

**BOROUGH OF MOUNT POCONO  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 3 OF 2010**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE  
BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO UPDATE THE STANDARDS FOR  
WINDOW SIGNS.**

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Mount Pocono's Zoning Ordinance, Chapter 215 of the Code of the Borough of Mount Pocono, is hereby amended as follows:

**ITEM 1-Add the following definition in §215-12 to read as follows:**

**BODY PIERCING, TATTOO, SCARIFYING OR BRANDING PARLOR** -An establishment engaged in any of the following:

- A. The perforation of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.
- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

**ITEM 2-Add *body piercing, tattoo, scarifying or branding parlors* as a principal permitted use in the M-Industrial District and C-2 District Schedule of Uses (215 Attachment 1:6).**

**ITEM 3 -Amend §215-21.A.(1) to read as follows:**

- (1) Unattached accessory structures. All unattached accessory structures shall comply with bulk and coverage yard requirements for principal structures. However, accessory structures which are not attached to a principal structure may be erected within the required side yards of a principal structure, provided that no side yard is reduced to less than 15 feet. Unattached storage sheds not exceeding 180 square feet in floor area may be erected within the required side and rear yards of a principal structure, provided that no side yard is reduced to less than 5 feet and no rear yard is reduced to less than 5 feet unless the required setback for the principal structure is less restrictive. In the case of corner lots, the full yard as specified in §215-20D shall be maintained.

**ITEM 4 -Add the following Subsection (d) to §215-21.G.(3) -Particular Temporary Uses Permitted:**

- (d) **Temporary Outdoor Sales/Promotions.** (This §215-21.G.(3).(d) shall not apply to events conducted by nonprofit or community based organization the benefits of which are for the direct benefit of the organization or other nonprofit or community organization or purpose.)
  - [1] A temporary outdoor sales/promotions is a temporary use conducted for a fixed time as an accessory to a legally existing use in the open air, or from any trailer, cart, platform, tent, shed or other temporary structure and which involves the outdoor sales/promotions

of the same type of food, merchandise or services as the principal use.

- [2] Not more than two (2) permits for temporary outdoor sales/promotions shall be issued for any premises in any calendar year, each sale/promotion shall not exceed five (5) consecutive days, and such sales/promotions shall be conducted no less than two (2) weeks apart.
- [3] District side and rear yard setbacks shall be maintained as required in the district and no part of the sale/promotion shall encroach on any public road right-of-way.
- [4] A plan shall be provided by the Applicant, drawn to scale, showing the layout of any parking area for motor vehicles, including the means of ingress and egress to such parking area to document the adequacy of the parking and safe ingress and egress.
- [5] An adequate means of sewage disposal shall be provided for any amount which cannot be handled by the system serving the use.
- [6] The hours of operation shall be limited to 9:00 AM to 10:00 PM.
- [7] The performance standards in §215-35 and all other applicable standards of this Chapter shall apply.

#### **ITEM 5 – Repeal §215-21.N.**

#### **ITEM 6 -Add the following §215-51A:**

##### **§215-51.1. Outdoor sales/promotion.**

(This §215-51.1 shall not apply to events conducted by nonprofit or community based organization the benefits of which are for the direct benefit of the organization or other nonprofit or community organization or purpose.)

A. Definition. Outdoor sales/promotions of food, merchandise or services shall include any such use which is conducted in the open air, or from any trailer, cart, platform, tent, shed or other temporary structure.

B. Prohibition; exceptions. The outdoor sales/promotions of food, merchandise or services shall not be permitted except:

- (1) As part of a temporary special sale/promotion permitted in accord with §215-21.G.(3).(d).
- (2) Using a permanent accessory structure (e.g., in a pavilion or on a deck.) approved as part of the principal use in accord with the performance standards in §215-35 and all other applicable provisions of this Chapter.
- (3) As part of an outdoor sales or storage area approved in accord with §215-35.D and other applicable requirements of this Chapter.
- (4) Farmers Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal products, sponsored by the Borough or community based organization i.e. Mount Pocono Farmers Market Association and occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce. The market may also include the sale of home-produced crafts such as wearing apparel, home decorations, jewelry, toys, furniture, leather goods, dried flowers or similar items which are produced by the vendor.

#### **ITEM 7 -Amend and add the following definitions in §215-79 to read as follows:**

##### **Amend**

**CHANGEABLE SIGN** -A sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. (See §215-83.B and §215-83.C for prohibition of animated and moving signs and flashing and message sign.)

**WALLIWINDOW SIGN** -A sign painted on, or attached to, a wall or window (excluding permitted accessory window signs) of a building or other structure and which is mounted parallel to the surface so that only one side is visible to the public.

**Add WINDOW SIGN, ACCESSORY** -Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building and which is not an on-premises sign permitted by



§215-87.

**ITEM 8 -Amend §215-85.B to read as follows:**

B. Limitation on number of signs. Excluding window decals, permitted accessory window signs and on-premises directional signs, any business shall be limited to two on-premises ~~exterior~~ signs advertising that business in one of the following combinations:

- (1) One freestanding sign and one sign attached to a building.
- (2) Two signs attached to a building.

**ITEM 9 -Add the following Subsection K to §215-88 (Individual sign requirements) to read as follows:**

K. Accessory window signs. Accessory window signs shall be permitted for retail, service and wholesale establishments and shall not require permits. However, all such signs shall:

- (1) Not exceed 70 percent of the area of the window to which the signs are attached.
- (2) Advertise only goods and services available on the premises or community events sponsored by a local agency or organization.

**SEVERABILITY**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

**EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption.

**ADOPTION**

ORDINANCE ORDAINED AND ENACTED this 21<sup>st</sup> day of June, 2010, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, to be effective immediately.

BOROUGH OF MOUNT POCONO

By: \_\_\_\_\_

John P. Finnerly, Council President

ATTEST: \_\_\_\_\_

Lori Noonan, Borough Secretary

**APPROVED** this 21<sup>st</sup> day of June, 2010

By: \_\_\_\_\_

Dan McDavitt, Mayor