Ordinance and provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smokestacks, conveyors, flagpoles, agricultural silos, standpipes, elevated water tanks, derricks and similar structures and are set back from the permitted building line one foot for each two feet in height which exceeds the maximum height permitted in the Zoning District in which it is located.

However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of 50 feet will be first referred to the City of Sharon Department of Fire/Rescue for a review relative to public safety considerations.

308.50. Minimum Floor Area

The minimum floor area for residential dwellings units in all zoning districts shall be as follows:

Single-family dwelling and multi-family dwelling units of 3 bedrooms or more	750 square feet
Multi-family dwelling units of 2 bedrooms	650 square feet
Multi-family dwelling units of 1 bedroom	540 square feet
Efficiency or studio apartment of dwelling units	450 square feet

Minimum floor area shall be the gross floor area of the dwelling unit as measured to the exterior walls of the building or to the center walls which divide separate dwelling units in the same building.

309. CRITERIA FOR SPECIFIC USES

The criteria for permitted uses, conditional uses and special exceptions are listed below. In addition to these, the City Council in granting conditional uses and the Zoning Hearing Board, in granting special exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a conditional use or a special exception, the City Council or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Part, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

309.10. Accessory Dwelling Unit (ADU)

A. At least one owner of the property must utilize the primary dwelling as their principal dwelling of the ADU at all times.

B. An ADU must comply with applicable building and fire safety codes.

C. The floor area of an ADU may be no more than 50% of the floor area of the principal dwelling.

D. No additional parking is required for an ADU. Existing required parking for the principal dwelling must be maintained or replaced on-site.

E. The applicant must provide proof that the ADU is connected to the public sewage system or a letter from the Sharon Sanitary Authority that on-lot system (i.e. septic system) can accommodate the additional capacity.

F. An attached ADU must meet the following additional requirements:

    1. Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

    2. Exterior stairs. Fire escapes or exterior stairs for access to an upper-level accessory suite shall not be located on the front of the primary dwelling.

G. A detached ADU must meet the following additional requirements:

    1. The structure housing the ADU shall be on a permanent foundation.

    2. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.

    3. A detached ADU must be located at least six feet behind the primary dwelling, unless the ADU is in an existing detached structure that does not meet this standard.

    4. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.

5. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a detached ADU.

H. Design Compatibility.

1. Exterior finish materials. Exterior finish materials must be the same or compatible with the type, size and placement of the exterior finish materials of the primary dwelling.

2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.

3. Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.

4. Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

5. Exemptions. Detached ADU's are eligible for either of the following exemptions:

a. Design compatibility. Exceptions are granted for detached ADU's that are under 500 square feet and under 18 feet average height.

b. Alteration. If an ADU is proposed for an existing detached accessory structure that does not meet one or more of the standards of Section 307.70, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of Section 307.70.

309.20. Adult Entertainment

The location of adult entertainment establishments is of vital concern to City Council, especially when the "location" is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of City Council that it has a vital duty and role to protect the moral fiber and standards of City residents, and particularly the minors of our community. The City Council, by including this section relative to adult entertainment, is exercising the power granted to them, and does not attempt or intend to absolutely prohibit adult entertainment establishments in the City, but rather seek to regulate to the maximum extent permitted by law to effectuate the promotion and protection of the public health, safety, and general welfare of all the residents of the City.

A. The location of any adult business must comply with the following setback distances, as measured to the property line of the parcel containing the adult entertainment business:

1. 500 feet from the zoning district boundary line of any residential zoning district, whether located in the City of Sharon or in an adjacent community.

2. 500 feet from the property line of any parcel containing a sensitive receptor whether located in the City of Sharon or in an adjacent community.

3. 500 feet from any other adult business, whether located in the City of Sharon or in an adjacent community.

B. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any other use specified above shall be measured in a straight line without regard to intervening structures, from the nearest point on the property line of the adult establishment.

C. The exterior of the building housing an adult business shall be designed and maintained so that the activities and/or products of the adult business are not visible in any manner from the exterior of the building.

D. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

E. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than three footcandles, or comply with IES standards, whichever is stricter.

F. All signs shall be flat wall signs, the gross surface area of which shall not exceed five percent of the area of the wall on which such sign is part and no sign shall be placed in any window. A 1 ½ square foot sign may be placed on the door to state hours of operation and admittance to adults only. The content of all signs used by the adult business shall be limited to the name of the business only and shall not contain any pictures or graphics or the letters X, XX, XXX, etc. All adult businesses shall not be permitted to utilize changeable copy signs and illuminated signs.

309.30. Animal Daycare and Boarding Facility/Animal Kennel/Animal Shelter

A. Lot Size Requirements.

1. Animal Daycare and Boarding Facility/Animal Shelter: must be located in a building on a lot having a minimum size of one acre.

2. Animal Kennel: must be located in a building on a lot having a minimum size of two acres.

B. Hours of Operation.

1. 7am to 10pm

2. Overnight boarding is permitted only if the animals are kept indoors overnight (between sunrise and sunset).

C. Outdoor Activity Area.

1. Outdoor exercise areas must be fully enclosed by a fence at least six feet in height.

2. Outdoor use shall occur only between sunrise to sunset.

D. Noise, Screening and Building Design.

1. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

2. The exterior appearance of the building must be compatible with the appearance of neighboring properties.

3. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

4. All pet day care buildings and fenced exercise areas must be at least 50 feet from any neighboring property line.

E. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than three footcandles, or comply with IES standards, whichever is stricter.

F. Animal Supervision & Care. General care of pets must be confined to inside of buildings and under supervision in accordance with all other applicable ordinances and laws.

G. The facility shall comply with all applicable state and federal animal welfare regulations.

309.40. Animal Grooming and Retail Operations

A. No overnight accommodation.

B. All activities must take place inside an enclosed building.

C. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

309.50. Automotive Dealers and Service Establishments

A. All areas used for maintenance and/or repairs shall be located within a completely enclosed structure.

B. The building housing such use shall be located at least 30 feet from any property line.

C. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

D. There shall be no outdoor storage of new or used parts, scrap parts, unusable equipment, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.

E. For auto sales (new or used), the lot shall be at least 30,000 square feet in size with a road frontage of at least 200 feet.

F. The storage of autos for display, sale, or service shall be contained within lot boundaries and in no event in the road right-of-way nor within 30 feet of the nearest edge of the cartway.

G. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All other lighting shall have illuminance not greater than 40 footcandles, or comply with IES standards, whichever is stricter.

H. The sale and/or servicing of automobiles must occur on the lot. The lot shall not be utilized solely to store automobiles, parts, or other equipment without providing sales or services from the lot.

309.60. Automotive Gasoline Station

A. Any fuel pumps shall be at least 30 feet from the front lot line and at least 30 feet from a side lot line.

B. No vehicles shall be parked or stored along the front property lines.

C. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

D. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.

E. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All canopy lighting must be fully recessed within the canopy and illuminance no greater than 15 footcandles. All other lighting shall have illuminance not greater than 40 footcandles, or comply with IES standards, whichever is stricter.

309.70. Automotive Service Stations/Automotive Repair Garage

A. The use shall be located within a completely enclosed structure.

B. The building housing such use shall be located at least 30 feet from any property line.

C. No vehicles will be parked or stored in the required front yard and in no event on the road right-of-way nor within 30 feet of the nearest edge of the cartway.

D. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

E. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.

F. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All other lighting shall have illuminance not greater than 40 footcandles, or comply with IES standards, whichever is stricter.

309.80. Bed and Breakfast

A. The owner or operator shall be available on the premises on a 24-hour basis while guests are on the premises.

B. Food and beverage service shall be limited to breakfast for registered, paying overnight guests except in the case of limited social and business functions held on premises.

C. Guests shall be limited to a maximum length of stay of 15 consecutive days in any 30 day period.

D. One identification sign, non-illuminated and no larger than 16 square feet in size, shall be permitted.

E. Retail sales limited to incidental, occupant convenience items, and marketing and promotional items may be sold to guests and visitors on the premises if there is no indication of items for sale by way of exterior signs or window displays.

F. Strict compliance with the local noise ordinance is maintained.

309.90. Brewpubs, Breweries, Distilleries

A. All operations shall be conducted within a completely enclosed building, except for an outdoor seating area associated with a tap room.

B. No equipment or storage related to the preparation of malt or brewed beverages (specifically excluding chillers) may be located outside the principal structure.

C. Owners must provide proof that all shipping traffic must have adequate access to an arterial or collector street and cannot be required to travel through a residential neighborhood on local streets.

D. All operations shall comply with all applicable Pennsylvania Liquor Control Board (PLCB) licensing requirements and any applicable state manufacturing regulations.

309.100. Business Incubator

Use in the C-1A District shall only be permitted on upper floors.

309.110. Business Services

Use in the C-1A District shall only be permitted on upper floors.

309.120. Car Wash

A. Car wash facilities shall provide sufficient on-site stacking lanes to accommodate a minimum of six automobiles for the first washing bay on site and two automobiles for each additional washing bay on the site. In no event shall cars be permitted to use the public right-of-way while waiting to use the wash facility.

B. Parking for employees. One space per employee on major shift.

C. All automated washing and drying facilities are located entirely within an enclosed and roofed building.

D. Car wash facilities shall contain on-site drainage systems designed to prevent water runoff and freezing on streets and adjoining properties. All such facilities shall present a drainage plan to the City for approval.

E. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

F. Noise.

1. Car washes shall comply with current Occupational Health and Safety Administration (OSHA) regulations regarding noise exposure levels.

2. The applicant shall provide the City with a plan to reduce noise impact to surrounding properties, which may include the use of drying systems that are engineered for sound control; using variable frequency drives (VFDs) with blowers to help reduce noise; using electric motors instead of hydraulic power packs; soundproofing the building; and screen planting.

3. Car washes located within 500 feet of a residential dwelling shall not operate between the hours of 10 p.m. and 6 a.m.

G. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All other lighting shall have illuminance not greater than 40 footcandles, or comply with IES standards, whichever is stricter.

309.130. Cemeteries and Pet Cemeteries

A. Prior to the establishment of a new cemetery or the expansion of an existing cemetery, the owner shall:

1. File a site plan with the City to demonstrate the design and layout of the proposed cemetery or cemetery expansion specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).

2. Connections to existing City streets will be no closer than 50 feet to a street intersection, 15 feet to a fire hydrant, and 30 feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.

3. Shall demonstrate compliance with applicable state laws.

4. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.

5. All crematoriums must secure and present all needed permits from the Commonwealth of Pennsylvania and the County of Mercer.

B. Pet Cemeteries shall be allowed only as an accessory use to, and on the same property as, a legally established (existing or new) human cemetery, and following the same requirements contained in Pennsylvania State Law governing human cemeteries in regard to burial standards, ground water protections, etc. All Pet Cemeteries shall adhere to the following design standards:

1. Separation from human portion of cemetery: The site plan for a Pet Cemetery must include a planted buffer area delineating the separation between the human-only cemetery area and the pet-only cemetery area. If a mixed human and pet area is proposed, it shall also be delineated by fencing, plantings or similar buffers, which shall be detailed on the land development plan and approved by the Sharon Planning Commission

2. The site plan for a Pet Cemetery shall include the location of all private water wells, springs and streams within 200 feet of the area designated as the pet burial area, and the pet burial area shall be required to be no closer than 100 feet to any private water well, spring or stream.

3. The minimum size of the pet burial portion of a cemetery shall be one acre.

4. The pet burial area shall be set back no less than 20 feet from any adjoining property line.

5. Crematories for pets shall be permitted as an accessory use to an established cemetery.

309.140. Chemical Storage, Sales and Distribution

The sale and hauling of chemical and petroleum products, especially in bulk quantities, represent a potential hazard to the community. All information shall be shared with public safety organizations. Due to this, such uses must:

A. Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being screened. Specifically, the regulations of the Pennsylvania State Fire Marshal shall be followed. This includes approval of underground tank installation. The applicable standard(s) of the National Fire Protection Association Code shall also apply as determined by the Fire Chief.

B. Certificate of Occupancy will not be issued until all such permits are finalized.

C. Copies of plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be presented. “As-built” corrections must be made before a Certificate of Occupancy is issued.

D. No structure involving the use, storage, or handling of chemical or petroleum products shall be within 400 feet of a residential use or district.

E. For chemical operations, a list of substances to be handled at the development will be furnished.

F. All lots shall be at least two acres in size.

309.150. College and Post-Secondary Educational Institution/Places of Worship/School

A. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.

B. Shall be located on a paved street with a minimum cartway width of 20 feet.

C. All required licenses or permits issued by County, State, or Federal agencies must be secured before a certificate of occupancy is granted.

D. Any use which provides a day care center shall also meet the express standards and criteria for a day care center.

E. Parking/Loading & Unloading.

1. Shall provide all parking and loading/unloading requirements as required by this Ordinance. The design of parking and the ingress and egress to same shall be submitted for review. In this review, the Applicant shall consult with the City emergency services and City Engineer for their recommendations.

2. All parking and recreation/play areas which abut residential uses shall be screened.

309.160. Community Garden

Community gardens shall have a maintenance agreement with the City of Sharon to ensure that the development will provide adequate maintenance and security for the garden.

309.170. Contractor's Yard

A. All storage of materials and vehicles shall be completely screened from public view.

B. Sufficient space shall be provided to park and store all construction vehicles off public rights-of-way.

C. All lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than five footcandles, or comply with IES standards, whichever is stricter.

309.180. Convenience Store

A. In the R-2 District, the Zoning Hearing Board may limit operating hours to ensure compatibility with surrounding residential uses.

B. Compatibility Standards.

1. Lighting shall be fully shielded and reflected away from nearby residences.

2. Parking and access shall be designed to prevent traffic conflicts in residential areas.

3. Dumpsters, loading areas, and equipment shall be completely screened.

C. Prohibited Activities. Fuel sales, vehicle repair, outdoor vending, and amusement/gambling devices are prohibited unless separately permitted.

309.190. Conversion Apartments

The purpose of conversion dwellings is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into duplex or multi-family units, the following criteria must be met:

A. All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.

B. Each unit shall have a minimum size of 600 square feet exclusive of common spaces.

C. All required parking shall be accommodated on lot.

D. Conversion shall be limited to:

1. R-2 and MU: three dwelling units or less.

2. In all other districts, conversion apartments shall be prohibited.

309.200. Data Center and Data Center Accessory Uses

A. The facility shall comply with all applicable Pennsylvania DEP, federal, and local environmental regulations.

B. Setbacks. Data Centers and Data Center Accessory Uses shall have a setback of 200 feet from the boundary of a sensitive receptor whether located in the City of Sharon or in an adjacent community, measured from the nearest edge of each property line.

C. Buffer. Where a Data Center and Data Center Accessory Uses abuts a residential or institutional district or use or public right-of-way, screening and screen planting buffer is required per Section 409. The Zoning Hearing Board may require additional screening requirements.

D. Security. The facility shall provide:

1. Controlled access points.

2. Perimeter fencing or secured building access.

3. 24-hour surveillance consistent with industry standards.

E. Lighting. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties.

F. Traffic. The applicant shall demonstrate that truck and equipment traffic associated with construction, operation, servicing, and maintenance will not create hazards or congestion on nearby roadways.

G. Aesthetics. Any Data Center and Data Center Accessory Use building façade that faces a road, or existing residential use, must incorporate at least two of the following design elements every 150 horizontal feet:

1. A change in building material, pattern, texture, or color

2. Change in building height

H. Noise & Vibration.

1. The applicant shall demonstrate through a sound study conducted by a qualified professional that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum sustained daytime (7 a.m. to 7 p.m. EST Monday-Friday) decibel level of 67 dB(A) and a maximum sustained nighttime and weekend (7 p.m. to 7 a.m. EST Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and generally accepted methodology. A sound study shall be conducted at the following phases:

    a. A preliminary study shall be conducted as part of the special exception process. The preliminary study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.

    b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for use.

    c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the City. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be a considered a violation of this Ordinance.

2. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

3. Data Centers and Data Center Accessory Uses shall not exceed a maximum of sustained noise levels of 57 dB(A) at the boundary of residential zoning districts or uses or the lot line of any property developed with a sensitive receptor.

I. Emergency Management. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

1. Be reviewed and accepted by the local fire department and emergency management services as part of the special exception process;

2. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

3. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with:

    a. NFPA standards.

b. All state and federal environmental regulations.

c. Mercer County emergency-management safety protocols.

J. All generators, cooling towers, HVAC units, and other mechanical equipment shall:

1. Comply with the City's noise limits at the property line.

2. Be fully screened from view from public rights-of-way.

3. Include sound-attenuating enclosures or baffling to protect adjacent uses.

4. Exhaust air, heat rejection systems, and cooling discharge shall be directed and designed so as not to create hazardous icing, visible vapor nuisance, or thermal impacts on adjacent rights-of-way or properties.

K. Power Supply.

1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
2. The applicant shall provide documentation from the applicable electric service provider certifying that the applicant will pay for their service, so as to not cause impacts on electric rates or availability.

3. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including energy generation systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved by a separate permit according to the zoning regulations and federal and state regulations applicable to such use.

4. Nuclear, coal and oil powered generation is prohibited for full-time electrical generators. All generators must operate and comply with applicable state and federal guidelines and permitting standards.

5. Emergency/Backup Power:

a. Backup generators shall meet all applicable state and federal emissions standards.

b. For avoidance of doubt, emergency generators and similar emergency and back-up facilities and equipment may operate on diesel fuel.

c. Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.

d. Emergency energy generation shall be used only at the following times, unless otherwise required by a stricter regulation:

(i) When the primary source of energy is not available due to the emergency outage.

