

ARTICLE IV

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. **APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two or more requirements apply to the same use or structure, then the more restrictive requirement shall apply.

401.B. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Sections 118 and 119. These Sections 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

402. **ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.** Each of the following uses shall meet all of the following requirements for that use:

1. **Abused Person Shelter.**

- a. See definition in Article II.
- b. Where permitted, such use shall have a maximum total of 12 residents in a residential district and 20 residents in any other district. Such maximum number of residents shall include any staff or volunteers that routinely stay overnight.
- c. The use shall include a minimum of 1 off-street parking space for each household intended to be housed on-site, unless the applicant proves to the satisfaction of the Zoning Hearing Board that less parking is needed because excess parking spaces are available on-street during all hours of the day.
- d. The use shall have secure locks and alarm systems to protect the occupants from physical violence.
- e. The use shall include a minimum of 250 square feet of usable outdoor open space for play by children, or be within 250 feet of a public park.

2. **Adult Use.** See "Sexually Oriented Business" in this Section.

3. **Amusement Arcade.** (See definition in Article II)

- a. The use shall be setback a minimum of 400 feet from any place of worship or public or private primary or secondary school.
- b. The use shall be setback a minimum of 250 feet from any residential district.
- c. The use shall not be open to persons age 16 or younger during school hours.

4. **Auditorium, Commercial or Nightclub.**

- a. A 40 feet buffer yard shall completely separate the structure and all off-street parking areas from any "residential lot line."
- b. Any such use that allows the consumption of alcohol and that has a capacity of 150 or more persons shall be setback a minimum of 150 feet from any "residential lot line."

5. Auto Repair Garage.

- a. All major repair, welding and paint work shall be performed within a building, with a fume collection and ventilation system that directs noxious fumes away from any adjacent dwellings.
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, glare or electrical interference nuisances to adjacent lots.
- c. Outdoor storage of motor vehicles shall not be within a buffer yard or planting strip area required by Sections 803 or 804 nor closer than 10 feet from a "residential lot line."
- d. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or an adjacent dwelling.
- e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless screened from view by evergreen plants.
- f. Whenever practical in the determination of the Zoning Officer, service bay doors shall not face directly towards an abutting dwelling (other than a dwelling separated from the repair garage by a street).
- g. A use that is primarily intended to serve trucks with 3 or more axles or tractor-trailer trucks shall have a minimum lot area of 1 acre, and all areas used for repairs, fueling and serving of such vehicles shall be setback a minimum of 100 feet from a "residential lot line."

6. Auto, Boat or Manufactured Home Sales.

- a. No vehicle or home on display shall occupy any part of the existing street right-of-way or required customer parking area or any buffer yard or planting strip area required by Sections 803 or 804.
- b. See light and glare standards in Section 511.

7. Auto Service Station.

- a. See definition in Article II, and definition of "Auto Repair Garage." See also "motor vehicle access" in Article VIII. No driveway entrance or fuel pumps of an auto service station shall be within 50 feet of the lot line of a primary or secondary school or a hospital.
- b. All activities, except those customarily performed at fuel or air pumps, shall be performed within a building. Spray painting or body or fender work is prohibited as part of an auto service station, unless such work is approved as part of an auto repair garage use.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way.
- d. Overnight outdoor storage of "junk" and vehicle parts, other than permitted whole junk vehicles, shall be prohibited within view of a public street or dwelling.
- e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for more than a total of 20 days. No more than 3 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- f. There shall be an ability for a minimum of 3 vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.
- g. A use that is primarily intended to serve trucks with 3 or more axles or tractor-trailer trucks shall have a minimum lot area of 1 acre, and all areas used for fueling and servicing shall be setback a minimum of 100 feet from all "residential lot lines."

8. Bed and Breakfast Use.

- a. In a residential district, a maximum of 6 rental units shall be provided and a total maximum of 12 guests may occupy the facility at one point in time. A maximum of 4 persons may occupy one rental unit.
- b. In a residential district, a maximum of 4 off-street parking spaces may be located within the required front yard. See buffer yard requirements in Section 803.
- c. At least one bathroom for guest use shall be provided for every 3 rental units.
- d. No signs, show windows or any type of display or advertising shall be visible from outside the premises, except for a single wall or freestanding sign, which shall not be internally illuminated, with a maximum sign area of 4 square feet (on each of 2 sides if freestanding) and with a maximum height of 6 feet.
- e. In a residential district, the exterior of the building shall not be changed in any way that would decrease its residential appearance and character, except for needed modifications for historic restoration, handicapped access or fire safety.
- f. The use shall be primarily operated by residents of the lot.
- g. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the District regulations.
- h. Guests shall not routinely stay for more than 14 days in any month.
- i. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is also permitted by the District regulations.
- j. In a residential district, shall be restricted to buildings that existed prior to January 1, 1950.

9. Betting Use.

- a. Shall be located abutting an arterial or collector street, as defined by the Official Street Classification Map.
- b. Minimum lot area - 30,000 square feet.
- c. Minimum building setback from any "residential lotline" or any lot line of a place of worship - 150 feet.

10. Boarding House (or Rooming House).

- a. Minimum lot area- 10,000 square feet
- b. Minimum setbacks: 15 feet each side yard and 40 feet rear yard
- c. Minimum lot width- 80 feet
- d. Each sleeping room shall be limited to 2 adults each, with a maximum of 3 persons of any age per sleeping room.
- e. A 10 feet wide buffer yard with screening complying with Section 803.D. shall be provided between any boarding house and any abutting single family detached dwelling that is within 100 feet of the boarding house building.
- f. Interior Space- Each rental unit shall include a minimum of 120 square feet of habitable interior floor space if occupied by 1 person and a minimum of 190 square feet of such space if occupied by 2 or 3 persons.
- g. Maximum number of residents: 40 in an INS-G district and 80 in any other permitted district.
- h. See also standards for "personal care homes," "dormitories," "abused person shelters" and "treatment centers," which are separate uses.
- i. Signs- shall be limited to 1 wall sign with a maximum of 2 square feet per side and a maximum height of 6 feet.

- j. Rooms shall be rented for a minimum period of 5 consecutive days, except for an approved homeless shelter.
- k. A minimum of 1 full bathroom shall be provided for every 4 rental units.

11. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation channels and parking areas shall be clearly marked.
- c. Adequate provisions shall be made for the proper and convenient disposal of refuse.
- d. Water used in the operation shall not flow into streets, sidewalks, separated storm sewers or waterways.
- e. Any car wash that is located within 200 feet of an existing primarily residential, nursing home or hospital building shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
- f. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

12. Cemetery.

- a. Minimum lot area for any cemetery approved after the adoption of this Ordinance - 2 acres; Maximum lot area for any cemetery approved after the adoption of this Ordinance - 10 acres.
- b. A crematorium, where permitted, shall be setback a minimum of 250 feet from all "residential lot lines." Such use shall require special exception approval.
- c. All structures and graves shall be setback a minimum of: 15 feet from the lot line of a "residential lot line" or the existing right-of-way of any public street and 8 feet from the cartway of an internal private driveway.
- d. No grave sites shall be located within the 100-year floodplain.
- e. The applicant shall provide evidence that proves to the satisfaction of the Zoning Officer, based upon a review by the Planning Commission and the City Solicitor, that there will be an appropriate financial system to ensure perpetual maintenance of the land.

13. Communications Antennae, Commercial.

- a. Any such antenna that is attached to an existing business building or a non-residential buildings of more than 5 stories shall not be regulated by this Section, and instead is permitted by right without additional regulations under this Ordinance. See requirements of the City Building Code.
- b. A freestanding antenna shall be setback a minimum distance equal to half its height from all lot lines and existing street right-of-way lines.
- c. The base of a freestanding antennae shall be surrounded by a secure fence with a minimum height of 8 feet.
- d. Any freestanding antennae higher than 50 feet that is within 100 feet of a public street or dwelling shall be buffered along that street or lot line (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.

