

CITY OF SCRANTON

Lackawanna County, Pennsylvania

FILE OF COUNCIL #74, 1993

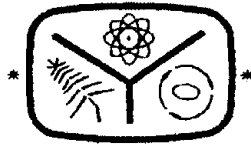
(ADOPTED BY SCRANTON CITY COUNCIL-DECEMBER 15, 1993)

**DEVELOPED BY THE PLANNING COMMISSION OF
THE CITY OF SCRANTON**

EFFECTIVE DECEMBER 21, 1993

ZONING ORDINANCE

CITY OF SCRANTON



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ARTICLE I

ADMINISTRATION

101. **PURPOSES AND OBJECTIVES.** This Ordinance is hereby adopted: 1) in accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the PA. Municipalities Planning Code, as amended, 2) in accordance with the community development goals and objectives (which are included by reference) of the City of Scranton Comprehensive "Master" Plan of 1992 (as may be amended), which constitutes an overall program, 3) in consideration of the character of the City, its various parts and the suitability of the various parts for particular uses and structures, 4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PA. DER regulations on erosion and sedimentation control, PA. Dept. of Transportation regulations on highway access control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions and 5) to protect property values and protect existing desirable residential neighborhoods from incompatible intrusions.

102. **APPLICABILITY.**

102.A. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

102.B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the State Planning Code, or such successor section.

102.C. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out after receipt of any required approval or permit and in compliance with this Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign, except for signs that Article VII specifically states do not require a permit,
2. Change of the type of use or expansion of the use of a structure or area of land, and/or
3. Creation of a lot or alteration of lot lines.

102.D. **Repairs and Maintenance.** Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a Zoning Permit, if such work does not involve: 1) a change in use, 2) an expansion, construction or placement of a structure, 3) an increase in the number of dwelling units or boarding house units and/or 4) any other activity regulated by this Ordinance. However, such work may require other City permits.

102.E. All readers maintain the responsibility to procure the latest amendments to this Ordinance.

103. **ENFORCEMENT, VIOLATIONS AND PENALTIES.**

103.A. See Sections 616 and 617 of the PA. Municipalities Planning Code.

103.B. Previous Enforcement Actions. The passage of this Ordinance shall not suspend or inhibit the enforcement of sections of the pre-existing City of Scranton Zoning Ordinance upon actions regulated under that Ordinance, except that such applicant may apply for approval under this Ordinance. If the Zoning Officer determines that the action of the applicant that was alleged to

be unlawful under the previous Zoning Ordinance would now be lawful under this Ordinance, then such enforcement action may be withdrawn by the City.

- 103.C. **Burden of Proof.** The burden of proof shall be upon an applicant to prove that: a) a proposed zoning amendment would be in the public interest, b) that a proposed zoning variance would be justified under the conditions stated in Section 111.E. or c) that a proposed conditional or special exception use would meet the specific standards of this Ordinance.

104. **FILING FEES AND COSTS.**

- 104.A. Fee Schedule. Unless and until revised by resolution of City Council, the following fee schedule shall apply to actions under this Ordinance, in addition to fees provided for in the City's Building Codes. All such fees shall be paid in advance.

1. Certificates of Non-Conformance. \$5 fee.
2. Occupancy Permit. \$20 fee, unless another fee is provided for in the City Building Codes.
3. Request for Amendment of the Zoning Ordinance or Zoning Map, including a Curative Amendment. \$300 for each proposed amendment, plus the applicant shall re-imburse the City for expenses for all required legal advertisements.
4. Written Statement of Zoning Compliance (When Requested). \$2 fee for a written statement of the zoning district or floodplain district a property is within. \$5 for any other written statement of compliance. If such statement is intended to state compliance of an existing use with specific requirements, then the applicant must in advance provide a signed written statement describing the use, the setbacks and such additional information as needed to determine compliance.
5. Fees for Submittal to the Zoning Hearing Board for a variance or special exception or to the City Council as a conditional use shall be as follows:

<u>Construction/ Alteration Cost</u>	<u>Permit Charge</u>
\$0 to \$5,000	\$100
\$5,001 to 50,000	\$175
\$50,001 to \$100,000	\$250
\$100,001 to \$500,000	\$325
\$500,001 to \$1,000,000	\$400
\$1,000,001 and over	\$400 per million dollars of construction cost or fraction thereof up to a maximum fee of \$3,000

- 104.B. No application or appeal shall be considered filed until all fees are paid.