(ii) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.

(iii) Routine maintenance testing of back-up energy generation is restricted to the hours of 9 a.m. through 3p.m. Monday through Friday EST.

e. Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and located emergency energy generation systems to limit noise and visual impacts.

L. Stormwater, Water Supply, Water Use, and Wastewater.

1. Stormwater Management. The applicant shall meet all provisions of the municipal stormwater management ordinance and associated requirements for post-construction stormwater management.

2. Water Supply.

a. Any proposal for a Data Center shall include a letter from the operator providing an analysis of the anticipated raw water needs and proposed sources thereof. If the use will be supplied by a public water supply, the applicant shall submit written documentation from the public water authority certifying that the public water authority has the capacity and the capability to supply the proposed amount of water usage.

b. If the use is to reply upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

c. No direct intake or outtake of the water supply from the Shenango River watershed, including the Shenango River and its tributaries, shall be allowed.

3. Wastewater.

a. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the local sanitary authority and the Pennsylvania Department of Environmental Protection.

4. Closed-Loop Cooling System. Data Centers and Data Center Accessory Uses must utilize a closed-loop cooling system.

M. Evidence shall be provided that the proposed facility can be adequately served by existing or planned telecommunications and fiber infrastructure without materially impairing service to surrounding users.

N. Vacation, abandonment and/or decommissioning.

1. A decommissioning plan shall be required at the time of the land development plan and construction permit application for all proposed data centers under the jurisdiction of this zoning ordinance that establishes:

    a. A detailed inventory, timelines, management and removal of physical equipment, disposal of hazardous and recycling materials, and plans for future use or restoration of the site.

    b. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning.

2. Unless otherwise stipulated, the applicant/owner shall provide written notice to the Planning Commission at least 30 days in advance of the cessation or abandonment of this use.
3. Decommissioning must begin within one year of discontinuation of Data Center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the City in writing for good cause.

4. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the City may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.

5. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the City concurs that decommissioning has been satisfactorily completed, or upon written approval of the City in order to implement the decommissioning plan.

309.210. Day Care Facilities

A. A Day Care Facility shall not be conducted within a dwelling or on residential premises. A Day Care Facility located on the premises of a place of worship, school, or institutional facility shall be considered accessory to that principal use.

B. All Day Care Facilities shall obtain and maintain a valid Certificate of Compliance from the Pennsylvania Department of Human Services (DHS) and shall adhere to all applicable state regulations.

C. Activities shall be limited to functions normally associated with part-time daytime care. Overnight care is prohibited.

D. Pedestrian pathways used during non-daylight hours shall be adequately lit for safety.

E. Off-Street Parking and Drop-Off.

1. Employee Parking. A minimum of one off-street parking space per employee on the largest shift shall be provided.

2. Pick-Up/Drop-Off Spaces. A minimum of four short-term pick-up and drop-off spaces, or one space per ten children of licensed capacity, whichever is greater, shall be provided. These spaces may be arranged as:
    a. Designated pull-off spaces,
    b. A drop-off lane,
    c. A stacking lane, or
    d. Other clearly marked short-term loading spaces.

3. Safe Circulation. The site shall include a safe and clearly delineated circulation pattern for vehicles and pedestrians to minimize conflicts between:
    a. Pick-up vehicles,
    b. Staff parking,
    c. Service vehicles,
    d. Play areas, and
    e. Building entrances.

4. Pedestrian walkways from the drop-off area to the building entrance shall be separated from vehicular travel lanes where feasible.

5. Forward Movement/Turnaround. Where the facility fronts on an arterial or collector street, the applicant shall provide an on-site turnaround or internal circulation design that allows vehicles to exit the site in a forward direction.

6. DHS Compliance. All pick-up and drop-off areas shall be designed to comply with applicable Pennsylvania Department of Human Services (DHS)/Office of Child Development and Early Learning (OCDEL) regulations regarding safe pedestrian crossways and pick-up/drop-off points, as amended.

F. Outdoor Play Areas.

1. Outdoor play areas shall be fully enclosed by a safe and secure fence or wall at least four feet in height.

2. Any play area adjacent to a travel lane or driveway shall be protected by a vehicle-impervious barrier.

3. No outdoor play area shall be located within 25 feet of a property line unless written consent is obtained from the adjacent property owner.

4. Outdoor play shall be limited to dawn to dusk, prevailing local time.

G. Hazardous Uses. No Day Care Facility or outdoor play area shall be located within 300 feet of uses involving bulk hazardous materials, chemical processing, or other land uses identified by DHS as presenting a safety risk to children.

H. On-Lot Sewage Disposal. For properties served by on-lot sewage disposal, the applicant shall demonstrate that the system is properly sized and permitted to handle flows associated with the licensed capacity of the facility.

309.220. Distribution Center

A. Lot size shall be at least two acres.

B. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

C. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than 50 footcandles, or comply with IES standards, whichever is stricter.

D. Side and rear yards shall be increased by 20 feet.

E. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if fully screened from view from the street or adjacent properties.

F. Access to roads and highways shall be clearly defined.

G. Upon request of the City, the property owner shall submit a traffic study to determine the appropriate routes of ingress and egress from the property to provide appropriate traffic flow to and from the property.

309.230. Drive-Through

A. The following standards shall apply to all properties that contain a drive-through facility. These regulations do not apply to restaurants with pickup windows only.

B. Drive-up windows shall be set back from the street with stacking room for at least six vehicles.

C. There shall be a clear delineation between the drive-through facilities and parking/access facilities for onsite. Street access and traffic restrictions (i.e., “NO LEFT TURN”) shall be clearly marked using approved signage.

D. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through, must be located to the side or rear of the building to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

E. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

309.240. Dwelling, Multi-Family

A. The facility shall provide all parking as required for residential units off-street. No parking areas are allowed between the street and the front of the building.

B. There shall be no more than 25 dwelling units permitted on a lot in the R-2, IN, and MU zoning districts.

C. Any multi-family development with more than 25 dwelling units will be considered a Planned Residential Development (PRD) and must conform to the regulations of Part 8.

309.250. Energy Generation System, Large

A. Applicability.

1. This section of the Zoning Ordinance shall apply to all large energy generation systems that are proposed to be constructed after the effective date of this Zoning Ordinance. Large energy generation systems constructed prior to the effective date of this section shall not be required to meet the requirements specified under this section, except for the maintenance and removal provisions. Any physical modification to an existing large energy generation system that alters the size, type or generating capacities of the facilities shall require a permit and shall comply with the applicable provisions specified under this section.

2. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's visual impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.

B. General Requirements. The following provisions shall apply to all types of large energy generation systems:

1. All systems must comply with the Pennsylvania Uniform Construction Code (UCC), applicable zoning, local, state, and national codes, utility requirements, and all manufacturer specifications.

2. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.

3. Transmission and power lines shall be placed underground or out of sight.

4. Large energy generation systems shall be set back from all property lines a distance of not less than the normal setback requirements for principal buildings/structures in that zoning district. All large energy generation systems shall comply with the building and lot coverage requirements of the zoning district in which they are located.

5. Large energy generation systems shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat that unreasonably impacts or affects neighboring properties or creates a nuisance. The burden of proof shall be upon the property owner if a claim of nuisance arises.

6. No large energy generation system shall be located, modified or constructed within the City unless a permit has been issued to the facility owner in accordance with the provisions of the Zoning Ordinance.

7. All large energy generation systems shall comply with all City's noise regulations.

8. Secure perimeter fencing shall be installed around the energy generation system facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

9. Maintenance. The landowners is responsible for maintaining the system in a safe and operable condition for the life of the system. The landowner shall consult with a qualified inspector when requested by the City to determine if the system is operating in accordance with the specifications of the manufacturer. A copy of the report shall be submitted to the City and the City shall have the right to inspect. Any noted deficiencies are to be corrected to maintain the system in operable condition unless the intent is to decommission the system in accordance with the following section.

C. Vacation, abandonment and/or decommissioning.

1. Unless otherwise stipulated, the applicant/owner shall provide written notice to the Planning Commission at least 30 days in advance of the cessation or abandonment of this use. Within one hundred and 180 days of the cessation or abandonment of this use, or other time period mandated by the City, the applicant/owner shall remove all large energy generation system elements and restore the property to its pre-use grade.

2. A decommissioning plan shall be submitted as part of the land development plan and construction permit application for such system and shall include, but not be limited to, the following:

    a. A schedule and methods for the removal of such system;

    b. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;

    c. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning.

    d. Any obsolete or unused facility equipment and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.

3. If the facility owner or operator fails to complete decommissioning within the aforementioned 12 months, then the landowner shall have 6 months to complete decommissioning.

4. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the City may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.

5. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the City in order to implement the decommissioning plan.

D. Disputes. A nonparticipating landowner shall not intentionally block, interfere with, or disrupt the functional operation of a energy generation system. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners, and the City shall not be held responsible.

E. Special Requirements for solar energy systems.

1. Solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto any adjacent properties and/or any street right-of-way. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring uses.

2. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

3. Solar energy systems shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.

4. There shall be no artificial lighting except to the extent required for safety or by applicable federal, state, or local requirements. Any lighting shall be fully shielded and minimize negative impacts to adjacent areas.

5. All solar energy systems and any associated accessory equipment shall comply with all area and dimensional requirements, and yard setbacks for the zoning district in which the system is located, as well as any other zoning provisions that apply, including buffering and landscaping. Required landscape buffering may be modified so that tall tree species may be replaced with lower growing tree species where the required tree species may interfere with the functioning of the solar energy system.

F. Special Requirements for wind energy systems.

1. The minimum lot size shall be five acres.
2. The system owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
3. Setbacks.
    a. All setbacks are to be measured from the center of any wind energy system base to the nearest point on the foundation of a building or property line.
    b. From off-premise buildings: 1.5 times the height of the wind energy system at its tallest point.
    c. From property lines: 1.1 times the height of the wind energy system at its tallest point.
    d. From public roads: 1.1 times the height of the wind energy system at its tallest point.
4. Height Requirements.
    a. Maximum height: 120 feet (tower + blade tip)
    b. Any individual wind energy system shall be separated from any other wind energy system by a minimum of 1.1 times the height of the system, measured from the tips of the blades when the blades are parallel to the ground level.
    c. No moving parts of the wind energy system shall extend over parking areas, driveways, roads, or sidewalks, except accessways necessary to service the system.
5. The color shall be a neutral tone, such as white, off-white, or gray. The system coloring shall be solid and any alphabetical or numeric characters shall be representative of the system manufacturer only and shall comprise no more than five square feet.
6. All wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
7. All warning devices, labels, and similar safety devices shall be kept in good repair and legible during the useful life of the facility.
8. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
9. There shall be no artificial lighting unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights. Illumination of the wind energy system shall be avoided.

G. Special Requirements for geothermal energy systems.

1. Type of system.

    a. Open-loop geothermal systems are prohibited.

    b. Closed, horizontal loop geothermal energy systems shall be permitted by special exception in the Special Industrial district.

2. Site Plan and Construction.

    a. A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and man-made features, location of the proposed closed loop geothermal system, boreholes, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.

    b. Only a Pennsylvania Department of Environmental Protection licensed well driller, or an IGSHPA-accredited geothermal system installer, shall conduct the drilling of a geothermal well. In all cases, the well-drilling rig must also be approved by the Pennsylvania Department of Environmental Protection.

    c. A geothermal energy system shall comply with all applicable state construction and electrical codes and the National Electrical Code. Prior to issuance of a building/zoning permit for installation of the system, the applicant must submit to the City all documentation required to verify that the design of the system complies with the Pennsylvania Uniform Construction Code (UCC). Design information must be signed and sealed by a licensed professional engineer in the Commonwealth of Pennsylvania and/or the equipment manufacturer.

    d. Closed-loop geothermal boreholes shall be located, drilled, and finished in a manner that will protect the borehole structure from damage from surface activities or other natural occurrences so that the quality of the local groundwater and surface water cannot be affected.

    e. The minimum required backfilling material for boreholes is bentonite. Bentonite grout shall be pure, with at least 20% solids by weight when mixed with water. Hydration of the bentonite must be delayed until the bentonite has been placed down the well. It is recommended that the vertical boreholes are grouted from the bottom of the well to the top using an appropriate grout with thermal transfer properties. If the borehole penetrates bedrock, it must be grouted from a depth of 15 feet into the bedrock to the top of the borehole.

3. The geothermal system must be installed, maintained, and decommissioned in conformance with the IGSHPA Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, as the same may be amended and updated from time to time, and as per the manufacturer's specifications as well as all zoning, building code, and utility requirements.

4. Location and Setbacks.

    a. All structures shall comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.

    b. Minimum isolation setback distance. Wells and boreholes regulated by this Ordinance shall be located using the minimum setback distances to existing or potential sources of pollution listed in Table 309.260.10. For closed-loop geothermal wells and boreholes, which, due to infeasibility, cannot conform to the requirements of Table 309.260.10, an appeal to the Zoning Officer can be made detailing the infeasibility and the proposed location. Upon review, the Zoning Officer may reduce the required setback distances.

5. Lighting. There shall be no artificial lighting except to the extent required for safety or by applicable federal, state, or local requirements. Any lighting shall be fully shielded and minimize negative impacts to adjacent areas.

H. Special Requirements for hydroelectric energy systems.

1. No hydroelectric energy systems shall endanger or threaten native local wildlife.

2. No hydroelectric energy systems affecting current, cross section or flow of a waterway shall be approved without a permit or approval of the Pennsylvania Department of Environmental Protection. Installations that may significantly alter the streambed or directional flow of a stream, such as small dams and their upstream/ downstream races or "ponds" for in-stream turbines and overshot/undershot wheels, may be approved if properly permitted under state and federal law.

3. All hydroelectric energy systems shall have safety disconnects of their paddles, wheels or turbines in case of flood or heavy water flow beyond the anticipated capacity of the alternative energy facility.

4. Consultation with the U.S. Army Corps of Engineers is required.

5. There shall be no artificial lighting except to the extent required for safety or by applicable federal, state, or local requirements. Any lighting shall be fully shielded and minimize negative impacts to adjacent areas.

309.260. Energy Generation System, Small

A. Applicability.

1. Small energy generation systems designed and utilized as an accessory use, which may include solar energy systems, wind energy systems, geothermal energy systems, and hydroelectric energy systems, are subject to the zoning and building code.

2. Applicants must submit construction plans prepared by a registered engineer, manufacturer specifications, operational data (including noise levels), scaled drawings showing the proposed height and location of system, and supplemental information as requested by the Zoning Officer.

3. Authorized as primary or supplemental energy source. Small energy generation systems as an accessory use may be utilized as the primary or supplemental energy source for the principal use on the lot where it is located. Surplus energy may be exchanged, transferred and/or sold to a public utility company, provided that such surplus energy is exchanged, transferred and/or sold in accordance with the provisions established by the Public Utility Commission and Public Utility Code.

B. All systems must comply with the Pennsylvania Uniform Construction Code (UCC), applicable zoning, local, state, and national codes, utility requirements, and all manufacturer specifications.

C. Small energy generation systems shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat that unreasonably impacts or affects neighboring properties or creates a nuisance. The burden of proof shall be upon the property owner if a claim of nuisance arises.

D. Lighting. If lighting required, all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than 0.5 footcandles, or comply with IES standards, whichever is stricter.

E. Maintenance. The landowners is responsible for maintaining the system in a safe and operable condition for the life of the system. The landowner shall consult with a qualified inspector when requested by the City to determine if the system is operating in accordance with the specifications of the manufacturer. A copy of the report shall be submitted to the City and the City shall have the right to inspect. Any noted deficiencies are to be corrected to maintain the system in operable condition unless the intent is to decommission the system in accordance with the following section.

F. Vacation, abandonment and/or decommissioning.

1. Unless otherwise stipulated, the applicant/owner shall provide written notice to the Planning Commission at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, or other time period mandated by the City, the applicant/owner shall remove all components and restore the property to its pre-installation condition.

G. Disputes. A nonparticipating landowner shall not intentionally block, interfere with, or disrupt the functional operation of a energy generation system. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners, and the City shall not be held responsible.

H. Special Requirements for solar energy systems.

1. Operation. Rated capacity of 25 kW or less for residential properties and 250 kW or less for non-residential properties.

2. Location & Setbacks.

    a. Ground-mounted systems must be located in side or rear yards, meet accessory- structure setbacks, and shall not encroach into required yards due to tracking or movement.

    b. Front-yard placement is prohibited.

    c. Ground-mounted systems shall not exceed 25% of the lot area they are located on.

    d. Solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto any adjacent properties and/or any street right-of-way. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring uses.

3. Height Limits.

    a. Sloped roofs: Panels must be mounted parallel to the roof, no more than 18 inches above the surface, and shall not exceed the highest point of the roof.

    b. Flat roofs: May extend up to six feet above the roof surface.

    c. Ground-mounted systems: Maximum height 10 feet.

4. Screening & Visibility.

    a. Ground-mounted systems visible from residential properties or public rights-of-way shall be screened with landscaping, fencing, or other appropriate measures.

    b. Building-mounted systems on sloped roofs do not require screening.

    c. Building-mounted systems on flat roofs shall be screened or set back to limit visibility similar to other rooftop mechanicals.

    d. If a building-mounted system is to be installed on any building or structure that is non-conforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted by the Zoning Officer so long as the building-mounted system does not extend above the highest point of the roof to which it is mounted.

    e. Required screening may be modified so that it does not interfere with the functioning of the solar energy system.