14. Conversion of a Building to an Additional Number of Dwelling Units (including but not limited to development of one accessory apartment within a single family detached dwelling; but not including a "Unit for Care of a Relative" as provided in Section 403)

- a. All parking spaces provided on the lot shall be paved in asphalt, concrete or decorative paving block. See requirements for number of parking spaces in Section 601.
- b. Each dwelling unit shall have a minimum floor area of 600 square feet of habitable floor area, with all areas used to meet such required floor area complying with the following conditions:

- 1) all such floor area shall have a floor-to-ceiling height clearance of at least 6 feet 8 inches that not unobstructed by pipes, ducts, joists or other intrusions,
 - 2) all such floor area shall be heated and completely enclosed,
 - 3) a minimum of 50% of the floor surface of such required floor area shall be located above the average surrounding ground level.
- c. Windows. Each dwelling unit shall have at least 1 window that opens to the outside. See also Section 401 of the City Existing Property Maintenance Code.
 - d. The use shall comply with the Pennsylvania Sewage Facilities Act, as amended and State and local fire safety regulations.
 - e. A total maximum over the lifetime of the property of no more than 2 dwelling units may be added to any existing single family detached dwelling, single family semi-detached dwelling, two family detached dwelling or townhouse beyond the number of dwelling units that existed in such building at the time of adoption of this Ordinance.
 - f. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard abutting an arterial street.
 - g. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
 - h. Off-street parking lots with 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of Section 803.
 - i. Dumpster Screening - See Section 513.
 - j. A site plan shall be submitted to the Zoning Officer.
 - k. Density - See tables in Section 307 for the applicable district, where permitted. Conversions of existing dwellings into increased numbers of dwelling units is prohibited in the R-1, R-1A, R-2 and R-2/O districts, except as is permitted as a "Unit for Care of Relative" under Section 403.
15. Correctional Facility, County-Owned. - The applicant shall prove to the satisfaction of the Zoning Hearing Board that the proposed use will include sufficient security measures to protect the general public and adjacent residents.
16. Day Care Center, Child. - as a principal use
- a. See also day care center as an accessory use in Section 403.
 - b. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA. Department of Public Welfare registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
 - d. In residential districts, where permitted as a principal use, shall have a minimum lot area of 6,000 square feet and a minimum setback of 5 feet from an abutting "residential lot line."
 - e. Any area routinely used for outdoor play by children under the age of 12 shall be surrounded by a secure fence with a minimum height of 4 feet.
 - f. Outside play areas in Residential Districts shall be limited to use between 7:30 a.m. and 9:00 p.m. if located within 100 feet of an abutting dwelling.
 - g. Outdoor play areas of a day care center involving the care of 20 or more children at any one time shall be setback a minimum of 10 feet from windows or doors of an abutting existing occupied dwelling.

- h. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- i. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.
- j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use. See also Section 306.D. which allows day care centers limited to employees of a business or institution.

17. Dormitory. (See definition in Article II)

- a. Shall be limited to full-time students, faculty or staff of an accredited college, university, nursing school, medical training program or teaching hospital.
- b. The building shall be setback a minimum of 80 feet from any existing single family detached dwelling or single family semi-detached (twin) dwelling that is not owned by the institution providing such dormitory.
- c. A dormitory shall include a maximum of 1 cooking area for every 20 students.

18. Forestry, Commercial. (Excluding Plant Nursery)

- a. See definition in Article II.
- b. A Forestry Management Plan shall be prepared and followed for any commercial forestry involving more than 1 acre. This Plan shall be prepared by a professional forester and be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
- c. Clearcutting shall be prohibited except on tracts of less than 1/4 acre.
- d. On tracts larger than 1/4 acre, at least 20 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 20 percent of these residual trees shall be composed of higher value species as determined by a professional forester.
- e. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
- f. The Forestry Management Plan shall include an appropriate method to ensure re-forestation, except for areas approved for a permitted use.
- g. Commercial forestry is prohibited on areas with slopes greater than 25 percent or within the 100-year floodway.

19. Funeral Home. - Minimum lot area- 12,000 square feet, which may include adjacent parking lots in common ownership or under long-term lease.

20. Golf Course.

- a. The course shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the golf course.
- b. A clubhouse, retail sales of golf supplies, non-household swimming pool and/or restaurant may be permitted as an accessory use. Any principal building or swimming pool shall be located a minimum of 80 feet from any residential lot line, unless the owner of such lot grants a waiver in writing from such setback.
- c. Minimum lot area- 10 acres in a residential district.
- d. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
- e. Maximum building coverage- 5%.
- f. Maximum impervious coverage- 10%.
- g. Fairways and greens shall be setback a minimum of 20 feet from the lot line of any existing dwelling.

21. Group Home. (permitted within any lawful dwelling unit)

- a. See definition in Article II.
- b. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.
- c. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the City, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the City within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/ license expires, is suspended or is withdrawn.
- d. Registration. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.
- e. Counseling. Any medical or counselling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.
- f. Parking. One off-street parking space shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than 5 spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 803.
- g. Appearance. If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
- h. The following maximum number of persons shall reside in a group home, including the maximum number of employees/ supervisors and/or careproviders routinely in the group home at any point in time:
 - 1) Single Family Detached Dwelling with minimum lot area of 10,000 square feet and minimum building setbacks from all "residential lot lines" of 10 feet: 8 total persons.
 - 2) Any other lawful dwelling unit: 6 total persons.
- i. Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.
- j. See the City Existing Property Maintenance Code.

22. Hospital.

- a. Minimum total area of all lots- 30,000 square feet.
- b. See definition in Article II.
- c. See buffer yard requirements in Section 803.
- d. See regulations of the INS-G and INS-L districts in Section 307.
- e. A hospital may also include the treatment for drug and alcohol addiction as a clearly accessory use, provided that the use is included completely within a general medical hospital building.
- f. A hospital may also include in-patient and out-patient mental health facilities, provided that the use does not primarily include the housing or treatment of the criminally insane or persons committed to such institution as a result of having been charged with a violent felony. Any in-patient mental health facilities shall be located completely within a general medical hospital building, unless such building is located a minimum of 200 feet from any "residential lot line."
- g. A "hospital" may also include any of the following additional principal or accessory uses:
 - 1) medical research facilities and training/education facilities for health care professions,
 - 2) short and long-term medical care,
 - 3) management and administrative offices for health care organizations,

- 4) hospice facilities,
 - 5) medical testing facilities,
 - 6) operating rooms and emergency facilities,
 - 7) medical and dental offices and clinics for treatment,
 - 8) a nursing home or personal care center and/or
 - 9) ambulatory surgery center.
- h. See Section 307 for accessory vocational training uses to an existing hospital specializing in rehabilitation.

23. Hotel/Motel.

- a. May be combined with commercial recreational facilities and a restaurant, if such uses are permitted in that district.
- b. See definition in Article II, which distinguishes between a hotel/motel and a boarding house and a bed and breakfast use.
- c. Minimum lot area - 6,000 square feet.
- d. The use shall include a minimum of 1 full bathroom for every 8 residents.

24. Junk Yard. (includes automobile salvage yard)

- a. Storage of garbage or biodegradable waste is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be a minimum of:
 - 1) 100 feet from any "residential lot line" for any junkyard or portion thereof approved after the adoption of this Ordinance,
 - 2) 60 feet from any residential lot line for any portion of a junkyard existing or approved prior to the adoption of this Ordinance and
 - 3) 30 feet from any other lot line or from the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate designated off-street parking spaces shall be provided for customers.
- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 4 feet.
- e. Fencing.
 - 1) Secure weather-treated wood, plastic-coated chain link or chain link metal fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas of a junkyard. Fences shall not be constructed of solid metal, junk vehicles, unregistered vehicles or "junk." Fences shall be constructed of uniform materials and generally be of uniform height, except where variations in height may be needed to prevent unauthorized access from certain sloped areas.
 - 2) Fencing shall be placed inside of any evergreen screening.
 - 3) Sufficient gates shall be provided in the fence only for necessary vehicle entry and exit and for emergency access. All such gates shall be kept securely closed when the junkyard is not open for business.
 - 4) To control the entry of children into the junkyard as an "attractive nuisance" and to control the exit of rats from the facility and to control offensive odors and to buffer noise and to avoid negative effects on property values of adjacent properties, all existing junkyards and auto salvage yards shall be required to meet this requirement for fencing as stated in this subsection "e" within 24 months of the adoption of this Ordinance.

- e. Burning or incineration of vehicles or junk is prohibited. The use shall not include the bulk storage of explosive or flammable materials. The use shall fully comply with the City Fire Protection Code.
- f. The use shall comply with the performance standards of Article V, especially regarding noise, dust and odor regulations.
- g. All gasoline, coolant and oil shall be drained from all vehicles and properly disposed of. All such substances shall not be stored on-site for more than 90 days, and shall be properly labeled. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
- h. Lot area - 2 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any material stored on-site that may attract rodents or insects or noxious odors or create fire hazards shall be stored within enclosed containers, and be removed from the site and properly disposed of within 90 days.
- k. No junk or junk vehicles shall be stacked or stored in such a way that it results in a height greater than 35 feet above the surrounding ground level.

25. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 150 feet from all "residential lot lines" and all lot lines of a hotel/motel and 30 feet from all other lot lines.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. A kennel may be used for breeding.
- f. Minimum lot area - 1 acre.
- g. An evergreen screen meeting the requirements of Section 803 shall be required between any outdoor animal runs and any "residential lot line."
- h. The use shall be maintained in a sanitary manner to avoid noxious odors to other properties. No incineration of refuse shall be permitted on-site.