105. **INTERPRETATION AND SIMILAR USES.**

- 105.A. Minimum Requirements. The provisions of this Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where a provision of this Ordinance differs or conflicts with any other provision of this Ordinance or any other ordinance, regulation or law, the provision that is more restrictive upon uses and structures shall apply.
- 105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Ordinance within any Zoning District in the City, the use is prohibited in the City, except the applicant may apply to the Zoning Hearing Board. After a review by the Planning Commission, the Zoning Hearing Board may permit such use if the applicant proves all of the following to the satisfaction of the Zoning Hearing Board:

1. that the use would clearly be less offensive in impacts and nuisances than uses permitted in that district,
2. that the use would be compatible with permitted uses in that District,
3. that the proposed use would be compatible with the purposes of the district,
4. that the use can meet the general criteria listed in Section 118.C. entitled "Standards for Decisions," and
5. that the use is not "specifically prohibited" in the District.

105.C. Sketches. Sketches in this Ordinance are for illustrative purposes only and are not regulatory, unless otherwise stated.

105.D. Interpretation of Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. The Zoning Officer may request an advisory opinion from the City Solicitor. See Section 111 and the City fee schedule concerning appeals.

105.E. Definitions. An applicant may appeal the Zoning Officer's determination of meaning of a term that is not defined by this Ordinance to the Zoning Hearing Board.

106. **GENERAL PROCEDURE FOR PERMITS.**

106.A. See provisions regarding applications in Section 107.D. After receiving a proper and complete application for a permitted by right use, the Zoning Officer shall either: 1) issue the permit under this Ordinance or 2) refuse the Permit, indicating at least one applicable reason verbally or in writing to the applicant or his/her representative. If specifically requested in writing by an applicant, reason(s) for a refusal shall then be stated in writing.

106.B. Reviews. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the City Council, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

106.C. Appeal. See Section 111.E. which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

106.D. Timing. After a Zoning Permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance, as long as the work complies with other City Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant. See occupancy permit process in Section 107.H.

107. **PERMITS AND CERTIFICATES.**

107.A. Applicability. See Section 102.

107.B. Types of Uses.

1. Permitted by Right Uses. If a use is listed as permitted by right by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application. See additional requirements for specific uses listed in Sections 402 and 403.

2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing. See provisions for Planning Commission review in Section 119.
3. Conditional Use. A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the City Council, after the Planning Commission has been given an opportunity to review the application.

107.C. Applications.

1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the City. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to a City employee responsible for processing such application. The applicant is responsible to ensure that a responsible City official notes the date of the official receipt on the application.
2. Unless waived by the Zoning Officer, 7 copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board, and 2 copies shall be submitted if action by the Board is not required. Such site plan shall be drawn to scale.
3. Any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:
 - a. the location and dimensions of the lot,
 - b. locations, dimensions, heights and uses of existing and proposed structures, signs, parking and loading areas, and locations of existing and proposed uses of areas of land, with differentiation between existing and proposed features,
 - c. existing and proposed numbers of parking spaces,
 - d. name and address of the applicant, or appellant,
 - e. name and address of the owner of the affected property,
 - f. a description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any,
 - g. plans for any required buffer plantings (See Section 803),
 - h. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance and
 - i. all other applicable information listed on the official City application form.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Ordinance:
 - a. the present zoning district and major applicable lot requirements,
 - b. a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards and
 - c. if a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site,
 - d. a listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and

- e. for a mineral extraction use, such additional information as listed in Section 402 for such use.
5. Other Laws. The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by him or her that such a use would violate another City, State or Federal law or regulation.
6. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or leasee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
7. Advisory Reviews. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Lackawanna County Regional Planning Commission, the County Conservation District or City Engineer) for review and comment.

107.D. Issuance of Permit.

1. At least 2 copies of any permit required under this Ordinance shall be made.
2. 1 copy of any such permit shall be retained in City files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request. One copy of a submitted site plan should be returned to the applicant after approval/ disapproval, with such action certified on the plan with the signature of the Zoning Officer.
3. The Zoning Officer should issue or deny a permit for a permitted by right use that meets the requirements of this Ordinance within a maximum of 90 days after a complete, duly filed application and fees are submitted.
4. No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid Zoning Permit has been issued for such work, nor shall such persons conduct such work after notice that a Zoning Permit has been revoked.

107.E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

1. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties) or
2. upon violation of any condition lawfully imposed upon a special exception or conditional use; or
3. any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application or
4. for any other just cause set forth in this Ordinance.