I. Special requirements for wind energy systems.

1. A recorded plat demonstrating that the parcel on which a ground-mounted small wind energy generation system is proposed is a minimum of one acre in area.
2. Operation. Rated capacity of 20 kW or less.
3. Height & Setbacks.
    a. Maximum height (tower + blade tip): 75 feet.
    b. Minimum setback from all property lines and overhead utilities: 1.25 × total system height.
    c. Systems mounted on buildings shall not exceed the maximum height otherwise permitted for the structure.
4. Noise, Interference & Safety.
    a. System noise shall not exceed 55 dBA at the property line or 5 dBA above background levels at any dwelling on an adjacent lot.
    b. Systems shall not cause material interference, as defined by applicable FCC standards, with radio, internet, or television service on nearby properties. Verified interference that is not remedied within a reasonable time may be grounds for permit suspension or revocation.
    c. Turbines shall include automatic overspeed controls and must comply with International Building Code (IBC) wind-load standards.
    d. Operations shall not create a safety hazard or repeated equipment failure; the City may suspend the permit if hazards occur.
    e. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
5. Towers must have climbing apparatus starting at least 12 feet above grade.
6. Ground-mounted towers shall be enclosed with a six-foot, lockable security fence.
7. Turbines shall be painted white, gray, or other neutral non-reflective colors.
8. No lighting is permitted unless required by the FAA.
9. Electrical wiring shall be placed underground, to the maximum extent feasible.

J. Special requirements for geothermal energy systems.

1. Type of system.

    a. Open-loop geothermal systems are prohibited.

    b. Closed, horizontal loop geothermal energy systems shall be permitted by special exception in Special Industrial district, provided that such systems are located on a lot with a permitted use in accordance with the applicable provisions of this Ordinance.

2. Site Plan & Construction.

    a. A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and man-made features, location of the proposed closed loop geothermal system, boreholes, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.

    b. Only a Pennsylvania Department of Environmental Protection licensed well driller, or an IGSHPA-accredited geothermal system installer, shall conduct the drilling of a geothermal well. In all cases, the well-drilling rig must also be approved by the Pennsylvania Department of Environmental Protection.

    c. A geothermal energy system shall comply with all applicable state construction and electrical codes and the National Electrical Code. Prior to issuance of a building/zoning permit for installation of the system, the applicant must submit to the City all documentation required to verify that the design of the system complies with the Pennsylvania Uniform Construction Code (UCC). Design information must be signed and sealed by a licensed professional engineer in the Commonwealth of Pennsylvania and/or the equipment manufacturer.

    d. Closed-loop geothermal boreholes shall be located, drilled, and finished in a manner that will protect the borehole structure from damage from surface activities or other natural occurrences so that the quality of the local groundwater and surface water cannot be affected.

    e. The minimum required backfilling material for boreholes is bentonite. Bentonite grout shall be pure, with at least 20% solids by weight when mixed with water. Hydration of the bentonite must be delayed until the bentonite has been placed down the well. It is recommended that the vertical boreholes are grouted from the bottom of the well to the top using an appropriate grout with thermal transfer properties. If the borehole penetrates bedrock, it must be grouted from a depth of 15 feet into the bedrock to the top of the borehole.

3. The geothermal system must be installed, maintained, and decommissioned in conformance with the IGSHPA Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, as the same may be amended and updated from time to time, and as per the manufacturer's specifications as well as all zoning, building code, and utility requirements.

4. Location and Setbacks.

    a. Geothermal energy systems shall be located on a lot with a permitted use, provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.

    b. Minimum isolation setback distance. Wells and boreholes regulated by this article shall be located using the minimum setback distances to existing or potential sources of pollution listed in Table 309.260.10. For closed-loop geothermal wells and boreholes, which, due to infeasibility, cannot conform to the requirements of Table 309.260.10, an appeal to the Zoning Officer can be made detailing the infeasibility and the proposed location. Upon review, the Zoning Officer may reduce the required setback distances.

Table 309.260.10. Setbacks for Geothermal Energy Systems

Setback from	Borehole and Geothermal Supply and Geothermal Return Well (ft)
Delineated wetlands, floodplains, lakes, ponds, or other surface waters	25 or 50
Storm drains, retention basins, stabilization ponds, or stormwater management facilities	10
Preparation area or storage area of hazardous spray materials, fertilizers, chemicals, or salt pipes	300 feet; 150 feet (if borehole is cased and grouted inside and out)
Gravity sewer lines and drains carrying domestic sewage or industrial waste	15 feet or according to easement
Existing water and forced sewer buried utilities and/or utility trenches	15 feet or outside easement
Septic tank, aerobic tanks, or holding tanks	25
Subsurface sewage disposal systems, elevated sand mounds, or other sewage disposal fields	50
Sewage seepage pits and cesspools	25 or 50
Farm silos, barnyards, privies, and fuel tanks	25
Spray irrigation sites, sewage sludge, and septage disposal sites	25
Dedicated public right-of-way and property lines	10
Identified NPL site (Superfund) plume area	300
Any other source or potential source of pollution	300

K. Special requirements for hydroelectric energy system.

1. No hydroelectric energy systems shall endanger or threaten native local wildlife.
2. No hydroelectric energy systems affecting current, cross section or flow of a waterway shall be approved without a permit or approval of the Pennsylvania Department of Environmental Protection. Installations that may significantly alter the streambed or directional flow of a stream, such as small dams and their upstream/ downstream races or "ponds" for in-stream turbines and overshot/undershot wheels, may be approved if properly permitted under state and federal law.
3. All hydroelectric energy systems shall have safety disconnects of their paddles, wheels or turbines in case of flood or heavy water flow beyond the anticipated capacity of the alternative energy facility.
4. Consultation with the U.S. Army Corps of Engineers is required.
5. There shall be no artificial lighting except to the extent required for safety or by applicable federal, state, or local requirements. Any lighting shall be fully shielded and minimize negative impacts to adjacent areas.

309.270. Essential Services

Essential Services are permitted by right in all zoning districts, subject to the supplemental residential standards below.

A. Location & Screening.

1. Utility structures (e.g., above-ground boxes, transformers, pump stations) shall be located to minimize visual impact on adjacent residences, to the greatest extent feasible.

2. When above-ground structures exceed four feet in height, they shall be screened with fencing, landscaping, or both, unless such screening conflicts with safety or accessibility requirements.

B. Noise and Operational Impact. Essential Service equipment placed within or adjacent to residential districts or uses shall be designed or located to minimize noise, vibration, and glare. Backup generators or pump equipment shall include noise attenuation where feasible.

C. Setbacks. Except where required to be located within the right-of-way, above-ground essential service structures shall be placed outside of required front yard setbacks and, where practical, consolidated near property corners or edges.

D. All installations must comply with applicable PUC requirements, state law, and City safety standards. Screening or landscaping may not obstruct required access or visibility for emergency or utility personnel.

309.280. Funeral Homes

A. Parking. Off-street parking shall be provided in accordance with Part 4 of this Ordinance and shall be sufficient to accommodate peak visitation during funeral services.

B. Licensing. The owner or operator shall obtain and maintain all required local, county, and state permits and licenses.

C. Buffering. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

D. Traffic and Access.

1. Vehicular access points shall be designed to safely accommodate funeral processions and peak traffic conditions.

2. Parking and circulation areas shall be designed to prevent queuing or congestion within the public right-of-way.

E. Outdoor Activities.

1. Outdoor services, gatherings, or memorial activities shall be conducted in a manner that minimizes noise and disturbance to adjoining residential properties.

2. Outdoor amplified sound shall comply with the City's noise regulations.

F. Accessory Uses. Any crematorium or similar facility shall be permitted only where specifically allowed by this Ordinance and shall comply with all applicable state and local regulations.

G. Lighting. All exterior lighting shall be fully shielded and reflected away from nearby residential properties.

309.290. Gaming Device, Skill-Based

The purpose of this section is to regulate the **limited, accessory placement and operation of skill-based gaming devices** in order to protect public health, safety, and welfare; prevent adverse secondary impacts; and ensure such devices remain clearly incidental to a lawful principal use. Nothing herein shall be construed as authorizing gambling or any activity prohibited by state law.

A. Eligible Principal Uses. Skill-based gaming devices may be permitted only has an accessory use to the following principal uses, where otherwise permitted by zoning:

1. Eating and Drinking Establishments with on-site seating;

2. Social clubs;

3. Convenience stores as per the Zoning Ordinance.

B. Prohibited Locations. Skill-based gaming devices shall not be permitted:

1. In any residential or institutional district;

2. In any dwelling unit or accessory residential structure;

3. In establishments whose primary purpose is amusement, gaming, or entertainment;

4. Within 500 feet, measured from the nearest edge of each property line, from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather whether in the City of Sharon or in an adjacent community.

C. Numerical Limits.

1. No more than two skill-based gaming devices shall be permitted per establishment.

2. Devices shall not occupy more than 10% of the publicly accessible floor area.

3. Devices shall be located so as not to interfere with required parking, pedestrian circulation, or emergency access.

D. Licensing and Registration. Any establishment containing a skill-based gaming devices shall register devices annually with the City.

E. Enforcement and Revocation. Violation of this section shall constitute a zoning violation and may also be declared a public nuisance. Upon revocation of registration or zoning approval, all devices shall be removed within 10 days.

309.300. Gaming Facility

A. Said facilities shall obtain all licenses, permits, and/or other authorizations required by applicable law, including all City ordinances.

B. Said facilities shall be permitted only for so long as all uses located therein are deemed to be lawful in accordance with applicable laws.

C. Windows to the facility shall not be tinted, covered, or in any other way made opaque to prevent people outside the establishment from seeing inside.

D. A Gaming Facility shall not be located within 1,000 feet, measured from the nearest edge of each property line, from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather whether in the City of Sharon or in an adjacent community.

E. A Gaming Facility shall not be located within 1,000 feet measured from the nearest edge of each property line, from another Gaming Facility whether in the City of Sharon or in an adjacent community.

309.310. Home Occupation

Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this section.

A. Parking. In addition to providing the required parking spaces for residents of the dwelling units, off- street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.

B. Employees. No more than one outside employee, other than a family member, shall participate or work in the home occupation, except in the R-1 District where no outside employees shall be permitted.

C. Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities specifically excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive body work and similar undertakings.

D. Home occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, dressmakers, beauty shops and offices where the use is limited to office and storage facilities in keeping with the intent of this section.

E. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.

F. No more than 25% in aggregate of the home and accessory buildings may be used for a home occupation.

G. One sign no larger than two square feet in any district may be used to announce the name or purpose of the home occupation.

H. Home occupations shall not operate before 7:30 a.m. or after 9:00 p.m.

I. No more than one home occupation per dwelling shall be permitted.

309.320. Home-Based Businesses (No-Impact)

All no-impact home-based businesses shall be permitted as an accessory use, provided they comply with the definition found in Part 2 and the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewerage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

309.330. Home-Based Child and Adult Care

A. Licensing and Other Requirements. The owner shall obtain and maintain all required licenses or certifications from the Commonwealth of Pennsylvania, as applicable.

B. Occupancy shall comply with all applicable building and fire code standards for residential care.

C. Off-Street Parking and Drop-Off.

1. In addition to providing the required parking spaces for residents of the dwelling units, parking must be provided for non-resident employees. One parking space for each non-resident employee shall be required.

2. Pick-Up/Drop-Off Spaces. Drop-off and pick-up shall occur on-site or at the curbwithout blocking traffic, driveways, right-of-way, or sidewalks.

3. DHS Compliance. All pick-up and drop-off areas shall be designed to comply with applicable Pennsylvania Department of Human Services (DHS)/Office of Child Development and Early Learning (OCDEL) regulations regarding safe pedestrian crossways and pick-up/drop-off points, as amended.

D. Outdoor Areas.

1. Any outdoor play or activity area shall be located in the side or rear yard only.

2. Outdoor activity areas must be fully fenced, enclosed, or otherwise secured.

3. The Zoning Hearing Board may limit outdoor activity hours where adjacent to residential uses.

E. The proposed use shall not include any signage.

F. The use shall not create noise, traffic, lighting, refuse, or operational impacts detrimental to surrounding residential properties.

309.340. Hotel Facility, Special

A. The Hotel must obtain a liquor license and operate a full-service bar and restaurant.

B. Within 12 months of the commencement of this special exception use, the Hotel Facility (which shall be defined as the hotel, restaurants, bars, and internal retail shops) shall obtain not less than a 4 Star/Diamond or the penultimately high rating that could be issued, whichever is the higher, as determined and issued by AAA and/or Forbes Travel Guide (hereinafter the "Organization"). The ratings received by the Hotel Facility shall be communicated to the Zoning Officer and City Manager within 15 days of issuance by the Organization to the Hotel Facility.

The maintaining of this rating is a condition of the continued use of the special exception and failure to so maintain for any period in excess of 12 consecutive months shall void the special exception and return the property to its pre-issuance permissible uses.

The Organization must be recognized as a national hotel and travel rating agency, but should the Organization cease to provide rating services to the hotel or travel industry, then in said event, the owner of any Hotel Facility or property operating under this particular special exception (or seeking a special exception) and the Sharon City Council shall mutually agree on the selection of a successor to the Organization for purposes of this Ordinance.

In the event that the Organization, or its successor, amends its requirements for the issuance of the rating required herein, the special exception use of the property shall be conditioned on continuing compliance with those amended rating requirements.

C. Hotel amenities will include:

1. Concierge Service
2. Fine Dining
3. Swimming Pool
4. Fitness Center
5. Full Room Service
6. Valet Parking
7. Day Spa

D. Residential occupancy is prohibited.

E. Hotel amenity noise will be controlled from 10 p.m. to 7 a.m. as not to be a nuisance to the neighborhood.

F. Off-street parking shall be provided in accordance with Part 4 of this Zoning Ordinance for Hotel rooms and additional off-street parking space shall be available for each one of two people that can be accommodated at Hotel Facility events.

G. All deliveries by truck to the Hotel Facility shall be made during daylight hours.

H. Hotel guests will be monitored for loud and disruptive behavior.

I. The provisions of this special exception shall be covenants running with the land and shall be binding on the land be deemed to inure to the benefit of the City of Sharon and all properties within 300 feet of any portion of the property benefitted by the issuance of this special exception.

309.350. Laundromats

A. Operational Standards.

1. Hours of operation may be limited where the use abuts residential properties.
2. All laundry operations shall occur indoors.
3. Wastewater and lint filtration systems shall comply with all applicable plumbing and environmental regulations.

B. Lighting. All exterior lighting shall be fully shielded and reflected away from nearby residential properties.

C. Prohibited Activities. The following are prohibited unless separately permitted:

1. Full-service or chemical dry-cleaning operations.
2. Outdoor storage of equipment or laundry.
3. Vehicle service, repair, or vending operations.

309.360. Manufacturing, Light

A. In the Commercial and Mixed-Use districts.

1. Uses in the C-1A District are only permitted on upper floors.
2. Manufacturing activities in the C-1 District shall be located in the rear of the building with retail or other permitted use in the storefront.
3. The use shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor.
4. There shall be no outdoor storage permitted.

B. In all other districts.

1. All activities, including loading, fabrication, assembly, research, and storage, shall occur within a fully enclosed building.
2. No noise, odor, vibration, glare, dust, or emissions shall be detectable at any adjoining residential property line.
3. Mechanical equipment (rooftop or ground-mounted) shall be fully screened and acoustically treated to reduce off-site impacts.

C. Hazardous Materials.

1. Storage or use of hazardous substances shall comply with all federal, state, and local regulations.

2. On-site hazardous waste generation must remain below thresholds applicable to light industrial operations and shall not require heavy industrial classification.

3. No outdoor storage of chemicals or industrial materials is permitted.

D. Loading & Access.

1. Loading docks and service areas shall be located to the side or rear of the building wherever feasible.

2. Truck access shall not conflict with pedestrian circulation or adjacent activity, particularly within the residential, commercial, and mixed-use districts.

E. Buffer. Where Light Manufacturing abuts a residential or institutional district or use, the Zoning Officer or Zoning Hearing Board may require additional screening requirements to protect neighborhood character.

F. Lighting. All lighting shall be fully shielded and reflected away from adjacent streets and properties.

309.370. Marijuana Dispensary

A. Said facilities shall obtain and maintain all licenses, permits, and/or authorizations regulated by applicable law including all City Ordinances.

B. Said facilities shall be permitted only so long as all uses therein are deemed to be lawful in accordance with applicable laws.

C. Window to the facility shall not be tinted, covered, or in any other way made opaque to prevent people outside the establishment from seeing inside.

D. A Marijuana Dispensary shall not be located within 1,000 feet, measured from the nearest edge of each property line, from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather whether located in the City of Sharon or in an adjacent community.

E. A Marijuana Dispensary shall not be located within 1,000 feet measured from the nearest edge of each property line, from another Marijuana Dispensary whether located in the City of Sharon or in an adjacent community.

309.380. Marijuana Processing Facility

A. A marijuana grower/processor may grow marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health (DOH). The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

B. The maximum floor area of a marijuana processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for production, cultivation, or related laboratory testing. Sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing. A larger facility may be approved as a conditional use upon determination that floor area will not have off-site impacts.

C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where marijuana growing, processing, or testing occurs.

D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH policy and shall not be placed within any unsecure exterior refuse containers.

E. The grower/processor shall provide only wholesale products to other marijuana facilities. Retail sales and dispensing of marijuana and related products is prohibited at marijuana grower/processor facilities.