26. Livestock, Raising of.

- a. Minimum lot area - 5 acres.
- b. Any newly developed indoor area used for the keeping of animals or indoor or feeding areas that are part of a raising of livestock use shall be located a minimum of 250 feet from the following: "residential lot lines" existing restaurants and existing office uses and a minimum of 100 feet from all other exterior lot lines.
- c. Any additions to an existing indoor area used for the raising of livestock or feeding areas that are part of raising of livestock use shall be located a minimum of 200 feet from a "residential lot line."
- d. Bulk storage of manure shall be setback a minimum of 300 feet from any exterior lot line.
- e. Any area routinely used for the keeping of animals as part of a raising of livestock use that is not regulated by the standards b. and c. above shall be separated by a fence or wall and setback 50 feet from any "residential lot line."
- f. The raising of garbage-fed pigs shall be setback a minimum of 300 feet from any exterior lot line.

27. Low-Rise Apartments. - See "Townhouses and Low-Rise Apartments"

28. Mineral Extraction. These regulations shall not apply to the regrading and reclamation of coal mining waste/ culm banks existing from mining operations that occurred prior to the adoption of this Ordinance. Such reclamation is permitted by right in all districts.
- a. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
 - b. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some economically productive future use.
 - c. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earthen berm averaging a minimum of 6 feet in height and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 603.
 - d. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:
 - 1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - 2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - 3) 250 feet from a "residential lot line", other than an abandoned dwelling,
 - 4) 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,
 - e. Setbacks.
 - 1) The excavated area of a mineral extraction use shall be setback 150 feet from the centerline of a perennial stream.
 - 2) Any rock crushing or other processing machinery shall be setback a minimum of 500 from any dwelling.
 - f. Fencing, Stockpiling and Slopes.
 - 1) Any area of excavation that creates slopes of greater than 25 percent shall be surrounded by secure fencing with a minimum height of 8 feet.
 - 2) Except for cuts into solid rock, the maximum slope of an excavation shall be 1 foot vertical to 3 feet horizontal.
 - 3) Excavated materials shall be used as fill or infill and regraded once excavation of an area is completed, and shall not remain stockpiled in piles or mounds.
 - g. Noise and Performance Standards. See Article V.
 - h. Erosion Control. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District. See also Section 517 entitled "Removal of Topsoil."
 - i. Hours of Operation. The Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - j. Additional Reviews. The applicant shall submit at least 14 days prior to the initial Zoning Hearing Board hearing a complete copy of all application materials and a site plan to the Planning Commission for advisory review. The application shall be sent to the City Engineer for a review, with the reasonable costs of such review paid by the applicant.
 - k. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of City approvals under this Ordinance, and such City approval may be revoked for violation of this condition.

- l. Preemption. It is not the intent of this Section to unlawfully preempt any Federal or State law or regulation. Unless a preemption of this Ordinance would exist, the most restrictive requirement shall be in effect where a conflict might exist.
- m. Application Requirements. Each application for a Mineral Extraction use involving an excavation of more than 1 acre shall include the following:
 - 1) Present uses of the site
 - 2) A scaled map, prepared by a professional engineer, showing the locations of:
 - a) the proposed area to be excavated (and maximum depth);
 - b) other land to be affected including but not limited to: (i) storage sites for overburden, (ii) access and haulage streets, (iii) storage sites for equipment, and (iv) offices and other accessory structures;
 - c) lot lines of adjacent lots, and owners and existing uses of these lots;
 - d) watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
 - e) any wetlands and forested areas to be removed or protected and preserved as part of the use.
 - 3) A detailed land reclamation plan of the area to be excavated, showing:
 - a) proposed reclaimed use and topography of the land following the mineral extraction;
 - b) actions to be taken during mining to conserve and replace topsoil removed during mining operations;
 - c) reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.
- n. Regulation of the Maximum Acreage Actively Used for Mineral Extraction
 - 1) To ensure that large areas of land will be reclaimed in compliance with State and City regulations, the Board may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.
 - 2) Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and/or that contains waste or spoil piles from existing or prior mining activities.

29. Mobile/Manufactured Home. on an individual lot or within a mobile/ manufactured home park.

- a. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code for the actual construction of the unit itself.
- b. Shall have a site graded to provide a stable and well-drained area.
- c. Shall have the hitch mechanisms removed. The wheels and axles shall be removed or screened from view.
- d. Foundation. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another appropriate method will be used that a) is recommended by the manufacturer of the home or by the manufacturing housing industry or b) is specified by a future edition of the BOCA code:
 - 1) The foundation system shall consist of 10 inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on 8 feet centers (unless a different length is specified by the manufacturer)

- along each of the two main longitudinal frames for each section of the home with no more than 3 feet overhang at each end of the section.
- 2) One-half inch diameter by 12 inch long eyebolts, u-shaped bars or equivalent metal bars shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
 - 3) The mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and two midpoints. The tiedown shall also be in accordance with the manufacturers' recommendations furnished with each home.
 - 4) Mobile homes shall not be placed more than 4 feet above the supporting ground area.
- e. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or 1 normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.
 - f. Homes shall have a pitched instead of a flat roof.
 - g. Should be located with the longest side facing the public street.

30. Mobile/Manufactured Home Park.

- a. Shall comply with all of the provisions of the Subdivision and Land Development Ordinance that apply to a land development, including the submission, approval and improvements provisions, other than specific provisions altered by this Section. The placement of each mobile home unit shall require a building permit.
- b. Minimum tract size of 3 contiguous acres, which shall be under single ownership.
- c. Maximum average overall density - 5 dwelling units per acre. To calculate this density, land in common open space or proposed streets within the park may be included, but land within the 100 year floodway or that has slopes of 15 percent or greater shall not be included.
- d. Shall have a 25 foot buffer yard around the perimeter of the site, meeting the requirements of Section 803. This buffer yard shall be 50 feet wide abutting lots including existing single family detached dwellings.
- e. Minimum separation between dwelling units- 20 feet.
- f. Minimum principal and accessory building setbacks:
 - 1) From the exterior lot lines of the mobile home park: 60 feet.
 - 2) From the cartways of streets within the mobile home park that serve 10 or more homes: 25 feet.
 - 3) From the cartways of parking courts or streets within the mobile home park that serve less than 10 homes: 10 feet.
 - 4) From the lot lines of existing single family detached dwellings: 75 feet.
- g. Recreation Area. The mobile home park shall include a minimum of 8 percent of the tract set aside as permanent common open space for recreation use by the residents. Areas that would not suitable for recreation shall not be counted towards the required common open space. Also, areas within 15 feet of any principal building, other than a recreation building, shall not count towards the required open space.
- h. Each unit shall comply with the above requirements for Mobile/Manufactured Homes, in this Section 402.
- i. A mobile/manufactured home park may include a recreation center for residents, a rental/management office, maintenance buildings for the park, a swimming pool(s) and the sale of mobile/ manufactured homes that will be placed on the tract. A mobile home park shall not include the sale of homes for placement off the tract, unless such use is specifically permitted

in the applicable district.

- j. If any of these requirements conflict with those of the Mobile Home Park regulations of the Subdivision and Land Development Ordinance, as amended, then the regulations of this section shall apply instead. Streets within a mobile home park that serve 10 or more dwelling units shall be constructed to City road bed construction standards, although curbing and the establishment of a right-of-way is not required for private streets.
- k. In addition to the required parking per dwelling, an appropriate area shall be set aside for the parking of recreational vehicles of residents and for overflow guest parking.
- l. The maximum height, building coverage and impervious coverage of the applicable zoning district shall apply.
- m. All mobile home spaces shall be wired underground for cable television and telephone lines.
- n. Each mobile home may have 1 accessory building, which shall not have a floor area greater than 300 square feet.
- o. Streets and parking courts within the mobile home park shall be adequately illuminated by the owner of the mobile home park for security purposes.
- p. Any recreational facilities shall be limited to use by residents of the mobile home park and their occasional invited guests.
- q. The owner of the mobile home park shall ensure that all infrastructure and facilities are adequately maintained, kept in a clean and sanitary condition and kept in good repair.
- r. The operator of the mobile park shall, at a minimum once a year, report in writing the names of all residents age 18 years or older to the Single Tax Office, or its successor.

31. Nightclub. Shall meet the requirements for an "Auditorium, Commercial."

32. Nursing Home or Personal Care Home.

- a. Licensing - See definition in Article II.
- b. A minimum of 5 percent of the lot shall be suitable and developed for outdoor passive recreation. This area shall include outdoor sitting areas and pedestrian walks and may also include the floor area of each balcony.