If a Zoning Permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

107.F. Temporary Permit. See Section 807.

107.G. Changes to Approved Plans.

1. After the issuance of a permit and/or approval of a site plan under this Ordinance by the City, such approved application and/or site plan shall not be changed without the written consent of the City, as stated in subsection "2." below.

2. Changes to a site plan approved by the Zoning Hearing Board as a special exception use or by the City Council as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such board. Such approval by the Hearing Board or the Council is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
3. A copy of such adjustment or correction should be provided in writing to the Chairperson of the Planning Commission, the President of City Council or the Chairperson of the Zoning Hearing Board if the change concerns a plan approved by such bodies.

107.H. Certificate of Use and Occupancy (or "Occupancy Permit").

1. A Certificate of Use and Occupancy shall be required by the City upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use and Occupancy shall be required if the use of the property should change.
2. An application for such Certificate shall be made on an official City form. If such use is in conformance with City ordinances and approvals, such Certificate should be issued in duplicate within 10 days of a properly submitted and duly filed application. A minimum of 1 copy shall be retained in City records.
3. The designated City Staffperson(s) shall inspect such structure or land related to an application for such Certificate. If he/she determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable City codes, approvals and permits, then he/she shall issue the Certificate of Use and Occupancy.
4. The applicant shall show a valid Certificate of Use and Occupancy to the Zoning Officer upon request.

108. **AMENDMENTS TO THIS ORDINANCE.**

- 108.A. The City Council may amend, challenge, or repeal any or all portions of this Ordinance on:
1. its own motion or
 2. upon agreeing to hear a written request of any person, entity or the Planning Commission.
- 108.B. Before voting on the enactment of an amendment, the City Council shall hold a public hearing thereon, following the procedural requirements of the State Planning Code, including public notice.

108.C. Review of Amendments.

1. In the case of an amendment other than that prepared by or under the direction of the Planning Commission, the City Council shall submit each such amendment to the Planning Commission at least 30 days prior to their hearing on such proposed amendment; the Planning Commission shall be permitted an opportunity to provide recommendations.
2. County Review. The City shall submit the proposed amendment to the County Regional Planning Commission (LCRPC) for recommendations at least 30 days prior to the hearing on such proposed amendment.
3. No action shall be taken by the City Council until any LCRPC or City Planning Commission comments are received, unless 30 days pass without such comments being received.

- 108.D. Changes After a Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include or exclude land previously not affected by it, the City Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 108.E. Application for Ordinance Amendment. Any request for amendment of the Zoning Ordinance (including supplement, change or repeal) by any person or entity (other than the City Staff, Planning Commission, City Council or committee appointed by the City Council or under the direct oversight of such entity) shall include the following:
1. A statement of why the change would be in the best interests of the City -
The burden of proof shall be upon the applicant to prove that a zoning amendment would in the public interest;
 2. A statement of how the proposal will relate to the City Comprehensive Plan;
 3. A statement addressing any adverse affects on adjacent residences;
 4. A statement addressing any major traffic access or congestion concerns;
 5. A map showing the proposed boundaries of any proposed map changes, the existing zoning of the land and of adjacent lands and the current uses of adjacent lots; and
 6. A statement explaining proposed extensions and major improvements, if needed, of public water, sanitary sewer or stormwater management systems to serve the land area.
 7. List of abutting and adjacent property owners.
- 108.F. Traffic Impacts of Zoning Amendments. The Planning Commission or the City Council may require an applicant for a zoning amendment to fund a traffic impact study following standard methods and completed by a qualified traffic engineer. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases from the proposed amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development.
- 108.G. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by City officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send by return receipt mail, with the receipt provided to the Zoning Officer, written notice of the proposed change. The applicant shall provide a signed letter to the Zoning Officer stating that such notice has been sent. Such notice shall include the hearing date and time and a City official to contact for more information. Such notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting or directly across the street from the land to be rezoned.
- 108.H. Time Guideline on Reviewing Amendment. If a zoning amendment is properly requested in writing and submitted together with any required fees to the Zoning Officer outside of the curative amendment process, the Planning Commission should hold an initial public meeting on such proposed amendment within 60 days of receiving such request, unless the Commission determines at a regular meeting that such request is not worthy of further consideration.
109. **CURATIVE AMENDMENTS.** A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the City Council with a written request that this challenge and proposed amendment be heard and decided as provided in the PA. Municipalities Planning Code.