F. A Marijuana Processing Facility shall not be located within 1,000 feet, measured from the nearest edge of each property line, from a sensitive receptor whether located in the City of Sharon or in an adjacent community.

G. All lighting shall be fully shielded and reflected away from adjacent streets and properties**.**

H. Parking and Buffer.

1. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

2. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

309.390. Medical Office and Clinic

Use in the C-1A District is only permitted on upper floors.

309.400. Office

Use in the C-1A District is only permitted on upper floors.

309.410. Outdoor Storage Facilities

These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses shall adhere to the following regulations:

A. The mini-storage facilities shall be surrounded by a fence at least eight feet in height. The fence shall be no closer to any lot line than ten feet.

B. Outdoor storage of automobiles, boats, recreational vehicles, and trailers is permitted so long as they are located within the fenced area, and the parked vehicles shall not interfere with traffic moving through the facility.

C. An office is permitted as an accessory use to provide for a caretaker.

D. No unit shall be used as any use (such as an office or residence) besides storage.

E. Full screening shall be required when abutting any residential or institutional use or district according to Section 409.

F. In addition to the side and rear yards, an additional ten-foot buffer yard shall be required.

G. All lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than 10 footcandles, or comply with IES standards, whichever is stricter.

309.420. Parking Lots or Garage

A. Design & Circulation.

1. All parking areas shall have clearly marked lanes, drive aisles, and pedestrian pathways.

2. Driveway access points shall be located to minimize traffic hazards and avoid conflicts with intersections.

3. Structured parking garages shall comply with building height, façade treatment, and architectural compatibility standards of the underlying district.

4. Clear pedestrian routes shall be provided from sidewalks to building entrances, avoiding conflicts with vehicular circulation wherever feasible.

B. Lighting.

1. Parking lots and garages shall provide adequate lighting for safety – illuminance no greater than three footcandles for uncovered parking and five footcandles for covered parking, or comply with IES standards, whichever is stricter.

2. All lighting shall be fully shielded and reflected away from adjacent streets and properties.

C. Where a parking facility adjoins a residential district or public sidewalk, full screening shall be provided through fencing, walls, landscaping, or a combination thereof.

D. Trash areas, mechanical equipment, and ventilation openings shall be fully screened from public view.

E. Interior landscaping and perimeter plantings shall be provided in accordance with the landscaping requirements of this Ordinance.

F. Prohibited Uses.

1. The facility shall not be used for vehicle repair, dismantling, or outdoor storage of inoperable vehicles.

2. Commercial parking or storage of heavy trucks, public utility vehicles, or equipment fleets is prohibited unless specifically permitted in the district.

309.430. Personal Care Boarding Home for Adults

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

A. There shall be no sign or exterior display indicating the name of the home or its use.

B. Occupancy shall comply with building and fire codes.

C. The Operator shall demonstrate compliance with all applicable local, county, and state licensing or certification requirements prior to occupancy.

D. Off-street parking facilities shall be provided at a ratio of one space for every two staff members and an additional space for every three non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

309.440. Personal Services

A. Operational Standards.

1. All activities shall occur indoors, except where outdoor activity is expressly permitted.

2. Lighting, signage, and customer activity shall be compatible with surrounding uses, especially when located near residential districts.

3. Outdoor storage of equipment, supplies, or materials is prohibited unless approved by the reviewing body.

B. Parking and Access. Adequate on-site parking and safe pedestrian access shall be provided, and vehicle circulation shall not conflict with loading areas or industrial operations in the L-I District.

C. Prohibited Activities. Personal Services shall not include any use defined elsewhere in this Ordinance.

309.450. Recreation Facility – Commercial/Private, Outdoor

A. A full plan of the proposed use must be presented and shall address but not limited to:

1. Crowd control and supervision.

2. Emergency access.

3. First-aid availability.

4. Safe circulation patterns for visitors.

B. Noise and Lighting.

1. Activities shall not create glare or vibration detectable at residential property lines. Noise levels shall be compatible with surrounding uses. The reviewing body may limit hours of operation when facilities adjoin residential properties.

2. All lighting shall be fully shielded and reflected away from adjacent streets and properties.

3. When recreational facility lighting is proposed, illuminance levels shall be in accordance with IES recommended practices.

4. Lighting at recreation facilities shall be extinguished at the end of event; however, the reviewing body may restrict illumination hours where the use is located adjacent to or near residential districts.

C. Parking and Access.

1. Adequate parking shall be provided on-site to accommodate peak attendance according to the site plan.

2. Vehicular access points shall be designed to avoid traffic hazards or congestion on adjacent streets.

3. Pedestrian circulation shall be safely separated from vehicle traffic where feasible.

D. Outdoor activity areas shall be fully screened when abutting any residential or institutional use or district.

E. Any buildings, shelters, restrooms, storage structures, or accessory facilities must comply with required setbacks and all applicable codes.

F. Prohibited Activities. The following are not permitted within this use category:

1. Firearm ranges (indoor or outdoor).

2. Motorized vehicle activities (ATVs, motocross, go-karts).

3. Amusement rides requiring state safety certification unless separately approved.

309.460. Recreation Facility – Public

A. Noise and Lighting.

1. Activities shall not create glare or vibration detectable at residential property lines. Noise levels shall be compatible with surrounding uses. The reviewing body may limit hours of operation when facilities adjoin residential properties.

2. All lighting shall be fully shielded and reflected away from adjacent streets and properties.

3. When recreational facility lighting is proposed, illuminance levels shall be in accordance with IES recommended practices.

4. Lighting at recreation facilities shall be extinguished at the end of event; however, the reviewing body may restrict illumination hours where the use is located adjacent to or near residential districts.

B. Parking and Access.

1. Adequate parking must be provided based on the type and intensity of the recreational use.
2. Safe pedestrian access must be maintained from parking areas to recreation areas.
3. Large events may require a traffic or parking management plan.

C. Where Public Recreation Facilities abut residential areas, buffering through fencing, berms, or landscaping may be required to minimize visual and noise impacts.

D. Any buildings, shelters, restrooms, storage structures, or accessory facilities must comply with required setbacks and all applicable codes.

309.470. Recycling Center

A. All sorting, compacting, baling, and processing activities shall occur entirely within a fully enclosed building.

B. Outdoor storage of recyclable materials is prohibited unless fully screened and approved during the special exception review.

C. No hazardous or medical waste may be accepted.

D. The applicant shall demonstrate that the use will not create excessive noise, dust, litter, odor, or vibration.

E. Appropriate containment, housekeeping, and ventilation measures shall be provided.

F. Traffic and Circulation.

1. Facilities shall provide adequate on-site stacking, loading, and maneuvering areas for trucks.
2. Truck circulation shall not conflict with pedestrian access or adjoining uses.
3. Hours for truck deliveries may be limited by the Zoning Hearing Board.

G. Where a Recycling Center abuts a residential area or public street, full screening and buffering shall be provided, including fencing and landscaping.

H. Adequate lighting shall be provided for security and safety on the development site. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than 50 footcandles, or comply with IES standards, whichever is stricter.

I. The facility shall comply with all applicable Pennsylvania DEP, federal, and local environmental regulations including but not limited to:

1. Stormwater management.
2. Spill prevention.
3. Waste handling and storage.
4. Noise and air quality.

309.480. Research and Testing Laboratories

A. Emissions, Noise and Vibration.

1. No noise, vibration, odor, fumes, glare, or heat shall be detectable at the property line.
2. Ventilation and exhaust systems shall be designed to avoid impacts to adjoining properties.
3. Any rooftop mechanical equipment shall be acoustically screened or baffled.

B. Hazardous Materials.

1. Storage and use of chemicals, samples, fuels, or compressed gases shall comply with all applicable state and federal regulations (OSHA, EPA, NFPA).
2. A Hazardous Materials Management Plan may be required as part of the special exception review.
3. No outdoor storage of hazardous materials is permitted.

C. All chemical, biological, and laboratory waste shall be disposed of according to applicable federal, state, and local regulations. No discharge of pollutants into stormwater or sanitary systems is permitted without approval.

D. Parking and Access.

1. Adequate parking shall be provided for employees and visitors according to Part 4.
2. Deliveries and service vehicles shall use designated loading areas and shall not obstruct streets or residential access points.

E. Mechanical equipment, generators, loading areas, and waste-handling areas shall be fully screened from adjoining residential properties. In MU districts, building design should be compatible with surrounding mixed-use or commercial character.

F. Animal Testing. Animal testing or research involving live animals is prohibited unless specifically approved as a separate use under this Ordinance.

309.490. Residence as a Secondary Use

This Special Exception is specifically designed to allow residential uses in the C-1, C-1A, and MU districts on upper floors only. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:

A. Occupancy shall comply with building and fire codes.
B. Provide for off-street parking for occupants, on-lot, or within 400 feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a residence as a secondary use.

309.500. Rooming/Boarding Houses

A. Occupancy shall comply with building and fire codes.

B. Shall not adversely affect the character of the surrounding neighborhood.

C. Subleasing or short-term rentals (less than 30 days) of individual rooms is prohibited.

309.510. Salvage/Junk Yards

Salvage yards deal with scrap material, junk cars and similar material. As such, they serve a valuable role in recycling. However, the potential for environmental problems does exist. Therefore, such uses:

A. All lots shall be at least two acres in size.

B. There shall be no storage of scrap, machinery or equipment of any kind in the front yard area, as well as not in areas visible from the surrounding properties.

C. Shall be screened on all sides by an 100% opaque fence at least eight feet high. The fence and all storage of scrap shall be required to be setback from the public ROW at least 50 feet.

D. Shall not allow used tires to accumulate. Any accumulation beyond 200 tires shall be considereda violation of this Ordinance.

E. Adequate lighting shall be provided for security and safety on the development site. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than 50 footcandles, or comply with IES standards, whichever is stricter.

F. The facility shall comply with all applicable Pennsylvania DEP/EPA, federal, and local environmental regulations including but not limited to:

    1. Stormwater management.

    2. Spill prevention.

    3. Waste handling and storage, including oil and auto batteries

    4. Noise and air quality.

309.520. Shelter, Emergency

A. Shall obtain all licenses, permits, and/other authorizations regulation by applicable law including all applicable City ordinances.

B. Occupancy shall comply with building and fire codes.

C. Limited Number of Beds per Facility. Emergency shelters shall not exceed 40 beds. These are subject to applicable building and fire code occupancy requirements.

D. The facility shall not be permitted within 500 feet, measured from the nearest edge of each property line, from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather whether located in the City of Sharon or in an adjacent community.

E. Limited Terms of Stay. Policies and procedures regarding duration of stay must be provided, but must not exceed two continuous years. These include a policy for illegal drugs, which must be enforced.

F. All lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than three footcandles, or comply with IES standards, whichever is stricter.

G. Dumpsters and loading areas shall be fully screened.

H. Emergency Shelter Management. A management plan shall be submitted to and approved by Zoning Officer prior to operation of the emergency shelter. The operator shall annually submit the plan with updated information for review and approval. A management plan is required for all emergency shelters to address:

    1. Staffing and operations, including updated contact information for operator and emergency contact(s) and hours of operation. At least one facility manager shall be on-site at all hours the facility is open.

    2. Security, including but not limited to on-site security during all hours when the shelter is open;

    3. Client supervision, client services, and food services, including policies and procedures;

    4. Public transportation access, including means for residents to access essential services;

    5. Procedures for receiving and responding to neighborhood concerns or complaints;

    6. Emergency coordination, including required coordination with Fire and Police departments.

309.530. Shooting Range, Indoor

A. All range design must comply with National Rifle Association (NRA) Range Source Book or equivalent industry standards. Bullet traps, backstops, and baffles shall be professionally engineered to prevent escape of projectiles.

B. Firearms discharge is permitted only within the fully enclosed shooting area.

C. The facility shall incorporate significant noise reduction construction, including but not limited to:

1. Acoustic insulation.
2. Sound-absorbing wall/ceiling treatments.
3. Sound-attenuating doors and vestibules.
4. Noise shall not be detectable beyond the property line at levels exceeding ambient light industrial background noise.

D. Ventilation and Environmental Controls.

1. The facility must include a mechanical ventilation system that meets or exceeds OSHA and EPA requirements for lead, particulate, and hazardous-air containment.
2. Exhaust air shall be filtered and discharged in a manner that prevents impacts on adjacent properties.

E. Security and Operations.

1. Access to the range shall be controlled by staffed supervision, secure entry systems, or both.
2. Firearms and ammunition sales (if proposed) must comply with all federal and state licensing requirements.
3. A range safety officer shall be on-site during all hours of operation.

F. Parking. Adequate on-site parking shall be provided, and all access drives shall be designed to safely accommodate peak activity levels.

G. Prohibited Uses. Outdoor shooting, training involving explosive targets, or the use of fully automatic weapons is prohibited.

309.540. Short-term Rentals (STRs)

A. Short-term Rentals are permitted by right in the C-1 and C-1A Districts and are permitted by Special Exception in the R-1, R-2, and MU Districts, subject to the supplemental regulations of this section.

B. Location Restriction – Upper Floors Only.

1. In the Commercial (C-1, C-1A) and Mixed-Use (MU) Districts, Short-term Rentals are permitted only on upper floors.
2. In the Mixed-Use (MU) District, ground-floor STRs are prohibited unless the ground floor is already approved for residential use under this Ordinance.

C. Occupancy.

1. Occupancy shall comply with building and fire codes.
2. Maximum occupancy shall not exceed four guests per bedroom, subject to more restrictive building and fire code requirements.

D. A minimum of one off-street parking space per guest room shall be provided unless additional spaces are required based on capacity and dwelling type.

E. Shall not adversely affect the character of the surrounding neighborhood.

309.550. Smoke Shop

A. Shall obtain all licenses, permits, and/or other authorizations regularly by applicable law including all City ordinances.

B. Shall be permitted only for so long as all uses located therein are deemed to be lawful in accordance with applicable laws.

C. Windows shall not be tinted, covered, or in any other way made opaque to prevent people outside the establishment from seeing inside.

D. Shall not be located within 1,000 feet, measured from the nearest edge of each property line, from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather whether located in the City of Sharon or in an adjacent community.

E. A Smoke Shop shall not be located within 1,000 feet measured from the nearest edge of each property line, from another Smoke Shop whether located in the City of Sharon or in an adjacent community.

309.560. Sober Living Home

A. Residents shall function as a single housekeeping unit with shared use of all common living areas, kitchens, bathrooms, and dining areas, consistent with requirements for family-style living.

B. Occupancy shall comply with building and fire codes and shall not exceed capacity of safely habitable bedrooms.

C. The operator shall provide documentation showing:

1. Registration, licensure, or certification with the Commonwealth of Pennsylvania if required, or
2. Documentation of membership in a nationally recognized sober-living or recovery-residence association that adheres to established operational standards (e.g., National Alliance for Recovery Residences aka NARR).

D. The operator shall maintain policies and procedures.

309.570. Social Clubs

A. The use shall be designed and operated so as not to create noise, odor, glare, traffic, or other impacts that are detrimental to adjacent residential or mixed-use properties.

B. Outdoor activities may be limited or conditioned by the reviewing body when located near residential districts.

C. The Zoning Hearing Board may limit hours of operation approved in the MU District to ensure compatibility with surrounding land uses.

D. Security and Event Management. For large gatherings, special events, or public functions, the reviewing body may require a plan addressing:

1. Crowd management.
2. Noise control.
3. Parking or valet operations.
4. On-site security or coordination with emergency services.

309.580. Veterinary Services

A. Uses in the C-1A District are only permitted on upper floors.

B. Overnight boarding is limited only to animals receiving medical treatment.

C. The design of the structure shall include features that acoustically shield animal noises from being heard outside the structure.

309.590. Wholesale Landscaping

A. Outdoor Storage and Processing.

1. Outdoor storage of materials—including mulch, soil, stone, sand, equipment, and plant stock—shall be located only in side or rear yards.
2. All grinding, screening, mixing, or similar processing activities shall occur at least 50 feet from any residential property line.
3. All stored materials shall be kept in a neat, orderly manner to prevent windborne dust, odors, or debris.

B. Outdoor storage areas shall be screened from view of public rights-of-way and adjoining properties by:

1. A six-foot solid fence, and
2. Screen planting according to Section 409.
3. Screening materials shall not obstruct sight distance at driveways or intersections.

4. Where use abuts a residential or institutional district or use, the Zoning Officer may required additional screening requirements (additional plantings, berms, or opaque screening).

C. The use shall not create excessive noise, dust, or odor detectable at any residential property line. Equipment such as loaders, grinders, chippers, and screening machines shall include noise attenuation where feasible. Dust-control measures (e.g., water spraying, covered piles, stabilized surfaces) shall be implemented during dry conditions.

D. All lighting shall be fully shielded and reflected away from adjacent streets and properties. All lighting shall have illuminance no greater than five footcandles, or comply with IES standards, whichever is stricter.

E. Traffic and Access.

1. Truck access shall be limited to designated driveways and shall not interfere withresidential streets unless no alternative exists.

2. Adequate on-site truck circulation, loading, and staging areas shall be provided to avoid congestion or queuing on public streets.

3. The applicant shall provide a traffic-management plan if large deliveries or heavy truck volumes are anticipated.

F. Hazardous Materials.

1. No pesticides, fertilizers, fuels, or other chemicals shall be stored or mixed outdoors.

2. All hazardous materials shall be stored in compliance with state and federal regulations.

309.600. Wireless Communications Facility

A. The following regulations shall apply to all communications antennas, except those operated by a federally licensed amateur radio operator:

1. Standard of care. All communications antennas shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including the Pennsylvania Uniform Construction Code. Any communications antennas shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

2. Wind. All communications antennas shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute asprepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222), as amended.