33. Parking Lot as a Principal Use.

- a. The parking lot shall not be used for parking of heavy construction equipment, for vehicle repairs or for sales unless such uses are specifically permitted by the applicable district regulations.
- b. See lighting and glare standards in Article V and buffer yard and planting strip standards in Sections 803 and 804.
- c. A parking area of more than 6 parking spaces to serve a principal business use that would be located within a residential district abutting existing dwellings shall not be approved if it would routinely require the movement of vehicles between 12 p.m. and 6 a.m.

34. Personal Care Home. - See "Nursing homes" in this section.

35. Place of Worship.

- a. Minimum lot area- 10,000 square feet in a residential district.
- b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship as long as the total lot area is a minimum of 1/2 area.

- c. For accessory dwelling units, see definition in Article II.

36. Plant Nursery.

- a. Evergreen screening and buffer yards are not required around the outdoor storage of trees or shrubs.
- b. The only retail sales that shall be permitted shall be of trees and plants that were primarily grown upon the lot and clearly customary and accessory sales of closely related items (such as mulch, topsoil and tools) unless retail sales or a "retail store" are specifically permitted in the District.
- c. Minimum lot area - 1/2 acres if there is any retail sales within a primarily residential district.

37. Recycling Collection Center.

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 10 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a City-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not routinely include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 200 tons of materials on the site if the use is within a residential district and is within 150 feet of an existing dwelling.

38. Restaurant, Fast Food or Standard.

- a. Dumpster Screening and Waste Containers - See Section 513.
- b. A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided, if the words on such signs are not readable from beyond the lot line.
- c. Traffic circulation onto, within and off of the lot shall be clearly marked. A drive-thru use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site.

39. School, Public or Private, Primary or Secondary

- a. Minimum lot area - 1/2 acre, unless a larger acreage is required by another section of this ordinance.

- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 15 feet of a "residential lot line."
- c. The use shall not include a dormitory unless specifically permitted in the District.

40. Self-Storage Development.

- a. All storage units shall be fire-resistant and water-resistant.
- b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- e. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- g. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street or a dwelling shall be separated from that street and/or dwelling by a buffer yard with screening under Section 803.
- h. Maximum building length- 250 feet.
- i. Minimum separation between buildings- 20 feet.
- j. The use may include 1 dwelling unit for a full-time caretaker.

41. Sexually-Oriented Business.

a. Findings.

1. The City Council of the City of Scranton finds that sexually oriented businesses and adult uses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
2. The concern over sexually transmitted diseases is a legitimate health concern of the City of Scranton which demands reasonable regulation of sexually oriented businesses and adult uses in order to protect the health and well-being of the citizens.
3. Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses and adult uses comply with reasonable regulations and to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
4. There is convincing documented evidence that sexually oriented businesses and adult uses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
5. It is recognized that sexually oriented businesses and adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area.
6. The City desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of neighborhood blight.

7. It is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses and adult uses.
 8. It is not the intent of the City to condone or legitimize the distribution of obscene material, or to encourage the violation of the PA. Crimes Code.
 9. It is necessary to amend this Ordinance to ensure that enforcement proceedings are in compliance with the PA. Municipalities Planning Code, as amended.
- b. Purposes. To regulate sexually oriented businesses and/or adult uses in order to promote the health, safety and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses and/or adult uses within the City; to have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials; to not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment; to not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; to not condone or legitimize the distribution of obscene material, or to encourage any violations of the PA. Crimes Code.
- c. "Sexually Oriented Businesses" (see definition in Article II) are allowed only in a C-D District, and shall not be permitted:
1. In any residential district.
 2. In any district, including a C-D district within 500 feet of the following:
 - a. Places of worship or primary or secondary schools;
 - b. Commercial enterprises catering primarily to persons under 18 years of age;
 - c. A public library;
 - d. A child day care facility or nursery school; and/or
 - e. A public park, including but not limited to a National Historic Site or National Historic Park.
 3. In any district, including C-D, within 300 feet of any other sexually oriented business.
- d. Measurement. The distances described in this section shall be as measured from the edge of the premises of the portion of a building used for the subject use, measured in straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which a setback applies under this Ordinance (including but not limited to the following: a place of worship, school, public library, a child day care facility, nursery school, public park, a commercial enterprise catering primarily to persons under 18 years of age, tavern, restaurant, membership club, or any other sexually oriented business).
- e. Enlargement. An existing, lawful sexually-oriented business may be expanded once in total floor area by a maximum of 10 percent beyond the floor area that lawfully existed in such use at the time of adoption of the Zoning Ordinance of 1993. Any further expansion shall only occur if approved as a variance.
- f. Limit of 1 Use. It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than 1 sexually oriented business in the same building, structure or portion thereof, or an increase of floor area of any sexually oriented business in any building, structure, or portion thereof that contains another sexually oriented business.

- g. **Nonconformity.** Any sexually oriented business lawfully operating on the date of enactment of this Ordinance that is in violation of subsections "a." through "f." of this Section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except: i) as permitted in subsection 41.e. above and ii) except that the use may be changed to a conforming use.
- h. **Location of New Neighboring Uses.** A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a sexually oriented business permit, of a use from which a sexually oriented business is required to provide a setback from under this Section (including but not limited to a place of worship, school, commercial enterprise catering primarily to persons under 18 years of age, public library, child care facility, nursery school and public park) is located within the distances described in this Section. This provision applies only to the renewal of a valid permit, and does not apply when the application for a permit is submitted after a permit has expired or has been revoked.
- i. **Alcohol.** No sexually oriented business shall be operated in combination with the sale of alcoholic beverages.
- j. **Sexually Oriented Business Permit.**
 - 1. Any person who operates a sexually oriented business without a valid permit issued by the City is guilty of a violation of this Ordinance.
 - 2. **Application.** An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. A sketch or diagram need not be professionally prepared, but must be drawn to a designated scale, or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
 - 3. The applicant must be qualified according to the provisions of this Ordinance, and the premises must be inspected and found to be in compliance with the law by the Zoning Officer, the Department of Community Development, the Fire Department and the City Health Inspector, or their successor agencies/ personnel.
 - 4. **Signature.** If the person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for the permit as the applicant. For a person who wishes to operate a sexually oriented business as other than an individual, each individual who has a 10 percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business, or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10 percent or greater in the corporation must sign the application for a permit as applicant, and shall provide their home address and full legal name.
 - 5. The fact that a person possesses other types of City permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.
 - 6. The Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of a full and complete application, unless he/she finds one or more of the following to be true:
 - a. An applicant is under 18 years of age.
 - b. An applicant or an applicant's spouse is overdue in his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her, or imposed upon him or her in relation to a sexually oriented business.
 - c. An applicant has failed to provide information recently necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

- d. An applicant is residing with the person who has been denied a permit by the City to operate a sexually oriented business within the preceding 12 months or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
 - e. The premises to be used for the sexually oriented business has been reviewed and have been disapproved either by the Zoning Officer, the Department of Community Development, the Fire Bureau or the Health Inspector as not being in compliance with applicable laws and Ordinances.
 - f. The permit fee required by this Ordinance has not been paid.
 - g. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance.
 - h. An individual applicant or any individual holding a direct or indirect interest of more than 10 percent of a corporate applicant, or any of the officers or directors of a corporate applicant (if the applicant is a corporation), or any of the partners including limited partners (if the applicant is a partnership) or manager or other person in charge of the operation of the applicant's business has or have been convicted of an offense involving sexual misconduct within the United States of, but not limited to: prostitution, aiding and abetting prostitution, obscenity, possession or sale of child pornography, corrupting the morals of minors, sale of pornography to minors, statutory rape, involuntary sexual intercourse or sexual assault. In order for approval to be denied pursuant to this subsection, such person or persons must have been convicted of such sexual misconduct within: 1 year prior to the date of application in the event of a summary offense, 3 years prior to the date of application in the event of a misdemeanor, and 10 years prior to the date of application in the event of a felony.
7. The permit, if granted, shall state on its face, the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 8. The Zoning Officer, the Fire Bureau, the Department of Community Development and the Health Inspector, or their successor agencies/personnel, shall complete their certification if the premises are in compliance or not in compliance within 20 days of the receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.
 9. Manager. Each sexually oriented business shall provide the name of a responsible on-site manager as part of the permit. Such manager shall have the authority to ensure that the use complies with this Ordinance, in addition to the responsibilities held by the owners of the business. The business and home addresses and telephone numbers of such manager shall be reported in writing to the Zoning Officer. If such name, address or telephone number of such manager changes, the change shall be reported in writing to the Zoning Officer within 1 working day.
- k. Fees and Inspection of Sexually Oriented Businesses.
 1. The annual fee for a sexually oriented business permit is \$500 Dollars, unless such fee is updated by future resolution of City Council. Such fee is intended to fund administrative, review and inspection costs of the City concerning the use.
 2. An applicant or permittee, and his/her employees, shall permit representatives of the Police Bureau, Fire Bureau, Zoning Officer, Department of Community Development and the Health Inspector to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time that the sexually oriented business is occupied or opened for business.