110. ZONING OFFICER.

110.A. Appointment. The Zoning Officer(s) shall be appointed by the Mayor. Any full-time Zoning Officer appointed after the adoption of this Ordinance shall require confirmation by City Council. The Zoning Officer(s) shall not hold any elective office within the City, but may hold other appointed offices.

110.B. Duties and Powers. The Zoning Officer shall:

1. administer the Zoning Ordinance;
2. provide information to applicants regarding required procedures;
3. receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance;
4. receive complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance;
5. keep records of applications, permits, certificates, written decisions and interpretations issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued;
6. make all required inspections and perform all other duties as called for in this Ordinance; and
7. not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the City known to the Zoning Officer.

110.C. Qualifications. Pursuant to Section 614 of the PA. Municipalities Planning Code, the following minimum qualifications shall apply to any full-time Zoning Officer(s) appointed to serve the City after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of City Council.

1. The person shall demonstrate a working knowledge of zoning.
2. The person shall have one of the following combinations of education and experience:
 - a. a high school diploma or equivalent and a minimum of 4 years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances, or
 - b. a high school diploma or equivalent and 2 additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a field such as law enforcement, community planning and/or public administration) and a minimum of 2 years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances, or
 - c. a college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
3. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
4. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
5. The person shall demonstrate excellent oral and written communication skills.
6. The person shall be familiar with the PA. Municipalities Planning Code.

110.D. Other City Officials. Police officers, firefighters, construction inspectors, other City staff and City officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

111.A. **Appointment, Terms and Qualifications.**

1. The existing "Board of Zoning Appeals" is continued, and in conformance with the PA. Municipalities Planning Code is hereby renamed the "Zoning Hearing Board." The Zoning Hearing Board shall consist of residents of the City. Five regular members shall be appointed by City Council. Alternate members may be appointed in the same manner within the provisions of the PA. Municipalities Planning Code. Members of the Board shall hold no elected office in the City.
2. Terms. The existing terms of office of the Zoning Hearing Board members shall continue as previously authorized. Members shall be appointed to 3 year terms. The terms of offices shall be so established so that a minimum of 1 position and a maximum of 2 positions expire each year.
3. Recommended Qualifications. Each board member should:
 - a. demonstrate a working knowledge of zoning prior to appointment;
 - b. become familiar with the PA. Municipalities Planning Code; and
 - c. attend at least 1 seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.

111.B. **Vacancies.** The Board shall promptly notify the Mayor and City Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

111.C. **Removal of Members.** See Section 905 of the PA. Municipalities Planning Code.

111.D. **Organization.**

1. Officers. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA. Municipalities Planning Code.
3. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable City ordinances and State law.

111.E. **Zoning Hearing Board Functions.** The Zoning Hearing Board shall be responsible for the following:

1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the City) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.

2. Challenge to the Validity of the Ordinance or Map.

- a. The Board shall hear challenges to the validity of this Ordinance filed with the Board in writing by the landowner affected, any officer or agency of the City, or any person aggrieved.
- b. After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA. Municipalities Planning Code.

3. Variance.

- a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
- b. Standards. The Board may grant a variance only within the limitations of State law. **The applicant shall have the burden of proof to show compliance with such standards.** (As of 1993, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - iii) Such unnecessary hardship has not been created by the appellant;
 - iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
- c. Additional standards.
 - i) Mere showing of economic hardship, shall not by itself justify a zoning variance.
 - ii) A variance may be granted where the applicant proves that the property can only be used for a permitted use at prohibitive expense.
 - iii) A variance may be granted where clearly necessary to comply with the Federal Americans with Disabilities Act.
- d. The Zoning Officer shall refuse to accept a proposed appeal that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.
- e. Variance Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and to protect the public health and safety. The Board may in variance cases prohibit certain otherwise permitted uses on a lot where the Board finds that such uses would be contrary to the public interest considering the facts and circumstances of the case and the variance.
- f. Side Yard Exceptions for Accessory Structures.

- i) The following provision shall only apply to the placement of a 1 story customarily accessory structure of less than 2,000 square feet of building floor area or a household swimming pool serving a dwelling unit if such structure or pool is proposed within the required setback area for such use along abutting lot lines of another lot(s).
- ii) If all abutting property-owner(s) of record along such lot line sign a notarized statement clearly stating that he/she does not object to such reduction of the required setback for the placement of such structure or pool, and the Zoning Officer determines that no other City requirement would prevent such placement of such structure or pool, then the Zoning Officer shall permit such reduction or waiver of such required accessory setback.
- iii) In such case, future owners of such abutting lots shall not have the right to require movement of such structure or pool.
- iv) If the abutting lot owner(s) do not agree to such exception, such refusal shall not by itself prevent the granting of a variance by the Zoning Hearing Board.
- v) This subsection "f.iii)" shall not permit a reduction in setback abutting an existing public street or public alley.