3. Aviation safety. Communications antennas shall comply with all federal and state laws and regulations concerning aviation safety.

4. Public safety communications and other communications services. Communications antennas shall not interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

5. Removal. In the event that use of a communications antenna is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned communications antennas or portions of communications antennas shall be removed as follows:

    a. All abandoned or unused communications antennas and related equipment shall be removed within two months of the cessation of operations at the site unless a time extension is approved by the City.

    b. If the communications antenna or related equipment is not removed within two months of the cessation of operations at a site, or within any longer period approved by the City, the communications antenna and/or related equipment may be removed by the City and the cost of removal assessed against the owner of the antenna.

6. Insurance and removal bonding.

    a. Each person that owns or operates a communications antenna shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the communications antenna.

    b. In order to guarantee removal as provided for in this section, the applicant for a building permit for placement of Wireless Communication Facilities must post and maintain as a condition of the permit an irrevocable letter of credit, performance bond or other security as approved by the City Solicitor, in an amount equal to 115% of the estimated cost of removal.

7. Indemnification. Each person that owns or operates a communications antenna shall, at its sole cost and expense, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the communications antenna. Each person that owns or operates a communications antenna shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a communications antenna. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

8. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

    a. The communications antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

    b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.

9. Replacement, and modification.

    a. The replacement of communications antennas and/or related equipment for the purpose of upgrading or repairing the communications antenna is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless support structure or the numbers of communications antennas.

    b. Any material modification to a communications antenna shall require notice to be provided to the City, and possible supplemental permit approval to the original permit or authorization.

10. Timing of approval.

    a. The City shall act on an application for a communications antenna within 90 calendar days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

    b. The City shall act on an application for a communications antenna that meets the definition of a small wireless communications facility within 60 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

B. The following regulations shall apply to collocated communications antennas that fall under the Pennsylvania Wireless Broadband Collocation Act (WBCA):

    1. Permit required. Communications antenna applicants proposing the modification of an existing communications tower shall obtain a building permit from the City. In order to be considered for such permit, the applicant must submit a permit application to the City in accordance with applicable permit policies and procedures.

2. Timing of approval for applications that fall under the WBCA. The City shall act on an application for a communications antenna that falls under the WBCA within 60 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

3. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications antenna, as well as related inspection, monitoring, and related costs.

C. In addition to the regulations applicable to all communications antennas, the following regulations shall apply to communications antennas that are outside the public rights-of-way, except those operated by a federally licensed amateur radio operator:

1. Prohibited on certain structures. No communications antenna shall be located on any residential dwellings.

2. Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the communications antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these communications antenna provisions. The applicant and/or owner of the communications antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.

3. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications antenna, as well as related inspection, monitoring, and related costs.

4. Location. All new communications antennas shall conform to, and be reviewed in connection with, the following City siting preference criteria. The landowner and/or developer shall demonstrate to the satisfaction of the approving authority that these preferences have been evaluated and followed in their proposed site selection.

    a. All communication antennas shall be collocated on an existing WCF structure whenever practical and feasible to do so.

    b. Should collocation on an existing WCF structure not be possible, the proposed communications antenna shall be located on a non-WCF existing structure, such as, but not necessarily limited to, a utility pole or building.

    c. Should collocation on a non-WCF existing structure not be possible, the proposed communications antenna shall be located on a separate communications tower and abide by the applicable City regulations regarding communications towers.

5. Height. No communications antenna, including its support structure shall exceed 35 feet in height from the top of the building or communication tower upon which it is located.

6. Noncommercial usage exemption. City residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.

7. Inspection. The City reserves the right to inspect any communications antenna to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a communications antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Regulations applicable to all communications antennas located in the public rights-of-way. In addition to the regulations applicable to all communications antennas, the following regulations shall apply to communications antennas located in the public rights-of-way:

1. Location. Communications antennas in the right-of-way shall be collocated on existing poles, such as existing utility poles or light poles. If collocation is not technologically feasible, the applicant, with the City's approval, shall locate its antenna on existing poles or freestanding structures that do not already act as wireless support structures.

2. Design requirements.

   a. Communications antenna installations and related equipment located above the surface grade in the public right-of-way, including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

   b. Communications antennas and related equipment shall be treated by the communications antenna owner or applicant to match the wireless support structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. Time, place, and manner. The City shall determine the time, place and manner of construction, maintenance, repair, and/or removal of all communications antennas in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code, 66 Pa.C.S.A. § 501, et seq.

4. Equipment location. Communications antennas and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the City.

5. Relocation or removal of facilities. Within two months following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a communications antenna in the right-of- way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any antenna when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

    a. The construction, repair, maintenance, or installation of any City or other public improvement in the right-of-way;

    b. The operations of the City or other governmental entity in the right-of-way;

    c. Vacation of a street or road or the release of a utility easement; or

    d. An emergency as determined by the City.

6. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every communications antenna in the right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the City's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the City. The owner of each communications antenna shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above.

E. The following regulations shall apply to all communications towers:

1. Exemptions. Communications towers erected and operated by amateur radio operators are exempt from all regulations in this ordinance except the following:

    a. Towers erected on any property shall be setback at a distance equal to two-thirds the height of the tower from all property lines.

    b. Towers erected on any property shall have a maximum height of 70 feet.

2. Standard of care. All communications towers shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including the Pennsylvania Uniform Construction Code. Any communications towers shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

3. Engineer inspection. Prior to the City's issuance of a permit authorizing construction and erection of a communications tower, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, and certify the proper construction of the foundation and the erection of the structure.

4. Visual appearance. All communication towers and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

5. Permit required for modifications. Any WCF applicant proposing the modification of an existing communications tower which increases the overall height of such wireless support structure, shall obtain a building permit from the City. Nonroutine modifications shall be prohibited without such permit.

6. Gap in coverage. An applicant for a communications tower must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of communications tower being proposed is the least intrusive means by which to fill that gap in wireless coverage.

7. Additional antennas. The owner of a communications tower shall obtain all required approvals under this section before installing additional communications antennas on any communications tower.

8. Wind. All communications towers shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222), as amended.

9. Public safety communications and other communications services. No communications tower shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

10. Maintenance. The following maintenance requirements shall apply:

    a. Any communications tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

    b. Such maintenance shall be performed to ensure the upkeep of the communications tower in order to promote the safety and security of the City’s residents and utilize the best available technology for preventing failures and accidents.

11. Signs. The use of any portion of a communications tower for signs, other than warning or equipment information signs, is prohibited.

12. Noise. Communication towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

13. Aviation safety. Communications towers shall comply with all federal and state laws and regulations concerning aviation safety.

14. Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the communications tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The applicant and/or owner of the communications antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.

15. Timing of approval.

    a. The City shall act on an application for a communications tower within 60 calendar days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

    b. The City shall act on an application for a communications tower that meets the definition of a small wireless communications facility within 60 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

16. Removal. In the event that use of a communications tower is to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned communications towers and related equipment shall be removed as follows:

    a. All unused or abandoned communications towers and related equipment shall be removed within two months of the cessation of operations at a site unless a time extension is approved by the City.

    b. If the communications tower and/or related equipment is not removed within two months of the cessation of operations at a site, or within any longer period approved by the City, the communications tower and/or related equipment may be removed by the City and the cost of removal assessed against the owner of the antenna.

17. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications tower, as well as related inspection, monitoring, and related costs.

18. Federal Communication Commission (FCC) license. Each person that operates a communications tower over 40 feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

19. Insurance.

    a. Each person that owns or operates a communications tower greater than 40 feet in height shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of $5,000,000 per occurrence and property damage coverage in the minimum amount of $5,000,000 per occurrence covering the communications tower.

    b. Each person that owns or operates a communications tower 40 feet or less in height shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the communications tower.

    c. In order to guarantee removal as provided for in this section, the applicant for a building permit for placement of Wireless Communication Facilities must post and maintain as a condition of the permit an irrevocable letter of credit, performance bond or other security as approved by the City Solicitor, in an amount equal to 115% of the estimated cost of removal.

20. Indemnification. Each person that owns or operates a communications tower shall, at its sole cost and expense, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the communications tower. Each person that owns or operates a communications tower shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a communications tower. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

21. Engineer signature. All plans and drawings for a communications tower shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

F. In addition to the regulations applicable to all communications towers, the following regulations shall apply to communications towers located outside the public rights-of-way, except for those constructed solely for the purpose of supporting amateur radio infrastructure, and only for so long as they support amateur radio infrastructure:

1. Development Regulations.

    a. Communications towers outside the right-of-way shall not exceed 200 feet in height.

    b. Communications towers shall not be located within 250 lineal feet of any adjoining property within a residential zoning district or any existing, adjacent residential use.

    c. Minimum setbacks. The minimum distance between the base of a communications tower and any adjoining property line or street right-of-way line shall be equal to 100% of the height of the communications tower.

2. Design Regulations. The communications tower shall appropriately blend into the surrounding environment and minimize the aesthetic impact.

3. Related Equipment.

    a. Ground-mounted related equipment associated to, or connected with, a communications tower shall be placed underground or screened from public view using stealth technologies, as described herein.

    b. All related equipment shall be architecturally designed to blend into the environment in which it is situated and shall meet the minimum setback requirements of the underlying zoning district.

    c. Inspection. The City reserves the right to inspect any communications tower to ensure compliance with the zoning ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a communications tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.

G. In addition to the regulations applicable to all communications towers, the following regulations shall apply to communications towers located inside the public rights-of-way:

1. Location and Development Standards.

    a. Communications towers in the right-of-way shall not exceed 35 feet in height.

    b. Communications towers are prohibited within 75 feet of areas in which all utilities are located underground.

    c. Communications towers shall not be located in the front façade of any residential structure.

d. Communications towers in the right-of-way shall be separated by a distance of 1,500 feet from any other existing or proposed communications tower, unless the WCF applicant shows to the satisfaction of the City that such separation will materially inhibit the WCF applicant's ability to provide wireless service in the City.

2. Time, place, and manner. The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all communications towers in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with police powers of the City and the requirements of the Public Utility Code.

3. Equipment location. Communications towers and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the city.

4. Relocation or removal of facilities. Within 60 days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a communications tower in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any communications tower when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

    a. The construction, repair, maintenance, or installation of any City or other public improvement in the right-of-way;

    b. The operations of the City or other governmental entity in the right-of-way;

    c. Vacation of a street or road or the release of a utility easement; or

    d. An emergency as determined by the City.

5. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every communications tower in the right-of-way is subject to the City's right to fix annually a fair and reasonable to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the City's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting permitting, supervising, and other right-of-way management activities by the City. The owner of each communications tower shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above.

PART 4: SUPPLEMENTARY REGULATONS

401. NONCONFORMING USES AND STRUCTURES

401.10. Continuation and Sale

Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot exists that is made no longer permissible under the terms of this Part as enacted or amended, such use may be continued as long as it remains otherwise lawful, in accordance with the provisions of this Part.

401.20. Change of Use

A. A nonconforming use shall be permitted to change, due to a change in ownership or business name, without additional approval if it continues as the same use.

B. A nonconforming use shall not be changed to any use other than a conforming use, unless approved by the Zoning Hearing Board as a special exception, in accordance with the following standards:

1. The new use will be not be more intense than the existing use and will more closely correspond to the uses authorized in the Zoning District.
2. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
3. Any change from one nonconforming use to another shall comply with the parking requirements in Part 4 for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
4. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

401.30. Damage or Destruction

Should a nonconforming structure or a structure housing a nonconforming use be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage. The restored building shall not exceed the original footprint, height, or bulk of the structure as it existed prior to the damage, unless brought into full conformity with this Ordinance.

401.40. Abandonment

In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. Evidence of intent to abandon may include discontinuance of utilities, vacancy, removal of equipment, or failure to actively market the property.

401.50. Enlargement or Expansion

A. Expansion of Nonconforming Use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming use may, with the approval of the Board, be extended, enlarged or replaced, including upon adjacent vacant lands, if such expansion does not occupy an area greater than 25% percent more than the structure was approved to occupy prior to the effective date of this Ordinance. Furthermore, such activities must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

    1. In determining whether such expansion, enlargement shall be approved, the Board shall consider the impact on the surrounding neighborhood, including traffic impacts, noise, light, privacy and visual appearance, and in the event of expansion onto adjacent vacant land, the Board shall also consider whether the owner has exhausted the alternatives for expansion on the existing property.

    2. Expansion of nonconforming uses in any zoning district shall provide a buffer in compliance with this Zoning Ordinance.

B. Expansion of Nonconforming Structure. Any nonconforming structure may be expanded or extended provided such expansion does not result in a lesser setback than that of the existing building or structure, and provided that the length of the expansion does not exceed the length of the portion of the existing building which is nonconforming.

401.60. Prior Approval

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is complete within six months from the date of issuance of the building permit.

401.70. Change in District Boundaries

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Part shall also apply to any uses which thereby become nonconforming.

401.80. Repair or Maintenance

Nothing in this Part shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

402. NONCONFORMING LOTS

A. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located.

B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard shall be the average depth of the front yards on the adjacent nonconforming lots.

C. All nonconforming residential dwellings, in any zoning district, shall be permitted to have all of the same accessory uses as permitted dwellings, subject to any requirements for that specific use.

D. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this Ordinance, the lots shall be legally combined through the subdivision and land development process to comply with the minimum requirements of this Ordinance.

E. No division of any parcel shall be made which creates a lot width or area below the requirements as stated in this Ordinance.

403. TEMPORARY STRUCTURES AND STORAGE FACILITIES

403.10. Temporary Storage for Construction

A. Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress.

B. The use of trucks, truck trailers or similar devices for storage purposes shall only be permitted temporarily on construction sites during the actual building of a development.

403.20. Portable Storage Units

A. In the Residential R-1 and Residential R-2 Districts, the following shall apply:

1. Portable storage units shall not be located in any required front, side or rear yard setback.
2. There shall be no more than one portable storage unit per lot.
3. A portable storage unit shall be no larger than 8 feet wide, 16 feet long and 8 feet high.
4. No portable storage unit shall be placed on a lot in a residential zoning district in excess of 30 days in any calendar year.
5. Portable storage units shall not create a safety hazard or interfere with emergency vehicle access or traffic patterns.
6. A portable storage unit may be located on a lot during an emergency situation as declared by the appropriate federal, state, county or city agency pursuant to a temporary permit issued by the zoning officer. The portable storage unit shall be removed from the lot within seven days after the end of the emergency declaration.

B. In the Institutional, Mixed Use, and C-1 Commercial District, the following shall apply:
    1. Portable storage units shall not be located in any required front, side or rear yard setback.
    2. Portable storage units shall be located to the rear of the building.
    3. No portable storage unit shall be placed on a lot in these districts in excess of 30 days in any calendar year if the property is adjacent to a residential area. Where the property does not abut a residential zoning district, portable storage units shall be permitted for longer durations subject to site plan approval.
C. Portable storage units shall not create a safety hazard or interfere with emergency vehicle access or traffic patterns. In the C-1A Commercial District, portable storage units are prohibited except in connection with an approved building permit or emergency declaration
D. In the Industrial Districts, the following shall apply:
    1. Portable storage units shall not be located in any required front, side or rear yard setback.
    2. No portable storage unit shall be placed on a lot in these districts in excess of 30 days in any calendar year if the property is adjacent to a residential area.
    3. Portable storage units shall not create a safety hazard or interfere with emergency vehicle access or traffic patterns.

404. PERFORMANCE STANDARDS

Any use established after the effective date of this Ordinance shall be so operated as to meet the performance standards established hereinafter. Any use already established on the effective date of this Ordinance shall be permitted to continue, provided that no alteration, expansion, enlargement or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement or modification. Points of measurement to determine compliance with the performance standards shall be the property line nearest the source which is the subject of measurement unless otherwise specified in this section.

404.10. Fire Protection

Fire protection and firefighting equipment acceptable to the Sharon Fire Department shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

404.20. Electric Disturbance

No use in any zoning district shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

404.30. Odors

No use shall emit odorous matter in concentrations that exceed applicable federal or state environmental standards.

404.40. Air Pollution

Any use that emits any air contaminant, as defined in federal, state, and local air pollution law(s), shall comply with applicable state standards concerning air pollution.

404.50. Lighting and Glare

A. Lighting, where required by this Ordinance, shall have illuminances, uniformities and glare control in accordance with the standards of the Illuminating Engineer Society (IES), unless otherwise stated in this Ordinance.

B. In any district, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one half of one (0.5) foot-candle above background when measured at any residence district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

C. All luminaries and fixtures shall be equipped with a fully shielding device, cutoff downward cast in the case of freestanding area lighting.

D. All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

E. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above 60 degrees from horizontal shall be utilized.

F. Directional luminaires such as floodlights and spotlights, when their use shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property or use, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the direct view of the glare from that property.

G. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

H. The Zoning Officer may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

I. Nonconforming Lighting – Any luminaire or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformance. A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this Ordinance when:

1. Minor corrective action, such as re-aiming, automatically shutting off offending sources at a reasonable hour nightly, or shielding can achieve conformity with the applicable requirements of this Ordinance.
2. It is deemed by the Municipality to create a health or safety hazard.
3. It is replaced by another luminaire or luminaires, or abandoned or relocated.
4. The number of existing luminaires is increased by 30% or more.
5. There is a change in use.