3. A person who operates a sexually oriented business or his/her agent or employee violates this Ordinance if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- l. Expiration of Permit for Sexually Oriented Business.
 1. Each permit shall expire 1 year from the date of issuance and may be renewed only by making application as provided in this Ordinance. Application for renewal shall be made at least 30 days before the expiration date and, when made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.
 2. If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for 1 year from the date of denial, except that after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected and abated. Nothing herein is intended to limit or impair the right of any applicant to appeal to the Zoning Hearing Board from a decision of the Zoning Officer. In the event that the Zoning Hearing Board, after hearing, reverses the Zoning Officer's decision, this subsection shall not apply.
 - m. Suspension of Permit. The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he/she determines that a permittee or an employee of a permittee has:
 1. Violated or is not in compliance with any section of this Ordinance;
 2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
 3. Allowed a visibly intoxicated person on the premises at any time that the sexually oriented business is open for business;
 4. Refused to allow an inspection of a sexually oriented business premises as authorized by this Section;
 5. Knowingly permitted gambling by any person on a sexually oriented business premises;
 6. Failed to man managers' stations and/or maintain viewing rooms as set forth in Part "O" below.
 - n. Revocation of Permit.
 1. The Zoning Officer shall revoke a permit if a cause or suspension set forth in Part "m." above occurs, and the permit has been suspended within the preceding 12 months.
 2. The Zoning Officer shall revoke the permit if he determines that:
 - a. A permittee or any other person specified in Part "H", is or has been convicted of the offenses specified in Part "i.";
 - b. A permittee gave false or misleading information in the materials submitted to the City during the application process;
 - c. A permittee or employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - d. Permittee or an employee of a permittee has knowingly allowed prostitution or solicitation for prostitution on the premises;
 - e. A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - f. A permittee or an employee of a permittee knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur in or on the permitted premises;
 - g. A permittee is delinquent in payment to the City of any fees relating to sexually oriented businesses.

3. If the Zoning Officer revokes a permit, the revocation shall continue for 1 year, and the permittee shall not be issued a sexually oriented business permit for 1 year from the date revocation became effective, except that if the revocation is pursuant to Part "2.a." above, the revocation shall be effective for 1 year for a summary offense; 2 years in the event of a misdemeanor; or 5 years in the event of a felony.
4. After denial of an application, or denial of a renewal of application or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal the Zoning Officer's determination to the Zoning Hearing Board, and from there to the Court of Common Pleas.
- o. **Transfer of Permit.** A permittee shall not transfer his permit to another person unless such transferee submits an application pursuant to this Ordinance. A permittee shall not operate a sexually oriented business under a permit, at any place other than the address designated in the application.
- p. **Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.**
 1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:
 - a) The application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof, specifying the location of one or more managers' stations, the location of all viewing rooms, partitions and doors, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A managers' station may not exceed 32 square feet of floor area. The diagrams shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the North or to some designated street or object, and should be drawn to a designated scale or with marked dimensions sufficient to show the interior dimensions of all areas of the interior of the premises to an accuracy of plus or minus 6 inches. The Zoning Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was submitted.
 - b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a managers' station may be made without the prior approval of the Zoning Officer or his/her designee.
 - d. It is the duty of the owners and operators of the premises to ensure that at least 1 employee is on duty and situate in each managers' station at all times that any patron is present inside.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a managers' station of every area of the premises to which any patron is permitted access for any purposes, excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more managers' stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the managers' stations. The view required by this subsection must be by direct line of sight from the managers' station.

- f. It shall be the duty of the owners and operators, and also the duty of any agents and employees present on the premises to ensure that the viewing area specified in Subsection d. remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection a. of this section.
- g. No viewing room may be occupied by more than 1 person at any time. No connections or openings to an adjoining viewing room may be permitted.
- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1 footcandle as measured at the floor level.
- i. It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- 2. A person having a duty under subsection 1.a) through 1.i) of subsection "p." is guilty of a violation of this Ordinance if he/she knowingly fails to fulfill that duty.
- q. Visibility. No sexually explicit material, signs, display or word shall be visible from outside of the building.
- r. Exemption for Modeling Class. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:
 - 1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 - 2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 - 3. In a structure -
 - a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b) where, in order to participate in a class, a student must enroll at least 3 days in advance of the class; and
 - c) where no more than 1 nude model is on the premises at any one time; or
 - 4. By an organization which qualifies under Section 501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.
- s. Violation Punishable. 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 therefore, in a civil enforcement proceeding commenced by the City, pay a judgement of not more than \$500 dollars plus all Court costs, including reasonable attorneys' fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation of the District Justice. If the defendant neither pays nor timely appeals the judgement, the City may enforce the judgement pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determines in addition to a violation, that there is a good basis for the person, partnership or corporation violating the Ordinance to believe that there was no such violation, in which case, there shall be deemed to have been only 1 such violation until the 5th day following the date of the determination of a violation by the District Justice, and thereafter that each day a violation continues shall constitute a separate violation. Each violation of a section of this Ordinance shall constitute a separate violation. All judgements, costs and reasonable attorneys fees collected for the violation of this ordinance shall be paid to the City Treasurer.
- t. See also the City of Scranton Obscenity Ordinance of 1981.
- u. See Section 709, Prohibited Signs.

42. Solid Waste/Sanitary Landfill. (not including a "Solid Waste Transfer Facility" or a "Waste-to-Energy Facility")
- a. All solid waste storage, disposal and incineration shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.
 - b. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any "residential lot line" or publicly-owned recreation area or the banks of any perennial creek or river.
 - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - d. Any solid waste that is to be stored for more than 3 hours shall be stored in an enclosed structure.
 - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the City. Violations of this condition shall also be considered to be violations of this Ordinance.
 - f. Open dumps and open burning of refuse are prohibited. Incineration of solid waste shall be prohibited unless also approved as a "waste to energy facility."
 - g. The applicant shall prove to the satisfaction of City Council that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas.
 - h. The applicant shall prove to the satisfaction of the City Council that the use would not routinely create noxious odors off of the tract.
 - i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent operations from being visible from an expressway or arterial streets or dwellings.
 - j. A minimum total lot area of 30 acres (which may include land in an adjoining municipality) is required.
 - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - l. Attendant. An attendant shall be present during all periods of operation or dumping.
 - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - o. Under authority granted to the City under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - p. Tires. See "Outdoor Storage and Display" in Section 403.
 - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials or substances may be stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the City to determine that the requirements of this Ordinance will be met.
 - t. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DER within 5 days after they are submitted to DER.

- u. For any solid waste facility other than a sanitary landfill, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.

43. Solid Waste Transfer Facility.

- a. The use "Solid Waste Transfer Facility" as defined in Article II is a conditional use only in the district(s) specified in Article III, and is subject to the conditions stated below, in addition to the other requirements of this Ordinance.
- b. The applicant shall provide evidence of compliance with all other local laws, state laws and federal laws.
- c. Traffic. The applicant shall provide evidence by a professional person or firm competent to perform traffic analysis showing that the traffic generated by the site will not cause a reduction in the level of service on the roads used by said Transfer Facility. The applicant shall provide copies of the completed traffic analysis to the Chief of Police, Director of Public Works and the City Engineer for review and approval. The Chief of Police, Public Works and City Engineer shall transmit their review in writing to City Council, the applicant and other known parties of interest prior to the hearing.
- d. Fencing. All such facilities shall be enclosed by a chain-link fence or wall having a minimum height of 8 feet, which is adequate to screen such uses and the contents thereof from adjacent property and such fence or wall shall not detract from the character of surrounding area.
- e. The applicant shall provide documentation to the satisfaction of City Council that the proposed facility shall be in conformance with all performance standards found in Article V of this Ordinance.
- f. The applicant shall provide documentation to the satisfaction of City Council that the proposed use will be free from vectors. The applicant shall, if granted a Conditional Use Permit, provide monthly to the City Health Inspector a statement that site is free from vectors.
- h. The applicant shall provide an Erosion/Sedimentation and Stormwater control plan prepared by a professional engineer using accepted engineering principles and implement such plans prior to the beginning of operations.
- i. The applicant shall provide documentation to the satisfaction of City Council that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.
- j. The applicant shall, if granted a Conditional Use Permit, allow access at any time to the facility for inspection by appropriate City Officials and provide the City with the name and phone number of a responsible person(s) to be contacted 24 hours a day in the event of an inspection.
- k. All solid waste including, but not limited to municipal, infectious or hazardous waste (as defined by 25 PA Code Chapter 271) shall only be stored or transferred in a completely enclosed building, in addition to all other conditions of Solid Waste Transfer Facilities.
- l. Setbacks.
 - 1) All such facilities shall be located a minimum of 800 feet from any residential district or any lot line of an existing dwelling and a minimum of 150 feet from any commercial district as shown on the Official Zoning Map, as amended.
 - 2) All solid waste storage or disposal shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.
 - 3) All areas to be used for the storage or disposal of solid waste shall be a minimum of 500 feet from any publicly-owned recreation area or the banks of any perennial creek or river.