4. Special Exception Uses.

- a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance and the procedures in Section 119.
- b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance and to protect the public health and safety.
- c. See Special Exception Use Process in Section 119.

5. Hearings. See Section 112.

6. Records and Reports. The staff to the Board shall keep full public records of its business.

7. Court Appeals. In the case of an appeal from the Board to the Court of Common Pleas, the Appellant shall make the return required by law, and should promptly notify the City Zoning Hearing Board Solicitor of such appeal.

8. Appeal by the Zoning Officer. See Section 105.D.

9. Standing. (Note - Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- a. The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. The City Council, Scranton City Planning Commission, an abutting municipality whose boundaries are within 200 feet of the subject lot, a property-owner whose lot lines are within 200 feet of the subject lot and the affected City-recognized neighborhood organization shall, at an absolute minimum, have standing in a case.

- b. The Board shall determine that a person or business does not have standing if the Board determines that such person or business is apparently motivated primarily by an attempt to inhibit reasonable competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

111.F. Time Limits for Appeals. The time limitations for appeals shall be as follows:

1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under Section 914.1 of the PA. Municipalities Planning Code.
2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
3. This 30 day time limit for appeals shall not apply to the revocation of a permit under Section 107.F.

111.H. Stay of Proceedings. See Section 916 of the PA. Municipalities Planning Code.

111.I. Time Limits on Permits and Variances.

1. After a variance is approved or a conditional or special exception approval is officially authorized under this Ordinance, then a Zoning Permit shall be secured by the applicant within 12 months after the date of such approval or authorization. Such action under such permit shall then substantially begin within 12 months of the issuance of the permit.
2. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.
3. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the 6-month application period to up to 18 months.
4. If an applicant fails to obtain the necessary permits within the above time period, or after obtained the permit fails to diligently commence substantial construction within 12 months or allows interruptions in substantial construction of longer than 6 months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.
5. Any building construction shall be completed within 36 months of issuance of an applicable permit, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such 36 month period.

112. **BOARD HEARINGS AND DECISIONS.** The Board shall conduct hearings and make decisions in accordance with the following:

112.A. **Notice of Hearings.** Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
3. Persons Given Notice.
 - a. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 - b. Notice should be delivered or mailed to the Chairperson of the Planning Commission, the Mayor, the Clerk of City Council, the President of the appropriate official City-recognized neighborhood association and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the City with a list of such property-owners. Failure of the City to notify all such persons shall not invalidate any action by the Board.
 - c. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
 - d. All notice under this sub-section should be intended to be received or posted at least 5 days prior to the hearing date.
4. Adjacent Municipalities. In any matter which relates to a lot which lies within 250 feet of the boundary of another municipality, except boundaries separated by a perennial river, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the City staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.
5. Fees. The City Council may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by this Ordinance.

112.B. **Parties in Hearings.**

1. The parties to a hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
2. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- 112.C. Oaths and Subpoenas. The chair of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.
- 112.D. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.
- 112.E. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the hearing officer, as applicable, shall keep a record of the proceedings as required by State law.
- 112.F. Communications Outside of Hearings.
1. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
 2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.
- 112.G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, County Conservation District or City Engineer provide an advisory review on any matter before the Board.
- 112.H. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.
- 112.I. Decision/Findings.
1. The Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 3. Any conclusion based on any provision of the PA. Municipalities Planning Code or of this Ordinance should contain a reference to the provision relied on.
- 112.J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established by Section 907 of the PA. Municipalities Planning Code.

112.K. Solicitor Conflict.

1. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board or the Planning Commission.
2. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application before such Board, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least 7 days before the scheduled hearing date.
3. City Council may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

113. APPEALS.

113.A. In General. All appeals of activities and approvals within the jurisdiction of this Ordinance shall conform with Article X-A of the State Planning Code.

113.B. Procedural Defects in Enactment. Allegations that this Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Ordinance or amendment.

113.C. To the Zoning Hearing Board. Appeals to the Board shall comply with Section 112, "Hearings."