Table 404.50.10 – Maximum Lighting Height and Illuminance Levels of Parking/Pedestrian Areas

MAXIMUM LIGHTING HEIGHT			ILLUMINANCE LEVELS (PARKING/PEDESTRIAN AREAS)	
Any "R" District	20 feet		General parking/pedestrian areas	3 Footcandles
Any "IN", "MU", "C", or "I" District	25 feet		High traffic entry/exit	5 Footcandles
Outdoor Recreation	May be exempted by Zoning Officer if have limited hours of operation and location of luminaries will protect neighboring residential uses			

Note: This does not include lights mounted to buildings or structures. Those lights should be no more than four feet higher than the tallest part of the building, subject to the heights limits in Table 309.10.

404.60. Water Pollution

The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the City of Sharon, and comply with any and all applicable regulations of the United States. Surface water discharge shall be acceptable under the provisions of Pennsylvania Act 537, and other State and City regulations as the same may be amended from time to time.

404.70. Noise

Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for sirens and related apparatus used solely for public safety purposes.

404.80. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible, without the aid of instruments, at or at any point beyond the lot line.

404.90. Storage

For all uses, the following regulations shall apply:

A. Bulk storage of flammable or explosive materials shall comply with all applicable federal, state, and local fire and building codes.

B. No caustic materials or hazardous waste in any form shall be deposited upon a lot in such a manner that they may be transferred below the surface of the lot by natural causes or forces.

C. All storage shall be in a completely enclosed building or at a minimum where permitted shall be enclosed by a fence adequate to conceal the facilities from any adjacent property or completely screened from view. Portable storage or construction trailers shall not be used to meet these screening requirements.

405. OFF-STREET PARKING STANDARDS

405.10. General Regulations

A. Off-street parking, loading and unloading facilities shall be provided in accordance with the specifications of this Part in any district for uses that are established, enlarged or extended onto any lot after the effective date of this chapter.

B. All parking areas established prior to the effective date of this chapter that are not in conformance with all provisions of this article shall be allowed to continue as previously laid out. When an expanded use results in an increase of more than 10% in the number of currently required spaces, additional parking must be provided in accordance with the standards of this Part.

C. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.

D. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.

E. The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 400 feet from the principal use.
3. No parking space shall be located in any manner on a public street right-of-way, except where specifically authorized.
4. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.

F. A parking space shall have minimum rectangular dimensions of not less than 9 feet in width and 18 feet in length, exclusive of driveways, aisles, and other circulation areas.

G. Single-lane driveways shall be at least 10 feet wide but shall not exceed 12 feet, double drives (for ingress and egress) may be up to 24 feet wide.

405.20. Parking Within Yards

In residential districts/areas required parking facilities shall be permitted only in the rear or side yards, or in driveway areas. In other districts, parking shall also be allowed in the front yard subject to Section 405.70.

405.30. Storage of RVs, Campers, Utility Trailers and Boats

The outdoor storage of major recreational equipment owned by the occupant of the premises, including but not limited to RVs, campers, utility trailers, boats, and similar equipment shall be permitted in all zoning districts; however, in the residential zoning areas storage locations shall be in rear yards or in accessory buildings only. Such vehicles will not be used for living, sleeping or housekeeping purposes.

405.40. Minimum Required Parking

A. The minimum required number of parking spaces required is determined according to "Table 405.40.10: Minimum Parking Requirements."

B. The minimum parking requirement is calculated as the sum of parking required for each use on a site, including multiple uses within a single structure, as measured as follows:

   1. When computation results in a fractional number, fractions greater than or equal to 0.5 are rounded up and less than 0.5 are rounded down.
   2. Required parking is calculated according to the gross floor area of each use except where specified otherwise.
   3. Where required parking specifies staff counts, the calculation shall be based on the maximum staff count during the busiest shift.
   4. Where required parking specifies seats, bench seats are counted as one seat for every three feet.

C. Where a proposed use is not specifically listed, the Zoning Officer shall determine the most similar listed use based on parking demand characteristics and apply the corresponding standard. Such determination shall be documented in writing.

D. No parking shall be required of existing or future uses in the C-1 and C-1A Commercial Districts, except as required for residential uses in Section 310.490.

Table 405.40.10. Minimum Parking Requirements	
Use	**Required Parking Spaces**
Residential Uses	
Conversion Apartment	Same as converted use
Dwelling Units of 2 Bedrooms or More	2 per dwelling unit
Dwelling, Two-Family & Dwelling, Multi-Family of 1 Bedroom or Less	1.5 per dwelling unit*
Group Living Facility	1 per 3 beds**
Mobile Home Park	2 per space
Residences as a Secondary Use	Same as use
Rooming/Boarding House	1 per sleeping room
Sober Living Home	1 per 2 residents + 1 per employee on largest shift
Commercial Uses	
Adult Entertainment Establishment	1 per 75 ft^2 GFA
Animal Care Veterinary Services	1 per 250 ft^2 GFA
Automotive Gasoline Station	1 per 250 ft^2 GFA of building + 1 per pump island
Automotive Dealers and Service Establishment	1 per 300 ft^2 GFA indoor display**
Automotive Repair Garage Automotive Service Stations	1 per 250 ft^2 GFA + 2 per service bay**
Bed and Breakfast	1 per room rented**
Brewpub/Brewery/Distillery	1 per 100 ft^2 GFA
Business Incubator Business Services Personal Services	1 per 300 ft^2 GFA
College & Post-Secondary Educational Institution High School	3 per room used for administrative offices or class instruction, plus 1 per 4 students
Eating & Drinking Establishment (no drive-through)	1 per 100 ft^2 GFA
Eating & Drinking Establishment (with drive-through)	1 per 100 ft^2 GFA
Financial Institution, including drive-through	1 per 200 ft^2 of GFA, plus 5 reservoir spaces per drive-up teller window
Funeral Home	25 for the first parlor; 10 per additional parlor
Home Occupation	1 per home occupation

Hospital	1 per bed** or 1 per 500 ft^2 GFA (whichever is greater)
Hotel and Motel	1 per guest room**
Laundromat	1 per 250 ft^2 GFA
Library and Museum	1 per 400 ft^2 GFA
Medical Office and Clinic	1 per 250 ft^2 GFA
Office	1 per 300 ft^2 GFA
Place of Worship	1 per 4 occupants as per occupancy requirements
Public Assembly: includes Sports Arena, Stadium, Theater, Auditorium, Assembly Hall	1 per 3 occupants as per occupancy requirements
Retail Business	1 per 300 ft^2 GFA
School	3 per room used for administrative offices or class instruction
Shelter, Emergency	1 space per 6 beds**
Shopping Centers/Large Scale Retail	1 per 300 ft^2 GFA
Social Club/Community Buildings	1 per 100 ft^2 GFA
Trailer and Monument Sales	1 per 2,500 ft^2 of lot area
Industrial Uses	
Industrial and Manufacturing Establishments, and Distribution Center	1 per employee on the largest shift, plus 1 per 10,000 ft^2 for visitors, up to 10 spaces
* Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.	
** Plus one space per employee on major shift	
Note: GFA means gross floor area. Outdoor seating area counts towards GFA for purposes of determining required parking.	

405.50. Maximum Parking

A. The Zoning Officer may approve a greater number of spaces where a parking demand study prepared by a qualified professional demonstrates that additional parking is necessary.

B. Applicants who anticipate a need for additional parking in excess of the maximum number authorized by this subsection should design their developments with suitable area for additional parking that may, in the future, be needed. The land banked parking spaces may be constructed by the applicant if and when authorized and approved by the Zoning Officer.

405.60. Parking Requirement Reductions

A. Reserve Parking. If the number of spaces required in Table 405.40.10 is larger than the number of spaces the applicant anticipates will be needed, the Zoning Officer may approve holding up to 50% of required spaces as "reserve parking" to avoid unnecessary paving, subject to the following:

1. The applicant shall document that suitable area exists on the site for 100% of the parking required in Table 405.40.10. If constructed, the reserve parking shall meet all applicable provisions of this article as of the date the construction permit is sought.
2. Regardless of the number of spaces initially paved, a parking area shall be designed to fully accommodate the aggregate number of required spaces, and the area held as reserve parking shall be clearly designated on the plan.
3. All stormwater engineering shall be designed based on total parking requirements, including the reserved spaces.
4. The reserve parking area shall be considered in calculating the impervious surface ratio.
5. The Zoning Officer reserves the authority to require that reserved spaces be constructed in the future if the City determines that they are needed.

B. Reduction by Variance. The Zoning Hearing Board may authorize the reduction of the number and size of required off-street parking spaces as a variance in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land. In such cases, reserve parking should be provided to the extent the Zoning Hearing Board deems appropriate.

C. Shared parking. Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot subject to the following:

1. The developer shall provide a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for common shared parking lots.
2. Shared parking reductions are available for multiple uses on single or multiple adjacent lots under single ownership, and for multiple contiguous sites sharing parking facilities by use of a Shared Use Parking Agreement.
    a. The owner of the shared parking facility shall guarantee availability of all spaces needed to meet the minimum requirements of this Part.
    b. The Shared Use Parking Agreement shall be filed with and approved by the Zoning Officer.

3. The shared parking facility shall be located within 400 feet of the associated uses, measured from the lot line to the center of the parking facility.

D. Alternative Parking.

1. Bicycle Spaces. For every three bicycle parking spaces provided on-lot, a reduction of one automobile parking space may be allowed, up to a maximum of five percent of the total parking required.

2. Mass Transit Allowances. If a business is located within 400 feet of a Shenango Valley Shuttle Services (SVSS) or other mass transit stop, a reduction in parking of up to 10% may be allowed.

3. On-Street Parking Space Credit. On-street parking spaces may be used to satisfy up to 10% of the requirements for off-street parking. Such on-street parking shall be located only on arterial or collector streets and within the public right-of-way and shall be located within 400 feet of the use.

E. Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.

405.70. Off-Street Parking Layout and Design

A. Screening and Landscaping. Off-street parking areas for more than five vehicles, and off-street loading areas, shall be fully screened on any side which adjoins a residential district (see definition of "screening") or use. In addition, there shall be a planting strip of at least five feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

B. Minimum Distance and Setbacks. No off-street loading or parking area for more than five vehicles shall be closer than 10 feet to any adjoining property containing a dwelling, residential district, school, hospital or similar institution.

C. Surfacing. For major land developments, all parking and loading areas and access drives shall have a paved surface. For minor land developments and residential land developments, unpaved parking and loading areas existing at the time of adoption of this subsection may remain unpaved, but all new parking and loading areas and access drives shall have a paved surface. For industrial land developments, paving is required only for the entrance drives from the edge of the public or access roadway for a distance of 100 feet into the property.

D. All parking areas shall be designed and approved in accordance with the City of Sharon Stormwater Management Ordinance.

E. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be fully shielded and arranged to be reflected away from adjacent streets and properties. Any lighting mounted on poles shall comply with the lighting standards in Table 404.50.10. All necessary lighting standards within parking areas must be located in terminal islands, landscape divider strips, landscaped areas or as determined by the City.

F. Design. In addition to any other requirements of this Ordinance, all parking lots designed to accommodate 120 cars or more shall provide the following data:

1. Site design relative to the location, number and orientation of parking spaces and parking modules.
2. Circulation design showing access to parking areas, internal lot circulation, service vehicle parking, ingress and egress to the surrounding street system. Internal circulation dead ends are to be avoided in design. A smooth flowing loop circulation is preferred.
3. Clearly marked pedestrian ways from parking areas to building.

G. Identification of special features, bikeways, etc. In its review of the parking lot design for adequacy, the Board may use professional engineers and such design sources as provided by the Institute of Traffic Engineers and the American Planning Association.

H. Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or exceeding the standards detailed in the state and federal building or accessibility requirements, including the quantity, size, location and accessibility of spaces.

405.80. Loading, Servicing and Circulation

A. Loading and servicing. Off street loading and unloading space(s) with proper and safe access from the street, service street or parking lot, shall be provided for all multifamily and non-residential uses. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles:

1. Shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof;
2. Shall be located at the side or rear of all buildings;
3. Shall be adequate in size; and
4. Shall not block or interfere with the use of vehicle and/or pedestrian accessways or vehicle parking facilities.

B. Shared loading areas are permitted, provided that each building shall have direct access to the shared loading area without crossing streets or alleys, and that loading spaces within a shared loading area shall meet the minimum required spaces for each building served. No lot served shall be more than 500 feet from the central loading area.

C. Loading docks must be of sufficient size to accommodate normal peak load requirements.

D. Adequate area that is fully screened from public view shall be provided for dumpsters and the disposal of waste. Dumpster locations shall be in the rear of a parking lot out of view from public streets where feasible.

E. Interior circulation. The interior circulation of traffic in commercial and industrial areas shall be designed and designated so that no driveway or access lane providing parking spaces would be used as a through street.

F. Traffic control. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any traffic study adopted or approved by the City. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and landmarkings and signs. The plan for traffic control shall provide off-site traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.

G. Drive-through queuing. A minimum of at least 200 linear feet shall be provided as storage area for vehicles awaiting service for drive-in facilities and uses. The required 200 feet may be provided in one or more usable lanes and shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service.

406. SIGNS

406.10. Purpose and Intent

A. The purpose of this Section is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs for exterior observation to ensure that:

1. Public safety and traffic safety hazards are prevented and mitigated;
2. Standards exist by which conforming signs will enhance the aesthetic appearance of the City of Sharon, creating an attractive environment that fosters local pride, protects property values, and entices economic development; and
3. Signs may adequately and effectively communicate information while fitting appropriately into the visual landscape of the area in which they are located, avoiding conflicts, clutter, and confusion.

B. This Section must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Section is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this Section which can be given effect without the invalid provision.

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

406.20. Permits and Applications

A. It shall be unlawful for any person, firm, or corporation to erect, place, construct, or relocate any sign within the City without first obtaining a sign permit, unless the sign is specifically exempt from permit requirements as outlined in Section 406.60.

B. Application for permit

1. An application for a sign permit shall be filed with the Zoning Officer on forms furnished by the City.
2. The Zoning Officer or designee shall process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
3. If the application is rejected, the Zoning Officer shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of this ordinance, the building code or other applicable law, regulation, or ordinance.
4. Sign Permit Fee. Applications for sign permits shall be accompanied by a fee in an amount as prescribed by resolution of the City Council.

C. The City may revoke a sign permit under any of the following circumstances:
    1. The City determines that information in the application was materially false or misleading;
    2. The sign as installed does not conform to the sign permit application, or it otherwise fails to comply with the requirements of this code, any building code, or other applicable law, regulation, or ordinance;
    3. The sign is not being properly maintained or has been abandoned.

406.30. Nonconforming Signs

Lawful nonconforming signs, for which a permit has been issued, shall be permitted to remain until they are removed, replaced, or the property on which the nonconforming sign is located submits a land development plan application requiring municipal review and approval, at which time they shall be required to conform with the requirements of this ordinance.

406.30.10. Removal of Nonconforming Signs

When a nonconforming sign is removed for any reason, the same may not again be erected or reestablished or permitted to remain at any location on the property without the prior issuance of a sign permit, and in such case, no sign permit shall be issued unless the sign is then made to conform with all regulations applicable to new signs.

406.30.20. Damaged or Destroyed Nonconforming Signs

A sign damaged or destroyed by any means to an extent more than 50% of its replacement cost at time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board. Replacement cost shall be determined by obtaining cost of construction from one sign contractor mutually agreed to by the owner and the City.

406.30.30. Signs Erected in Violation

The Zoning Officer or their authorized agent shall have the authority to order the removal of any sign erected after the effective date of this Ordinance in violation of this Ordinance.

406.30.40. Obsolete Sign

Any sign now or hereafter existing which no longer advertises or identifies a bona fide business conducted or a product sold upon the premises, shall be taken down and removed by the owner of the building or structure or land upon which such sign may be found, within 10 days after written notification from the Zoning Officer, such noticed to be sent by first class mail.

406.40. General Regulations

A. Sign Location
    1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
    2. No sign shall be permitted which obstructs a sight triangle measured 30 feet along the edge of any roadway, and 30 feet along the edge of any intersecting roadway and/or driveway.

3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communication lines or equipment.
4. Sign Materials and Construction. Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected and installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

B. Sign Area
1. For a wall sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
2. For a wall sign comprised of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.
3. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.
4. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
    a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
    b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
5. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.

C. Sign Height. Sign height shall be measured as the distance from the highest portion of the sign structure to the level of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher. The height of a sign may not be artificially raised by raising the ground level under the sign.

D. Sign Illumination
1. Signs may be illuminated, provided light sources to illuminate signs do not cause glare and hazardous or distracting to pedestrians, vehicle drivers, or adjacent property.
2. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits. At all other times, luminance shall be no greater than 200 nits.

3. There shall be no appearance of flashing or sudden bursts of light and any illumination intensity or contrast of light level shall remain constant.
4. The source of the light must be concealed by translucent covers, and external illumination shall be a steady, stationary light source, fully shielded and directed solely at the sign. The light source must be static in color.
5. Internal illumination, including neon lighting, must be static in intensity and color.
6. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
7. A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within 50 feet of an intersection shall not contain any visible green-, yellow-, or red-colored lights which might be confused with official traffic control devices.

E. Changeable Copy

1. Have only static text and/or static images, which must be displayed without change for at least eight seconds, with the exception of signs that display time, date or temperature exclusively.
2. Have a maximum transition time of one second between successive static messages, occur uniformly across face of sign, and not have blending of static messages.

406.50. Sign Maintenance

All signs shall be constructed of durable material and maintained in good condition. Any sign found to be in disrepair upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner in writing, in accordance with this Part, to repair or remove the sign within 10 days. Upon failure of the owner to comply, the City shall remove the sign at the owner's expense.