- m. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where no permit is required by DER, all references to DER shall be amended to read the City of Scranton. Where a DER permit is required and said regulations provide for information to be provided to DER a duplicate copy of said information provided to the City will satisfy these requirements. Where a difference exists between applicable State regulations and City regulations, it is intended for the purposes of this Section that the more stringent requirements shall apply.
- n. All such facilities shall provide a 50 foot minimum buffer yard along the perimeter of the property line. Said buffer yard shall include natural screening of trees and shrubs adequate to completely visually screen such facilities from neighboring properties and complying with Section 803. The fencing required by this Section shall be located inside the buffer yard. The fencing and buffer area shall be maintained for the life of the proposed facility.
- o. Under the authority granted to the City under State Act 101 of 1988, all such uses shall be permitted only between the hours of 7:00 a.m. to 5:00 p.m.*, Monday through Friday, 7:00 a.m. to 12 Noon*, Saturday and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Day, New Year's Day, 4th of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 12 Noon*, Monday through Friday, and not on Saturdays, Sundays or the above specified holidays.
* = prevailing local time
- p. Solid Waste Transfer Facilities shall provide documentation to the satisfaction of City Council that the proposed use will be controlled and operated by a municipality, municipal authority, county or county authority duly incorporated in the State.
- q. Exempt from the provisions of this Ordinance are vehicles containing less than one cubic yard of solid waste and vehicles parked at a Retail Store or Restaurant for a reasonable amount of time while the operator makes use of the establishment.
- r. This Section regulating solid waste transfer facilities is not intended to regulate the City of Scranton, a municipal corporation, and therefore by this statement the City of Scranton is exempt from all aspects of this Section except for the administration and enforcement of this Section with respect to others.
- s. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- t. Open dumps and open burning of refuse are prohibited.
- u. The applicant shall prove to the satisfaction of the City Council that the use would not routinely create noxious odors off of the tract.
- v. A minimum total lot area of 4 acres (which may include land in an adjoining municipality) is required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. The facility shall have a maximum total capacity of 750 tons per day.
- w. Attendant. An attendant shall be present during all periods of operation or dumping.
- x. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- y. Tires. See "Outdoor Storage and Display" in Section 403.
- z. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- aa. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials or substances may be stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

- bb. The applicant shall provide sufficient information for the City to determine that the requirements of this Ordinance will be met.
 - cc. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DER at the same time as they are submitted to DER.
 - dd. All loading and unloading of solid waste shall only occur within over an impervious surface drains to a holding tank that is then adequately treated.
44. Stable, Nonhousehold.
- a. Minimum lot area - 2 acres.
 - b. Any horse barn, corral, fenced-in area or stable shall be a minimum of 25 feet from any lot line, except 150 feet from any residential lot line.
45. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 25 feet from any "residential lot line."
 - b. Minimum lot area- 20,000 square feet.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.
 - d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
 - e. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
 - f. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.
46. Target Range, Not Completely Indoor and Enclosed.
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
 - b. An outdoor firearms target range shall comply with National Rifle Association standards and other applicable Federal, State and local regulations.
 - c. An outdoor firearms target range shall be located a minimum of 250 feet from a "residential lot line."
 - d. An outdoor firearms target range shall be fenced and be properly posted.
 - e. The applicant shall show that the noise limits of Article V will be met.
 - f. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.
47. Tavern. Any place serving alcoholic beverages as a significant portion of its business that also has a capacity of more than 150 persons for entertainment or dancing shall also meet the standards of a "nightclub." See noise standards in Article V.
48. Townhouses and Low-Rise Apartments.
- a. Maximum Number of Attached Townhouses - See Article III.

- b. Changes in Facade. For every attached grouping of townhouses, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling, or dwellings setback further than attached private garage structures.
- c. Buffer Yard - A 8 feet wide buffer yard with screening shall be provided by the developer of the townhouses or low-rise apartments, as described in Section 803, between any townhouse or low-rise apartment principal buildings and any of the following features that are at least partially within 100 feet of such buildings:
 - 1) any abutting existing single family detached dwelling, or
 - 2) the existing right-of-way of an expressway or
 - 3) the existing right-of-way of an arterial street that abuts the rear of townhouse units.
- d. Lot Requirements within a Residential District:
 - 1) Maximum Building Length - 200 feet.
 - 2) Maximum Building Height - the requirements of the applicable district in Article III shall apply.
 - 3) Minimum Tract Width - 100 feet each.
 - 4) Floor Area - See Section 801.
 - 5) Minimum Tract Area - 6,000 square feet for townhouses and 8,000 square feet for low-rise apartments, except for the R-1A district see Article III.
- e. Building Separation - Each principal building shall be separated by a minimum of 20 feet from any other principal building on the same lot.
- f. See Section 403 and 306 for regulations on specific accessory uses. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- g. Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that: 1) has 2 or more off-street parking spaces located within 20 feet of the front of the townhouse or 2) has garage door(s) for 2 or more motor vehicles facing onto the front of a townhouse.
- h. Minimum Private Area.
 - 1) For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
 - 2) If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.
 - 3) Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.
- i. Architectural Renderings. Preliminary architectural renderings, models or photos are requested for any garden apartment or townhouse development of more than 25 units.
- j. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 5 feet from any dwelling.
- k. Utilities. Both public sewage and public water service shall be provided to each dwelling unit. All utilities within the development, including cable television, shall be placed underground.
- l. Density - See Section 307.

49. Treatment Center.

- a. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a special exception.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board, with the burden of proof being upon the applicant, that the use will involve adequate supervision and security measures to protect public safety.
- c. The Zoning Hearing Board may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

50. Veterinarian Office. (includes Animal Hospital)

- a. Minimum lot area- 8,000 square feet.
- b. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.
- e. Any outdoor solid waste receptacles (other than routine trash receptacles for visitors) and all structures housing animals shall be setback a minimum of 50 feet from any existing dwelling on an adjacent lot.

51. Warehouse or Wholesale Sales.

- a. See off-street loading requirements in Section 605.
- b. No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses or similar items shall be permitted.
- c. Uses that would involve the entrance to the use of an average of more than 200 tractor-trailers per weekday shall be required to meet the additional standards in this section for a truck terminal.
- d. See requirements in Section 403 for "Outdoor Storage or Display".

52. Waste-to-Energy Plant

- a. As a condition for approval as a conditional use, the applicant shall prove to the satisfaction of City Council that the use will not create any significant hazards to the public health. Such determination shall be based upon any reviews provided by the Planning Commission, the City Engineer, other City staffpersons and any professional studies provided to City Council. The burden of proof for such determination shall be upon the applicant. Such assessment of health risks shall consider the ambient health and the environmental conditions in the community, to fully reflect the aggregated or synergistic effects of the proposed project.
- b. The applicant shall be required to provide an escrow account of a minimum of \$25,000 that may be used by the City only to fund professional review(s) of the applicant's proposal by environmental health professionals. Any funds not utilized for such purpose shall be returned to the applicant.