114. PUBLIC UTILITY EXEMPTIONS. See Section 619 of the State Planning Code.

115. LIMITED CITY EXEMPTION. The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the City of Scranton for uses and structures that are intended for a legitimate governmental, recycling, public recreation, stormwater control or public health and safety purpose.

116. SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES.

116.A. When Site Plan Required. A separate site plan review by the Planning Commission is required for any of the following uses unless the physical layout of the use will be approved as: a) a conditional use, b) a subdivision or c) a land development.

1. Any new construction, reconstruction or expansion of more than 2,500 square feet in the floor area of one of the following types:
 - a. Industrial, apartment, office or commercial building,
 - b. School, place of worship or institutional building or
 - c. Raising of livestock as a principal use;
2. Any new or expanded impervious area of greater than 10,000 square feet, such as a parking lot;
3. Conversion of a principal residential building to a principal non-residential use; or
4. Any change from one principal non-residential use to a different type of principal non-residential use that would require the addition of 10 or more off-street parking spaces beyond what would have been previously required.

116.B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:

1. Submission. 10 complete copies of any required site plan shall be submitted to the City. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Ordinance. A minimum of 1 copy shall be retained in City files. The Site Plan shall include the information listed in Section 117.
2. Timing. The applicant shall submit a complete site plan within a minimum of 15 days prior to the first Planning Commission meeting at which the site plan is intended to be reviewed. The Planning Commission shall be given an opportunity to review the site plan and provide any comments in writing to the Zoning Officer within the time guideline stated in part "3" below.
3. Zoning Officer Action. The Zoning Officer shall review the site plan and determine its compliance or noncompliance with this Ordinance, based upon his/her review and comments of the Planning Commission. The Zoning Officer should make such determination within 60 days after the first scheduled Planning Commission regular meeting that occurs a minimum of 15 days after the receipt of a complete site plan submission.
4. Notice. The City should mail or personally deliver a copy of the decision to the applicant or his/her representative within 15 days after such decision. If a proper application is denied, the Zoning Officer should state reason(s) for such denial.

B. Compliance With Approved Plan - See Section 107.H.

117. **SUBMISSION REQUIREMENTS FOR SITE PLAN REVIEW.**

117.A. The following information, as applicable, shall be submitted by the applicant for any conditional use or any use required to submit a site plan under Sections 116 or 118, except for information waived by the Zoning Officer as not applicable or necessary:

*** This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use, or for information that would be approved under a City Stormwater Management Ordinance adopted pursuant to State Act 167 of 1978.**

1. A statement describing the proposed use.
2. Layout. A site layout drawn to scale (1"=20', 1"=30', 1"=40', 1"=50' or another scale pre-approved by the Zoning Officer or City Engineer) showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
- 3.* Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
- 4.* Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.

- 5.* Lighting and Signs. The height, location and approximate intensity of exterior lighting. The sign area, height, location and general method of lighting of signs.
6. Sidewalks. The location of any proposed sidewalks (with width) and curbing.
7. Utilities. Proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services extended 100 feet from existing mains").
8. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, dust, fire or toxic or explosive hazards or other significant hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.
- 9.* Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed (at 2 feet contours or other contours pre-approved by the City Engineer or Zoning Officer). Identification of any slopes between 15% and 25% and greater than 25% that are proposed to be impacted. Proposed method of managing stormwater runoff. Delineation of any floodplains from the Official Floodplain Maps and any wetlands in areas proposed to be disturbed.
10. Map. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
11. Zoning district and major applicable requirements.
12. Preparer. Name and address of the person who prepared the Site Plan (which shall be a registered engineer, architect, landscape architect or surveyor, who shall certify such plan), the applicant and the owner of record of the land.
13. Tax map parcel number.
14. Certification of ownership and acknowledgement of plan, signed by owner or developer.
15. Applicable signature blocks.
16. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with City ordinances.

118. CONDITIONAL USE PROCESS.

118.A. Applicability. Certain uses that are permitted by this Ordinance as "Conditional Uses" shall be required to follow the review and zoning approval procedures described in this section.

118.B. Procedure.

1. Submission.
 - a. 12 complete copies of any required site plan meeting the requirements of Section 117 shall be submitted to the City.
 - b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.