406.60. Signs Permitted Without Zoning Permit

The following signs shall be permitted in all districts with compliance to applicable setbacks and no zoning permit shall be required to erect such signs, unless the sign falls within the requirements of the Pennsylvania Uniform Construction Code, in which case a zoning permit shall be required:

Table 406.60.10. Signs Permitted Without Zoning Permit

Zoning District	Permitted Sign				Maximum				
	Type	Placement	Number Allowed	Duration	Area (ft^2)	Height (ft)	Minimum Set Back (ft)	Illumination Allowed	Changeable Copy Allowed[a]
All Districts	Security & Warning	Freestanding Wall Window	1 per lot	-	4	-	5	No	No
	Plaque	Freestanding	1 per lot	-	4	-	5	No	No
	Identification	Freestanding Wall Window	1 per lot	-	4	-	5	No	No
	Traffic/pedestrian safety	Freestanding Wall Window	As needed	-	6	5	5	No	No
	Interior property directional	Freestanding	1 per lot	-	12	6	5	No	No
	Menu board	Freestanding	1 per lot	-	50	6	5	I (Indirect only)	Yes – Not "Animated" or "Flashing"
	Residential Development Identification	Freestanding	1 sign per entrance or street frontage	-	32	6	5	No	No
	Personal Expression (non-commercial)	Freestanding Wall Window	-	-	4	-	5	No	No

a - Electronic changeable copy signs shall be installed in a manner that does not unreasonably interfere with the use and enjoyment of neighboring residential property. No electronic changeable copy sign shall be located closer than 100 feet to any dwelling used for residential purposes. However, the Zoning Officer may increase this setback distance by up to an additional 100 feet to minimize any potential nuisance effects deemed caused by the unique attributes of the sign installation in relationship to abutting residential property. These characteristics include, but are not necessarily limited to, the height and/or size of the proposed electronic changeable copy sign, the adequacy of existing or proposed buffers, or the orientation of residential sleeping quarters found in neighboring homes.

406.60.20. Temporary signs in all districts may be displayed for a maximum of 120 days within any calendar year unless otherwise specified.

406.60.30. Works of art that do not include a commercial message.

406.60.40. Signs in the Public Right-of-Way

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

A. Permanent Signs:
    1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulation pedestrian or vehicular traffic.
    2. Informational signs erected by a public transit company.
    3. Informational signs of a public utility regarding its facilities and related equipment.
    4. Projecting signs projecting over a public right-of-way in conformity with the condition of Table 406.80.10 of this Ordinance.

B. Emergency Signs:
    1. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. Other Signs Forfeited:
    1. Any sign installed or placed on public property, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

406.60.50. Temporary Signs

As defined in this Ordinance, temporary signs are exempt from standard permit requirements. All temporary signs must be installed such that they do not create a safety hazard. All temporary signs must be made of durable materials and shall be well-maintained. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed. Illumination of any temporary sign is prohibited, and no temporary sign shall be permitted to have changeable copy. Temporary signs in all districts may be displayed for a maximum of 120 days within any calendar year unless otherwise specified.

Table 406.60.50.10 Temporary Signs

Zoning District	Type	Placement	Location	Number	Duration	Maximum		Minimum Set Back (ft)
						Area (ft^2)	Height (ft)	
R-1 R-2	Real Estate	All temporary signs	Only on referred property	1[a]	5 days of sale/lease	5	4	5
All Other Districts	Real Estate	All temporary signs	Only on referred property	1[a]	5 days of sale/lease	32	6	5
	Event	Freestanding	Any property with permission of owner	1 per property	[b]	6	-	5
	Event	Banner	Property where event occurring	1	[b]	32	-	-
All Districts	Construction	Freestanding	Only on referred property	1	Duration of work	32	6	5

a - Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage shall not be accumulated on one street in excess of that allowed for lots with only one street frontage.
b - No earlier than 30 days prior to opening; removed within five days after business opens.

406.60.60. Sandwich Boards

Sandwich board signs may be permitted for a legal business located in a commercial district only, subject to the following regulations:

A. Style. Sandwich board signs shall be either an A-Frame style or poster style signthat is attached to a frame and a base.

B. Area and Height. Sandwich board signs shall not exceed 8 square feet per side of sign with a maximum height of 42 inches as measured from the ground.

C. Purpose. Sandwich board signs shall be limited to advertising for business purposes only.

D. Number. Only one sandwich board sign is permitted for each business it advertises.

E. Location.

1. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
2. The sign must be located on the premises, and within 10 feet of the primary public entrance, of the establishment it advertises.
3. Placement of an off-site sign shall result in the immediate removal of said sign.

F. Material. Acceptable sign materials include the following: steel, iron, metal and finished wood. Synthetic materials such as chalkboard and whiteboard are acceptable accent materials but shall be neat in appearance and constructed of finished all-weather materials. The sign lettering should be neatly painted or applied. A graffiti-look is not acceptable.

G. Duration. Sandwich board signs may be displayed from the time that the business opens until the time that the business closes. Sandwich board signs shall be taken inside at the close of each business day.

H. Other.

1. Sandwich board signs shall be weighed at the base so that the sign cannot be moved by inclement weather.
2. Attaching sandwich board signs to structures, poles, objects, etc., by means of chains, cords, rope, wire, etc. is prohibited.
3. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants or similar adornments attached to them.
4. Sandwich board signs shall not be permitted for home occupations. Signage for home occupations shall continue to be governed by the City of Sharon Zoning Ordinance.
5. Manual changeable copy signs are permitted when integrated into a sandwich board sign.

I. Removal.

1. The City of Sharon shall have the right to request removal of any sandwich board sign during public festivals, parades, or other events, when the sign poses a potential safety hazard to the large number of pedestrians using the sidewalks.

2. Sandwich board signs placed in violation of this Ordinance will result in immediate removal of said sign.
3. Signs within the street right-of-way may be moved/removed by the City for municipal purposes, i.e., code enforcement, snow removal, traffic issues, maintenance, etc.
4. Signs shall be removed from the street right-of-way during inclement weather. Inclement weather includes, but is not limited to, wind, rain, snow, etc. Once removed for inclement weather, said sign shall not be replaced until the inclement weather has ceased. Sandwich board signs shall not be placed when there is snow accumulation on the sidewalk.

406.70. Prohibited Signs

The following signs shall be prohibited within the City limits:

A. Signs with intermittent, flashing, or animated lights shall not be permitted. Intermittent, flashing, or animated lights shall mean any light or lights located on any portion of a sign, or illuminating any sign, which are programmed or otherwise controlled or configured to turn on and off, or to vary in brightness, more frequently than one time per day, except for electronic changeable copy signs.

B. Signs which are posted, stapled or otherwise attached to public utility poles, trees or traffic control signs, except signs which have received written authorization from the controlling public utility or governmental agency.

C. Any sign or sign lighting which emulates or resembles traffic signals or regulatory highway signage (such as "stop," "yield," and similar signs).

D. Off-premises signs, except Billboards (see Section 406.90).

E. Any sign located within any public highway or street right-of-way, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.

F. Abandoned Signs.

G. Portable signs except permitted temporary signs and sandwich board signs as outlined in Section 406.60.

H. Signs which emit smoke, visible vapors, particular matter, sound, odor, or contain open flames.

I. Any sign containing any material or device which has the effect of intensifying light, or any sign containing mirrors.

J. Any electronic or animated sign that reacts to the behavior or electronic signals of motor vehicles.

K. Banners, pennants, spinners, streamers, balloons, inflatable objects, feather or fluttering devices other than flags, and lights designed to attract attention, except permitted temporary signs.

406.80. Permitted Signs by Zoning District

Table 406.80.10. Permitted Signs by Zoning District

Zoning District	Placement[a]	Number Allowed[b]	Maximum Area	Maximum Height (ft)	Maximum Transparency (%)	Minimum Set Back (ft)[c]	Illumination Allowed[d,e]	Changeable Copy Allowed
R-1 R-2	Freestanding	1 per lot	8 ft^2	5	-	5	None	No
	Wall	1 per building	16 ft^2	-	-	-	E	No
IN	Freestanding	1 per lot	32 ft^2	10	-	5	I or E	Yes
	Wall	1 per building	a	-	-	-	I or E	Yes
MU	Freestanding	1 per lot	30 ft^2	10	-	5	I or E	Yes – Not "Animated" or "Flashing"
	Projecting	1 per building	16 ft^2	-	-	-	I or E	No
	Suspended	1 per tenant	12 ft^2	10	-	-	I or E	No
	Wall	1 per building	a	-	-	-	I or E	No
	Window	-	25%	-	50%	-	I or E	No
C-1 C-1A	Freestanding	1 per lot	50 ft^2	15	-	10	I or E	No
	Projecting	1 per building	24 ft^2	-	-	-	I or E	No
	Suspended	1 per tenant	16 ft^2	10	-	-	I or E	No
	Wall	1 per building	a	-	-	-	I or E	No
	Window	-	25%	-	50%	-	I or E	No
LI HI SI	Freestanding	1 per building	64 ft^2	20	-	15	I or E	No
	Projecting	1 per building	24 ft^2	-	-	-	I or E	No
	Wall	1 per building	a	-	-	-	I or E	No
	Window	-	50%	-	-	-	I or E	No

a – **Wall Signs** – In IN, MU, and Commercial districts, the total area of wall signs shall be limited to one square feet per foot of lineal wall length, with a total maximum area of 200 square feet of sign per building wall. In Industrial districts, the total area of walls signs shall be limited to two square feet per foot of lineal wall length. **Wall Height** – The wall height shall stay two feet below the roof line and shall not cover windows, doors, or architectural features. For properties with multiple tenants, permitted wall sign area calculations will be based on the maximum width of each individual unit, up to a maximum of 200 square feet per unit. **Projecting and Suspended Signs** – No projecting shall extend into an adjacent street right-of-way of be less than 10 feet above a pedestrian way. The projecting sign shall not interfere with pedestrian or vehicular traffic in any manner.

b – Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage shall not be accumulated on one street in excess of that allowed for lots with only one street frontage.

c – In addition to the setback requirements shown in this column, all signs located adjacent to a residential use shall have a setback distance no less than the height of the sign.

d – In this column, "I" shall mean internal illumination and "E" shall mean external illumination.

e – If permitted, duration of signs being ON/Active shall only be during business hours. The Zoning Officer may limit hours of illumination when the sign surrounds a residential use or district.

Note: Where "–" is present, there shall mean that there is no limit or restriction.

406.90. Billboard Standards

Billboards may be permitted as off-premises signs as a **Conditional Use** in Heavy Industrial and Special Industrial, provided each meets the requirements set forth herein.

A. Such signs must comply with all applicable federal, state, and local regulations.

B. The person or entity responsible for the erection of the billboard shall show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.

C. Only one billboard shall be permitted on any one lot. A billboard may be located on a developed or undeveloped lot, provided it does not interfere with required parking, circulation, access, utilities, loading, or principal site operations.

D. Such signs shall be properly and adequately secured to prevent unauthorized access.

E. A bond or other security acceptable to the City in form and amount satisfactory to the City shall be posted with the City to ensure that the billboard will be properly removed upon termination of use for a period of one year.

F. Design.

1. Such signs shall not exceed 250 square feet per side. The sign area shall be calculated including all trim and border area but shall exclude the main supporting structure, base, and apron.
2. No portion of any off-premise sign shall be more than 35 feet above the highest elevation of the surrounding natural grade.
3. Billboard signs may have two sign faces provided they are not more than five feet apart.
4. Such signs shall be stationary.
5. Each face of a billboard shall be demonstrated to be oriented toward the street upon which the billboard fronts or faces to cause the least visual impact upon neighboring properties.

G. Location and Setbacks.

1. The minimum setback from the property line shall be 35 feet.
2. Such signs shall not be placed within 750 feet of another on the same side of the road or 500 feet of another on the opposite side of a road, and shall be subject to off-premises restrictions.
3. Such signs shall not be placed within 150 feet from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather.
4. No billboard shall be located closer than 150 feet from the boundary line of any residential district or use.
5. Such signs shall not be placed within 150 feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.

6. Such signs shall not block the view from the street of any existing business sign, residential or non-residential structure.
7. Such signs are not permitted on utility or sewer rights-of-way or pipelines and floodplain areas or within 150 feet of a bridge crossing.
8. Such signs shall not be mounted on a structure or roof.

H. Lighting and Digital Messaging.

The following regulation shall apply to the lighting of new or existing billboards and signs, whether from an internal or external lighting source, shall require a Building Permit, which shall be granted only when Municipality is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

1. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
2. Billboards shall not resemble or simulate any warning or danger signal or any official traffic control device, sign or light.
3. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
4. Transitions.
    a. Should be instant, no fade, blur or slide off.
    b. Except for time and weather signs, digital message shall not be permitted to change more than once every 60 seconds.
5. Externally illuminated billboards shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to fully shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the billboard face.
6. Internally illuminated billboards and signs shall have a dark field/background and light message.
7. Illumination of billboards located within 400 feet of a residential use whose illuminated surface is visible shall not be permitted.
8. No such sign shall be erected without a light detector/photocell, a scheduled dimming timer, or a manual control by which the sign's brightness can be dimmed when ambient light conditions darken.
9. Prior to issuance of a permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,000 nits daytime maximum and adheres to the nighttime hours maximum brightness.

10. From 30 minutes after sunset to 30 minutes before sunrise, the LED output shall be automatically reduced to a level that does not exceed 150 nits. Where located in an area with existing high-ambient light levels but not visible from a residential use, a sign-face brightness not exceeding 200 nits may be permitted. The billboard nighttime light output shall be capable of being further dimmed if the City so requires when the lighting is judged to create a nuisance or hazard. Light source correlated color temperature shall not exceed 3,000K (Kelvin).
11. Require message to freeze in off mode in event of board malfunction.

407. STEEP SLOPE AREAS

Any development of slopes of more than 15% percent must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The Zoning Officer shall refer the plan to the City Engineer or a consulting engineer for review and advice before issuing any permit.

408. FLOOD HAZARD AREAS

The City of Sharon has adopted an ordinance regulating development within floodplains. All developments within designated areas are required to follow regulations contained in said Ordinance.

409. BUFFER YARD, SCREENING, AND LANDSCAPING REQUIREMENTS

The purpose of this section is to set standards to buffer or screen incompatible uses in order to minimize visual and operational impacts and to maintain compatibility with the surround community character.

A. Where any major, minor, or commercial, institutional, and industrial development borders residential or institutional use or district, buffering, landscaping, and screening measures of 100% opacity shall be required along the entire length of all abutting property lines. The buffer yard shall not be required within the future right-of-way of any street or in any location where it would interfere with the greenway and/or vehicle sight distance or safety.
B. The exact screening method, plant selection, and layout may vary based on site-specific conditions, development scale, adjacent land use, topography, and existing vegetation. The Zoning Officer may approve alternative designs that meet the intent of these standards providing effective buffering, supporting stormwater management goals, and respecting the character of the surrounding areas. Complimentary buffering/screening requirements for specific uses are listed in their corresponding sections.
C. A continuous year-round buffer along shared boundaries with residential and institutional uses and districts consisting of native or regionally adapted species that are appropriate for the site's context, support stormwater management and erosion control objectives, and enhance neighborhood aesthetics and improve impenetrability is required. Plantings shall be staggered with spacing appropriate to the mature size of the selected species to provide the continuous year-round buffer.

D. Where feasible, existing screen plantings that provide a fully screened and consistent visual appearance may be preserved in lieu of new plantings, provided it supports stormwater and erosion control objectives. Existing onsite vegetation shall be preserved to the maximum extent practicable, except as required for installation and operation of the facility, utilities, and stormwater facilities.
E. Loading docks, trash collection enclosures, and similar facilities shall be incorporated into the overall design of the structures and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. These facilities shall be screened by a solid masonry, vinyl, or wood wall at least six feet in height and of adequate strength of construction to retain the original structural integrity.
F. Landscaping and other screening devices shall be used to obscure the view of building mechanical systems.
G. Outdoor storage facilities for good or materials that are kept on premises must be screened from view and constructed of a material which maintains 100% opacity.
H. It shall be the responsibility of the owner/operator to maintain all buffers, screening, and screen planting in good condition, free of garbage/rubbish, and replace any dying or dead vegetation and/or deteriorating screening material.

PART 5: ADMINISTRATION, ENFORCEMENT AND APPEALS

501. ZONING OFFICER

The City of Sharon shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall not hold any elective office in the City.

502. DUTIES OF THE ZONING OFFICER

The Zoning Officer shall administer this 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. The Officer shall be considered as qualified to perform their duties by meeting the qualifications established by the City. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

502.10. Application for Zoning Permits

The Zoning Officer shall receive applications for zoning permits. A zoning permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable City ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

502.20. Inspections

The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a zoning permit or a building permit has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of an occupancy permit.

502.30. Permits, Applications, Appeals and Certificates

The Zoning Officer shall issue or deny such permits as required by this Ordinance where no other body is involved; shall receive all applications for special exceptions, conditional uses and variances and forward same to the appropriate body. Said applications shall be on forms as approved by the City of the Board, as appropriate, and shall be accompanied by a fee as set by the City. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding same to the Zoning Hearing Board.

502.40. Enforcement

The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance to the greatest extent permitted under the Pennsylvania Municipalities Planning Code.

503. PERMITS AND CERTIFICATES

503.10. Zoning and Building Permits

An application for zoning and building permits will be to show compliance with this and other appropriate City ordinances. Compliance with other pertinent regulations including those of the Pennsylvania Department of Labor and Industry may also be required. Applications shall contain information relative to the proposed construction, site plan and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the City.