- c. The applicant shall provide evidence that the use will not generate significant hazards or significant nuisances to the public. Such evidence shall be based upon the operating characteristics of the most similar uses that are actually in operation in the United States and/or Canada, including actual data or a professional summary of such data over a minimum two year period on emissions into the air and any emissions into the water and/or the ground.
- d. All buildings and any smokestack of such use shall not be located within 250 feet of a lot line of an existing primarily residential use, or within 1,000 feet of a lot line of a hospital or nursing home, within the City or within any adjacent municipality.
- e. Traffic.
 - 1) The applicant shall describe in detail the proposed method of transportation of materials to the site.
 - 2) The use shall not be approved if the City Council determines that the majority of materials would need to be brought to the use using tractor-trailer trucks mainly using streets that primarily abut existing residences within residential zoning districts in such a manner that significant noxious noise and soot nuisances would be created to these residential areas within the City or in adjoining municipalities.
 - 3) The applicant's description of transportation methods may consider road improvements that will be fully funded by the applicant or that are scheduled for completion in PennDOT's Official 12 Year Plan prior to the intended initiation of operations of the use.
- f. The applicant shall provide a detailed description of the types of materials intended to be processed and/or incinerated on the site.
- g. The applicant is requested to provide a preliminary architectural rendering of the exterior of the proposed building as visible from at least one public street. Such rendering shall not be binding upon the applicant and shall not be a basis for a conditional use decision.
- h. The applicant shall provide a detailed description of proposed methods to monitor hazards and emissions from the facility.
- i. The applicant shall provide a description of the proposed processes and operations of the use and methods of controlling hazards and nuisances in sufficient detail for the City Council and any environmental health consultants to determine potential hazards and nuisances from the use. Such description shall also include any "back-up" safety mechanisms, in case the primary systems of control fail.
- j. The applicant shall describe any proposed "host fees" that may or may not be offered to or required by the City. For solid waste uses, see State Act 101 of 1988.
- k. Lot Area. A waste-to-energy plant (as defined by Article II of this Ordinance) shall include a minimum lot area of 30 contiguous acres for up to 500 tons of total daily incineration capacity, plus 5 additional contiguous acres for each additional 200 tons of total daily incineration capacity. For example, a total daily incineration capacity of 700 tons would require a minimum contiguous lot area of 35 acres. Such capacity shall apply to the total of all materials and substances intended to be incinerated, burned and/or otherwise converted to energy, whichever is more inclusive.
- l. All buildings shall be setback a minimum of 80 feet from all exterior lot lines, except for where greater distances are provided by other sections of this Ordinance.
- m. If the use would involve groundwater usage or withdrawals from surface waters other than that obtained through the public water system, the applicant shall provide a detailed analysis of the water quantity and quality impacts of such use.
- n. The operation and day-to-day maintenance of the use shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the City. Violations of this condition shall also be considered to be violations of this Ordinance.
- o. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DER and the U.S. Environmental Protection Agency, or their successor agencies, at the same time as they are submitted to such agencies.

- p. Attendant. An attendant shall be present during all periods of operation or dumping.
- q. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- r. Emergency Services.
 - 1) The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards.
 - 2) Adequate means of emergency vehicle access shall be provided.
 - 3) The applicant shall provide evidence that there will be sufficient water pressure and water supplies available for firefighting on the site.
- s. The City Council may place such reasonable conditions on the use as are necessary to ensure that the public health and safety are protected and to address the concerns stated in this Section.
- t. Operators. The applicant shall state the proposed minimum qualifications and/or professional certifications of persons intended to be in charge of and on-site during the use's operations during the different shifts.
- u. Insurance. The applicant shall state the minimum amount of liability insurance intended to be held by the owner of the use during its operations.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance.

403.B. Accessory Setbacks.

- 1. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. See the list of "Essential Services" in Section 306.
- 2. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 3. Any portion of a building (such as a garage) that is structurally attached to a principal shall be considered part of the principal building for the purposes of determining setbacks.

403.C. Additional Standards. Each accessory use shall comply with all of the following standards listed for that use:

- 1. Antenna. (other than Commercial Communications Antennae)
 - a. Height. No antenna in a residential district, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. Any antenna shall be properly anchored to resist high winds. See requirements in the City Building Code.
- 2. Composting.

- a. Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste. The composting shall not include animal wastes or fats.
 - b. Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard are not created, nor noxious odors perceptible from neighboring properties.
3. Day Care Center as Accessory Use to a Residential Use.
- a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
 - 1). In a single family detached dwelling with a minimum lot area of 9,000 square feet and a 10 feet setback from all existing dwellings: maximum of 6 children who are not "related" (see definition in Article II) to a permanent resident of the dwelling.
 - 2) In any other dwelling unit: maximum of 3 children, beyond those children who are "related" (as defined by Article II) to a permanent resident of the dwelling.
 - b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - c. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted. See also day care centers as an accessory to a place of worship (Section 403) or to a place of employment (Section 306).
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 4 to 6 children who are not related to a permanent resident of the dwelling are cared for, then the following requirements shall be met:
 - 1) Smoke detectors shall be provided throughout the building, an "ABC" rated fire extinguisher shall be provided, and exit lights shall be provided at outdoor exits and at least 1 exit/ window shall be provided with an opening within 6 feet of the adjacent exterior grade level.
 - 2) A minimum of 100 square feet of safe fenced in exterior play area shall be available, with play areas outside of the front yard separated from any abutting single family detached dwelling by evergreen screening.
4. Drive-Thru Use. Any vehicle drive-thru window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.
5. Fences and Walls.
- a. Fences, walls and hedges are permitted by right in all Districts. Any fence or wall shall be constructed of durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A building permit is required for all fences and walls (other than seasonal temporary snow fences and temporary fences around active construction sites, with a maximum height of 9 feet in a residential district).
 - b. Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C., nor obstruct safe sight distance within an alley. No fence or wall shall obstruct the flow of stormwater, except as part of a City-approved stormwater system. No fence, wall or continuous hedge shall be constructed within an easement in such a way that it would prevent use of the easement for its intended purpose.

- c. **Setbacks.** No fence or wall shall be built within the existing right-of-way of a street. A fence or wall may be constructed on a lot line, but shall not be located within an existing street right-of-way or within a required buffer yard or planting strip required by Sections 803 or 804 of this Ordinance.
- d. **Fences -**
 - 1) **Front Yard.** Any fence of a dwelling in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of open to structural areas and shall not exceed 4 feet in height.
 - 2) A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 3) **Height.** A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except:
 - a) a maximum of height of 10 feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of 10 feet from all lot lines or
 - b) if an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard or
 - c) a maximum height of 8 feet is permitted for fences located outside of the front yard and located a minimum of 10 feet from a lot line, such as fences enclosing a patio.
 - 4) **Fence materials.** No fence shall be constructed out of fabric, junk, junk vehicles, sheet metal, appliances, tanks or barrels.
- e. **Walls -**
 - 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
 - 2) A wall shall have a maximum height of 3 feet within the required front yard or a required accessory structure setback in a residential district, except as permitted as a backing for a permitted sign at an entrance to a development.
 - 3) Walls that are attached to a building shall be regulated as a part of that building.

6. Garage Sale.

- a. See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores. The use shall be clearly accessory to the principal use.
- b. No garage sales shall be held on a lot during more than a total of 4 days in any 3 consecutive months.
- c. Signs - See Section 703.

7. Heliport as an Accessory Use

- a. The applicant shall prove compliance with applicable Federal and State regulations.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board or City Council, as applicable, that nearby aerial hazards will be well-marked.
- c. The landing pad shall be a minimum of 200 feet from any existing dwelling.

8. Home Occupation. (see definitions in Article II)

- a. The following standards shall apply to both "Light" and "General" Home Occupations:

- 1) The burden of proof shall be upon the applicant to prove that the standards of this Section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.
- 2) The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.
- 3) There shall be no outdoors operations or outdoors storage of materials, products or equipment.
- 4) Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except as is specifically permitted for a General Home Occupation.
- 5) Truck Traffic - The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries a maximum of two times per day. The use shall not involve the parking of more than 2 trucks of any type on the lot or on adjacent streets at any period of time. The use shall not need servicing by, deliveries by or parking of tractor-trailer trucks.
- 6) Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation or musical instruction.
- 7) The following uses shall not be permitted as a home occupation: veterinarian office, stable, kennel, funeral parlor, retail store, restaurant, auto repair or trucking company terminal.
- 8) Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
- 9) The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article V.
- 10) Parking and Loading -
 - a) If a home occupation can reasonably be expected to routinely involve visitation of the site by customers or patrons, then a minimum of 1 off-street parking space shall be provided in addition to a minimum of 1 off-street parking space for the dwelling.
 - b) The applicant shall prove to the satisfaction of the Zoning Hearing Board in the case of a General Home Occupation that the use will include adequate off-street parking and loading spaces.
 - c) The Board may regulate the location of needed off-street parking to maintain a residential character, and may deny a general home occupation if adequate off-street parking cannot be accommodated without substantially harming the residential character of the lot.
- 11) Building Appearance - The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
- 12) Hours - A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 8:00 p.m. and 8:00 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