2. **Distribution.** The City shall distribute copies of the site plan to the Planning Commission and the City Council. A minimum of 1 copy shall be retained in the City files. The City Fire Bureau should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
3. **Zoning Officer Review.** The Zoning Officer shall report in writing or in person to the Planning Commission or City Council stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the City Engineer.
4. **Planning Commission.** The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the City Council.
5. **Council Action.**
 - a. The City Council shall not act to approve or deny a conditional use application unless:
 - a) the Council has received the reports of the Zoning Officer and the Planning Commission or b) unless a period of at least 45 days has passed from the date of the application.
 - b. The City Council shall approve, conditionally approve or disapprove the conditional use submission within a maximum of 45 days after the conclusion of the last hearing, unless the applicant has agreed to a written time extension.
 - c. In granting a conditional use, the City Council may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance.
 - d. The decision of the City Council shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or his/her representative.

118.C. Approval of Conditional Uses. The City Council shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:

1. Any specific standards for the proposed use listed in Sections 402 or 403.
2. Other applicable sections of this Ordinance.
3. Generally be capable of meeting applicable sections of the Subdivision and Land Development Ordinance.
4. Comply with all of the following standards:
 - a. **Other Laws.** Will not clearly be in conflict with other City Ordinances or State or Federal laws or regulations known to the City. The City may require an applicant to prove compliance, or to prove that appropriate applications have been submitted to obtain such compliance.
 - b. **Traffic.** Will not result in or significantly add to a significant traffic hazard or significant net increase in traffic congestion, after taking into any improvements proposed to be funded or completed by the applicant.
 - c. **Safety.** Will not create a significant public safety hazard, including fire, toxic or explosive hazards.
 - d. **Storm Water Management.** Will follow adequate, professionally accepted engineering methods to manage storm water. Stormwater shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management under the City Stormwater Management Ordinance.
 - e. **Neighborhood.** Will not significantly negatively affect the desirable character of an existing residential neighborhood.

- f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.
- g. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Ordinance, as stated in Article V.

119. SPECIAL EXCEPTION USE PROCESS.

119.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

119.B. Special Exception Procedure.

1. All applicants for a special exception use shall submit 7 sets of Site Plans for the proposed use to the Secretary to the Zoning Hearing Board together with a written application. The Zoning Officer may waive the site plan requirement for home occupations that are not intense and other uses not involving new buildings nor additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
2. All Site Plans shall contain the information required in Section 107.C.
3. City Procedures.
 - a. The City shall forward the application to the Zoning Hearing Board, the Planning Commission (except for a home occupation) and the Zoning Hearing Board solicitor. A minimum of 1 copy shall be retained in the City files.
 - b. The Zoning Officer should, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
4. Planning Commission Review of Special Exception Uses.
 - a. The Planning Commission shall be provided with an opportunity to review any proposed special exception use, other than a home occupation, at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review at their next regular meeting.
 - b. At the option of the Commission, this advisory review may take the place of any site plan review that may be required under Section 116.
 - c. Timing. If such report is not received within the time limit within which the Board must issue a decision, or within 30 days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
5. Zoning Hearing Board Action on Special Exception Uses.
 - a. The Board shall hear and decide such request for a special exception use under the procedures of Article I and the State Planning Code.
 - b. The Board shall schedule the first hearing within 60 days of submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within 45 days after the conclusion of the final hearing on the matter.
 - c. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with Article I.

- 119.C. Approval of Special Exception Uses. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:
1. All of the standards listed in Section 118.C.4
 2. Specific standards for the proposed use listed in Sections 402 and 403.
 3. All other applicable requirements of this Ordinance.

- 119.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

120. **SITE PLANNING GUIDELINES.** The following advisory guidelines are intended to assist applicants and the City in developing well-planned developments.

- 120.A. Natural Features. Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks and steep hillsides.
- 120.B. Circulation. Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along major roads. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-thru lanes to avoid traffic backing onto streets.
- 120.C. Utilities. Seek to place as many utility lines as possible underground.
- 120.D. Signs. Seek to minimize the lighting intensity of signs. Seek to avoid signs with overly bright, less attractive colors. Consider use of ground-mounted or wooden signs.
- 120.E. Compatibility. Seek to locate noisier and less compatible uses (such as loading docks) as far away from homes as possible. Seek to screen out views of less attractive activities from streets and homes.

121. **LIABILITY.**

- 121.A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the City, shall constitute a representation, guarantee or warranty of any kind by the City, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.
- 121.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the City shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE II

DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory.
"Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F. **If a word is not defined in this Ordinance, but is defined in the City Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.** If a word is defined in both this Ordinance and another City ordinance, each definition shall apply to the provisions of each applicable Ordinance.
- G. Any word or term not defined in this Ordinance or in the City Subdivision and Land Development Ordinance, as amended, shall be used with the meaning of standard usage within the context of the Section.
- H. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abused Person Shelter. A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway.
See definition of "adjacent."