503.20. Occupancy Permit

An occupancy permit shall be required prior to the occupancy or use of any vacant land prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the occupancy permit is to confirm that the development described in the zoning and building permit application has been completed in compliance with the application and this Ordinance. Occupancy permits shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure.

503.30. Sign Permit

A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 406.60 of this Ordinance.

A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.

B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

    1. Exact dimensions of lot or building upon which the sign is proposed to be erected.
    2. The exact size, dimensions and location of the said sign on lot or building.
    3. Any other lawful information which may be required by the Zoning Officer.

504. CONDITIONAL USES, APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

The Zoning Officer shall receive all requests for conditional uses, appeals, applications for variances and requests for special exceptions. Said applications shall be on forms as approved by the City or Board, as appropriate, and shall be accompanied by a fee as set by the City. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, special exceptions and variances shall be within such time limits as shall be set by the Board.

505. VIOLATIONS

505.10. Enforcement Notice

When it appears to the City and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

A. The name of the owner of record and any other person against whom the City intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

505.20. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that their property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least 30 days prior to the time the action is begun by serving a copy of the complaint on the City Council of the City of Sharon. No such action may be maintained until such notice has been given.

505.30. Jurisdiction

Magisterial District Judges shall have initial jurisdiction over proceedings brought under this Section.

505.40. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable there for in a civil enforcement proceeding commenced by the City, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the City. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

PART 6: ZONING HEARING BOARD

601. CREATION

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five residents of the City appointed by the City Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

602. APPOINTMENT

The terms of office of the Board shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the City 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 City, nor be a member of the Planning Commission. City Council shall also appoint two alternate members to the Board. The appointment, rights and duties of the alternates shall be in accordance with the Pennsylvania Municipalities Planning Code.

603. REMOVAL OF MEMBERS

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

604. ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where three members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with City ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to City Council as requested.

605. EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by City Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of City Council.

606. LEGAL COUNSEL

Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.

607. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements.

A. Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. City Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, or its expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. 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.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or their representative unless all parties are given an opportunity to be present.

K. The Board or the hearing officer, as the case may be, 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 or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that their decision or findings are final, the Board shall make their report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

L. 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 to them not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Any permit authorized by Board action must be applied for within six months from the date of the Board's action. After that time, the authorization shall be null and no permit shall be issued. Furthermore, no permit authorized by the Board shall be modified without approval of the Board.

608. BOARD'S FUNCTIONS

A. Substantive challenges to the validity of any land use ordinance, except those brought before the City Council pursuant to 609.1 and 916.1(a)(2) of the Planning Code.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the City and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to 910.2 of the Planning Code and 608(H) of this Ordinance.

F. Appeals from the Zoning Officer's determination under 916.2 of the Planning Code.

G. Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.

H. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

    1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

    2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is there for necessary to enable the reasonable use of the property.

    3. That such unnecessary hardship has not been created by the applicant;

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

609. PARTIES APPELLANT BEFORE BOARD

Appeals under 608 and proceedings to challenge this Ordinance under 608 may be filed with the Board in writing by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance under 608 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

610. TIME LIMITATIONS; PERSONS AGGRIEVED

No person shall be allowed to file any proceeding with the Board later than thirty 30 days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest. See also 914.1 of the Planning Code.

611. STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in 608 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice.

PART 7: AMENDMENTS

701. GENERAL

City Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of City Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.

702. PETITIONS

Petitions for amendments shall be filed with the Planning Commission; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the City.

703. REFERRAL

Any proposed amendment presented to the City Council without written findings and recommendations from the Planning Commission and the Mercer County Regional Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by City Council. City Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the City and County Planning Commissions.

704. ACTION

Before acting upon a proposed amendment, City Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one week prior to the date of the hearing.

705. CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which they have an interest, may submit a curative amendment to City Council with a written request that their challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. City Council shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Sharon Planning Commission and the Mercer County Regional Planning Commission at least 30 days before the hearing is conducted by the City Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of City Council shall be in accordance with Section 609.1 of the Planning Code.

The City may institute a municipal curative amendment in accordance with Section 609.2 of the Planning Code.

PART 8: PLANNED RESIDENTIAL DEVELOPMENT (PRD)

801. PURPOSE

The purpose of the Planned Residential Development (PRD) regulations is to encourage innovative and flexible residential site design that supports neighborhood reinvestment, adaptive reuse, and coordinated redevelopment within the City of Sharon.

These regulations are intended to:

A. Encourage redevelopment of vacant, underutilized, obsolete, or blighted residential, commercial, institutional, and industrial properties for residential or mixed-residential purposes.

B. Promote a variety of housing types, densities, and ownership opportunities within a coordinated development framework.

C. Support walkable neighborhood design, compatible infill development, and context-sensitive transitions to surrounding neighborhoods.

D. Preserve and incorporate usable open spaces, neighborhood amenities, historic resources, and natural features where present.

E. Allow coordinated site planning that improves access, circulation, utilities, stormwater management, and long-term maintenance.

802. APPLICABILITY

A. A PRD may be approved as a Conditional Use in the following districts:

1. R-2 Residential District.
2. MU Mixed Use District.
3. IN Institutional District.

B. This provision is intended to support neighborhood-scale redevelopment, infill housing, adaptive reuse, and coordinated redevelopment of larger vacant or obsolete sites.

803. MINIMUM DEVELOPMENT SIZE

A. A PRD shall contain not less than:

1. 20,000 square feet for infill, adaptive reuse, or neighborhood redevelopment sites.
2. One acre for larger coordinated redevelopment sites.

B. The City Council may permit smaller sites where the applicant demonstrates exceptional site design, strategic redevelopment value, or adaptive reuse of an existing structure.

804. PERMITTED USES

A PRD may include a mixture of the following uses:

A. Single-family detached dwellings

B. Two-family or duplex dwellings

C. Townhouse dwellings

D. Multi-family dwellings

E. Mixed-use buildings containing residential units and permitted neighborhood-scale commercial uses

F. Accessory recreational facilities and community buildings for residents

G. Common open space, courtyards, greens, plazas, and community gardens

H. Other residentially supportive amenities approved as part of the PRD

805. DENSITY AND DIMENSIONAL FLEXIBILITY

A. Base density shall be established by the underlying zoning district.

B. As part of the PRD approval, City Council may modify otherwise applicable lot area, lot width, yard, coverage, and similar dimensional requirements to achieve superior site design and compatibility.

C. City Council may approve a density increase of up to 20% where the development includes one or more of the following:

1. Adaptive reuse of an existing building
2. Workforce or attainable housing units
3. Enhanced pedestrian and bicycle connectivity
4. Structured common open space or recreational amenities
5. Historic preservation
6. Environmental remediation of a blighted or brownfield site
7. Public improvements or public amenities integrated into the development

806. SITE DESIGN AND DEVELOPMENT STANDARDS

A. All PRDs shall comply with the following:

1. Unified Design**.** The PRD shall be designed as a coordinated and unified development addressing:
    a. Building placement
    b. Parking and access
    c. Open space
    d. Pedestrian circulation
    e. Utilities
    f. Stormwater management
    g. Landscaping
    h. Lighting
    i. Long-term maintenance responsibilities
2. Mercer County SALDO Compliance. All subdivision, land development, streets, sidewalks, utilities, stormwater facilities, easements, landscaping, buffering, lighting, parking lot layout, and public improvement guarantees shall comply with the Mercer County Subdivision and Land Development Ordinance, as adopted and amended, and all applicable City standards.

B. Public Utilities. All principal buildings shall be connected to public water and public sanitary sewer service.

C. Neighborhood Compatibility. Building placement, scale, and transitions shall be arranged to complement surrounding neighborhoods, block patterns, and adjacent development.

D. Height. Maximum building height shall be determined as part of PRD approval based upon:

1. Surrounding neighborhood context
2. Street width
3. Light and air access
4. Transition to adjacent residential uses
5. Emergency access and fire protection considerations

807. PARKING AND ACCESS FLEXIBILITY

A. Off-street parking requirements may be reduced where the applicant demonstrates:

1. Shared parking opportunities
2. Availability of on-street parking
3. Walkability to nearby services and employment
4. Adaptive reuse constraints
5. Access to transit
6. Downtown or neighborhood commercial proximity

B. Final parking design, loading, internal circulation, emergency access, and driveway standards shall comply with the Mercer County SALDO.

808. PERMITED TREATMENT AND TRANSITIONS

A. Where a PRD abuts lower-density residential uses, City Council may require:

1. Increased setbacks
2. Landscaping or screening
3. Decorative fencing
4. Step-backs in building height
5. Transition in housing type or building massing
6. Preservation of existing vegetation where feasible

B. The purpose of such requirements shall be to ensure compatibility and protect neighborhood character.

809. COMMON OPEN SPACE

A. Common open space shall be provided where warranted by site size, project scale, and residential intensity.

B. Common open space may include:

1. Greenspace
2. Courtyards
3. Plazas
4. Community gardens
5. Playgrounds
6. Passive recreation areas
7. Trail connections
8. Stormwater green infrastructure designed as usable amenities

C. The amount and design of open space shall be proportional to the development and serve the anticipated residents.

810. OWNERSHIP AND MAINTENANCE

A. Common facilities, private streets, shared parking areas, stormwater features, and open spaces shall be owned and maintained by one or more of the following:

1. Homeowners' association
2. Condominium association
3. Private management entity
4. Redevelopment authority
5. Land bank
6. Nonprofit entity
7. Public agency

B. All legal instruments shall establish perpetual maintenance responsibility acceptable to the City Solicitor.

811. REVIEW AND APPROVAL

A. The review, public hearing, approval, modification, phasing, and enforcement of all Planned Residential Developments shall comply with Article VII of the Pennsylvania Municipalities Planning Code, as amended

B. Where subdivision or land development approval is required, the application shall also comply with the Mercer County SALDO and all applicable City administrative procedures.

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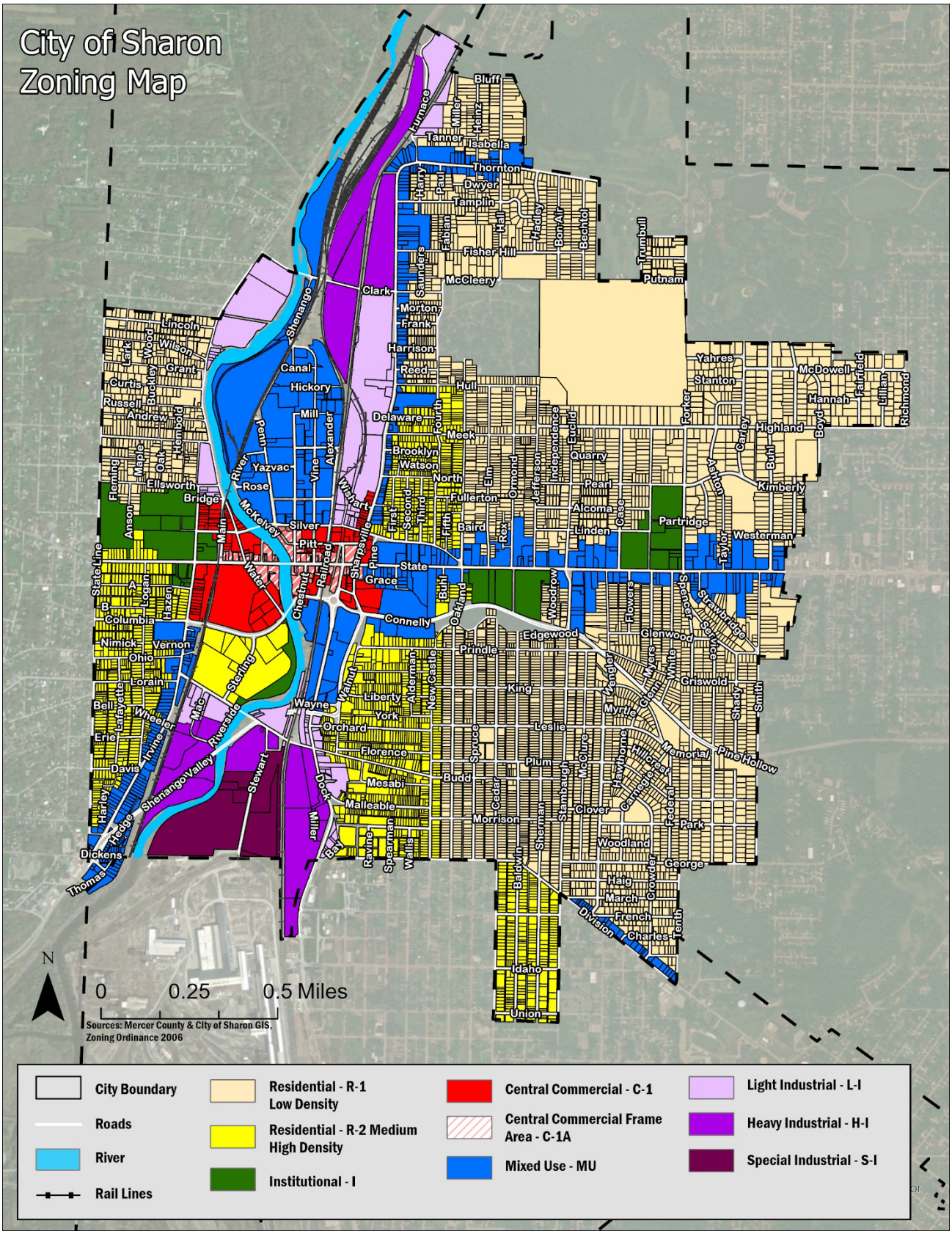
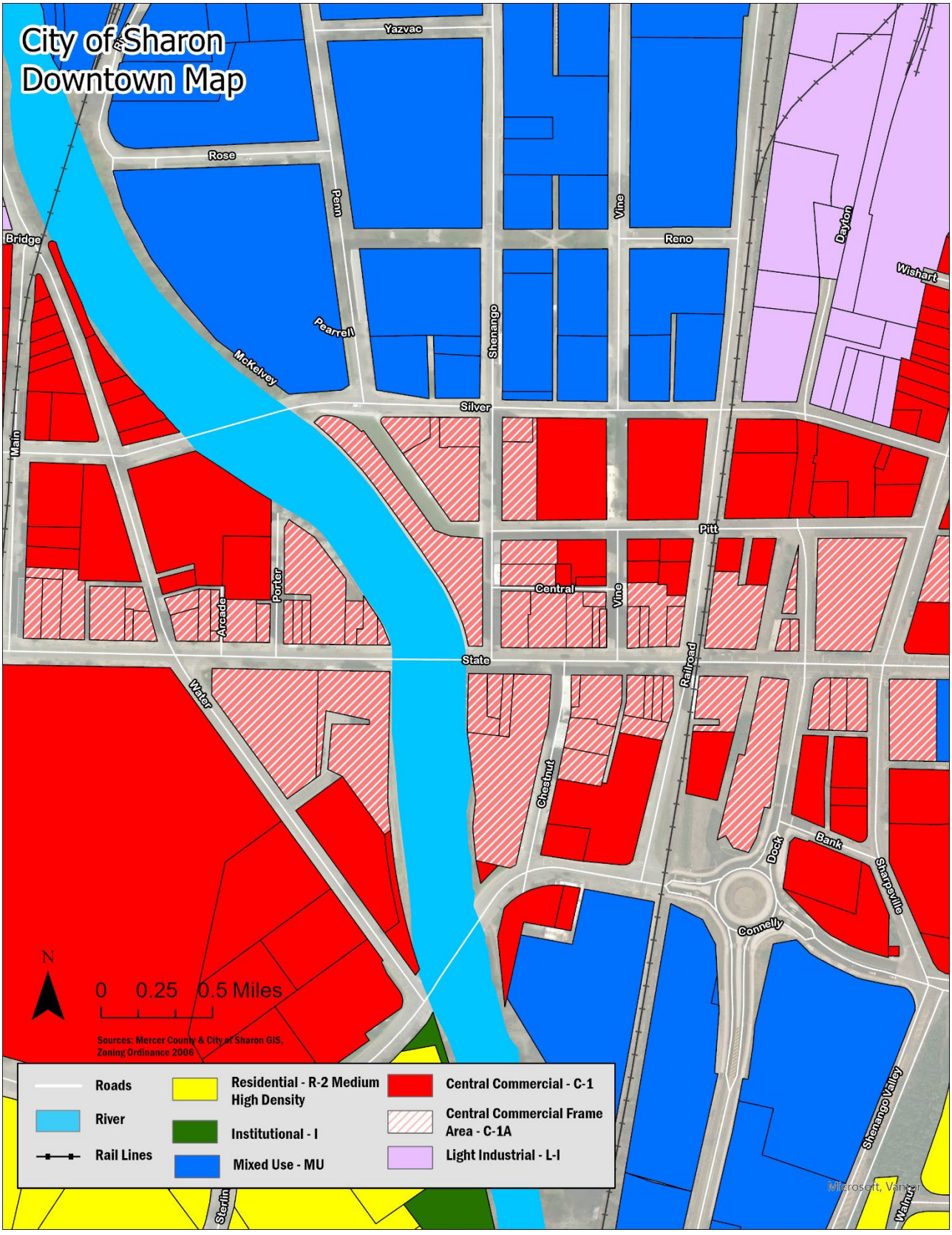
APPENDICES

APPENDIX 1: CITY ZONING MAP



APPENDIX 2: DOWNTOWN CORRIDOR MAP



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