- 13) Hazardous Substances - The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.
 - 14) Advertising - The address and business hours of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - 15) Law or Medical Office - The main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 10,000 square feet.
- b. General Home Occupation - In addition to the standards in part "a." above, the following shall apply to a General Home Occupation:
- 1) Only the following sign shall be permitted: 1 non-illuminated sign with a maximum sign area of 2 square feet on each of two sides, with a maximum height of 8 feet. Such sign shall not be located within the existing right-of-way of a street, unless it is attached to a mailbox.
 - 2) Number of Employees - A total maximum of 1 person shall work on the premises who is not a permanent resident of the dwelling, except a barber or beauty shop may not include any non-resident employees.
 - 3) Instruction - Any instruction or tutoring shall be limited to a maximum of: 3 students on the property at any one time and 6 students on the property on any day.
 - 4) Barber/Beautician - Any barber, beautician, hair stylist or similar personal service use shall only be permitted as a home occupation if a total of only 1 person works on the premises, who must be a permanent resident of the dwelling.
 - 5) If the home occupation involves non-mechanical work on a vehicle(s), such vehicle(s) shall not be parked on the lot or on abutting streets overnight.
 - 6) Traffic - The use shall not routinely involve the arrival at the property for business purposes of more than 10 vehicles per day or the parking of more than 4 vehicles of non-residents at any one time.
- c. Home Occupation, Light- In addition to the standards in part "a." above, the following standards shall apply to a Light Home Occupation:
- 1) Traffic - The use shall not routinely involve the arrival at the property for business purposes of more than 4 vehicles per day. The use shall not require a need for parking beyond what is typically provided for a dwelling.
 - 2) Only persons who are permanent residents of the dwelling shall work on the premises.
 - 3) No sign shall identify the business.
9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use, buffer yard, required parking area or required planting strip (see Sections 803 and 804).
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.

- c. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet. A maximum of 5,000 tires may be stored on a lot out of doors, unless the applicant proves to the satisfaction of City Council as a conditional use that there will be adequate measures to protect the public health and safety. Where tire storage is also regulated by PA. DER, whichever specific City or State regulations that are more restrictive upon the applicant shall apply.
 - d. No commercial or industrial outdoor storage or display shall occur within a required front yard, except: 1) vehicles for sale or rent and 2) trees, shrubs and plants for sale.
 - e. Buffer Yards and Plant Screening - See Sections 803 and 804.
10. Pets, Keeping of. (NOTE: This does not apply to "raising of livestock" which is regulated by Section 402).
- a. This is a permitted by right accessory use in all districts.
 - b. Types. Only those animals that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, lizards, turtles, gerbils and fish, but do not include bears, wolves, wolf-dog hybrids, goats, cows, venomous snakes that would be poisonous to humans, pigs (other than miniature breeds) or sheep.
 - c. Nuisances. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard.
 - 1) The person with the duty of care of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
 - 2) No animal that is dangerous to humans shall be allowed outdoors in a residential district, except within a secure caged or fenced area or on a leash under full control of the owner.
 - d. Cats and Dogs.
 - 1) On a residential lot of less than 1 acre, the total number of dogs and cats over 3 months in age shall be a combined maximum of 6. On any other lot, the total number of dogs and cats over 3 months of age shall be a combined maximum of 12.
 - 2) Keeping of more than the specified number of cats or dogs shall be considered a kennel.
 - e. No numerical restriction shall apply to animals of less than 3 months age, although commercial breeding shall only be permitted as a "General Home Occupation" or as a Kennel.
 - f. Fowl. A maximum total of 2 pigeons, chickens, ducks, geese and similar fowl shall be kept on lots of less than 20,000 square feet. Such animals shall be kept on the property of the applicant. Additional numbers of pigeons may be permitted if the applicant proves compliance with the State Carrier Pigeon Act. If there is more than 2 such fowl on a lot, they shall be kept a minimum of 50 feet from any dwelling other than that of the owner of the animals. Any commercial keeping of such fowl shall require approval as a "Raising of Livestock" use.
 - g. Horses. A maximum of 2 horses may be kept if the lot has a minimum area of 2 acres or more, but less than 5 acres. The keeping of up to 5 horses is permitted on a lot of 5 acres or more. Any horse barn, corral, manure storage area or stable shall be a minimum of 150 feet from any "residential lot line." Keeping of more than the specified number of horses shall be considered a stable.
 - h. Bees. Any area intentionally used for the outdoor keeping of bees shall be setback a minimum of 150 feet from all lot lines. Such area shall be well-marked.

11. Recreational Vehicle, Storage, of One or Two.

- a. A maximum of 2 uninhabited recreational vehicles in transportable condition may be stored or parked on a lot outside of an enclosed building. A recreation vehicle shall not block required sight distance (see Section 803) or a public sidewalk).
- b. Any recreational vehicle or trailer that is required to be registered or licensed under State law to be operated and is not registered or licensed shall be kept out of view from any public street or abutting dwelling.
- c. A maximum total of 1 recreational vehicle may be inhabited as a temporary accessory residence to a single family detached dwelling for a maximum period of 7 days. Such use shall occur only once per lot in a calendar year.

12. Residential Accessory Structure. (see definition in Article II)

- a. Accessory structures and uses (other than fences) shall not be within a required front yard or within the required accessory use setback as stated in Section 307, unless specifically exempted by this Ordinance. See Section 403.B. concerning setback.
- b. Accessory buildings on a lot with a lot area of 2/3 acre or less in a residential district shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,200 square feet.
 - 2) Maximum of 2 accessory buildings per lot.
- c. Any such skateboard ramp shall be a maximum of 5 feet in height and 5 feet in length and shall be moved inside when not actively in use and shall not be in use more than 5 hours a day.
- d. Height - See Article III.

13. Satellite Antennas.

- a. Purpose. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values. To recognize that the solidness and visibility of satellite antennas can create a very strong visual impact on a neighborhood compared to most other noncommercial antenna.
- b. Satellite antenna shall be a permitted by right accessory use in all Districts for all uses subject to the restrictions in this sub-section.
- c. The following regulations on satellite antennae shall apply only for residential uses in a residential district:
 - 1) A satellite antenna shall not be located within the required front yard.
 - 2) Any satellite antenna placed on a roof shall have a maximum diameter of 4 feet.
 - 3) A maximum of 1 satellite antenna shall be permitted per lot.
 - 4) A satellite antenna shall have a maximum diameter of 9 feet if visible from a public street or a dwelling.
 - 5) A ground-mounted satellite antenna shall have a maximum height of 15 feet above the average ground level if visible from a public street or a dwelling.
 - 6) Any satellite antenna that is ground-mounted and visible from a public street shall be screened by appropriate evergreen plantings with a minimum height of 3 feet between the antenna and any public street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the electronic signals.
 - 7) No satellite antenna under this section shall be used for the transmission of commercial electronic signals.

- d. A satellite antenna shall comply with the accessory setback requirements of the applicable district. Satellite antennae in a non-residential district shall not be subject to the maximum height restrictions of the District regulations.
14. Swimming Pool, Household. (referred hereafter as "pool")
- a. The pool shall not involve any commercial use.
 - b. **Enclosure Around In-Ground Pools.** An new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than 4 feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
 - c. **Enclosure Around Above Ground Pool.** Any existing or new above-ground pool shall include a secure fence, wall or other enclosure a minimum of 4 feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
 - d. **Location.**
 - 1) Any deck or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory building.
 - 2) Patios around pools that are level with the average surrounding ground level are not required to meet setbacks.
 - 3) Where practical, a pool shall be located to the rear of a dwelling. A pool is not permitted within a required front yard.
 - 4) The structural walls of a pool shall be setback a minimum of 8 feet from the lot line of an abutting dwelling.
 - e. The City does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.
 - f. **Water Service.** Any inlet from a public water system shall be above the overflow level of the pool.
15. Unit for Care of Relative.
- a. See definition in Article II.
 - b. Shall be restricted to a "relative" (as defined by Article II) of a permanent resident of the principal dwelling unit on the property. A maximum of 2 persons may inhabit such unit.
 - c. Such relative shall need care and supervision because of old age, disability, handicap or illness.
 - d. Such unit shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after such relative no longer lives within it. Once such unit is no longer occupied by such relative, the dwelling shall be reconverted into part of the principal dwelling unit or be completely removed within 180 days.
 - e. Such unit shall require a permit, which shall be renewed every two years. The occupants of the principal dwelling unit shall every 2 years report the name and relationship of such occupant to the Zoning Officer.
 - f. Once an unit under this Section is required to be removed, there shall be no physical evidence visible from exterior to the lot lines that such apartment existed, other than possibly the expanded size of the dwelling.

- g. Such unit shall not decrease the single family residential exterior appearance of a dwelling.
- h. Such unit shall not have its own exterior separate entrances. The unit shall maintain at least one interior connection to the principal dwelling unit. The unit shall not have its own electric or water meter.
- i. Such unit shall be connected to or within the principal dwelling unit.