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building (such as a private garage, private toolshed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. See lists of permitted by right accessory uses in Section 306. See also definition of "Residential Accessory Structure."

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult Bookstore" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

For the purposes of this Ordinance, the term Adult Bookstore shall include but not be limited to an Adult Video Store.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60 and not in good physical health or suffering from Alzheimers disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Use or Facility. A commercial use (including but not limited to a a use selling food or beverages) including live entertainment involving:

- A. persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity or
- B. live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities" or
- C. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Motel. A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers sleeping rooms for rent 4 or more times in one calendar day during 5 or more calendar days in any continuous 30 day period.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

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

Adult Use. Shall have the same meaning as a "Sexually Oriented Business."

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. See State Act 219 of 1990 which generally prohibits this use.

Agriculture. Shall mean "crop farming", "plant nursery" and "raising of livestock". See definition of each. This use shall not include fertilizer manufacturing or tanneries.

Alley or Court. A public thoroughfare having a right-of-way width of 20 feet or less.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another. See Section 107.B. regarding types of alterations not regulated by this Ordinance.

Amusement Arcade. An indoor commercial use with 4 or more electronic machines for amusement or entertainment, with such machines activated by the use of tokens or coins. The use of 3 or fewer such devices shall be a permitted accessory use to any lawful principal commercial use. This shall not include an Adult Video Store, which is a distinct use.

Antenna, Household. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies. This includes any accessory supporting structures. See also "Commercial Communications Antenna," which is a distinct separate use.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance, and his/her heirs, successors and assigns.

Auditorium, Commercial. A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult live entertainment use or standard or fast-food restaurant.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of a total of 2 or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. In addition, any use permitted as part of a "auto service station" is also permitted as part of an "auto repair garage." This use shall not include a use meeting the definition of a "truck stop."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, windshield wipers, batteries and belts and similar accessories; safety and emission inspections; tuning up engines and radiator flushing. This use may include the sale of ready-to-eat food for consumption off the lot and of common household products as a clearly accessory use. An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be a auto service station. This use shall not include a use meeting the definition of a "truck stop." See storage limits in Section 402.

Auto Wrecking. See "Junkyard."

Average Lot Area. See "Lot Area, Average."

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground.

- A. Except as provided for in part B. below, a basement shall be considered a "story" if:
1. the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and
 2. the roof of the basement is an average of 4 or more feet above the finished grade of the front side of the building (which shall be considered a side that faces onto a street).
- B. If a basement forms the primary portion of a dwelling unit, then such basement shall be considered to be a "story."

Bed and Breakfast Use. The use of a single family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for a maximum of 10 temporary guests at any one time (except as otherwise provided for in this Ordinance), and which does not provide any cooking facilities or provision of meals for guests other than breakfast. This use shall only include a use renting facilities for a maximum of 14 consecutive days to any person(s) and shall be restricted to transient visitors of the area.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premise."

Board. The Zoning Hearing Board of the City of Scranton.

Boarding House or "Rooming House".

- A. A residential use in which any or all of the following applies:
- 1) individual room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or
 - 2) a dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
 - 3) if individual units of living space not meeting the definition of a lawful dwelling unit are separately rented to person(s) who are not "related" to the owner of record of the property.
- B. A boarding house shall not include a use that meets the definition of the following uses: treatment center, abused person shelter, hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents.
- C. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

Buffer Yard. A strip of land that: a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Width. The horizontal measurement between 2 structural walls of 1 building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Bulk Storage. Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

Campground. A use other than a "treatment center" or a "mobile home park" that is primarily recreational in nature and that involves the use of:

- A. tents or sites leased for occupied recreational vehicles for transient and seasonal occupancy by persons recreating or traveling or
- B. tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

Care and Treatment Center for Children. A use involving residential and/or outpatient counseling and support facilities for persons under the age of 18 who primarily need such special services because of emotional or behavior concerns or because of inadequate care provided by their families. Such facilities may also include counseling facilities for the families of the youth. Such facilities may also include the following types of facilities for persons under age 18: group homes, recreation facilities, child day care centers, educational facilities and support facilities for off-site programs.

Carport. A roofed building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

Cartway. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Cellar. See "Basement."

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this ordinance.

Chairperson. Includes chairman, chairwoman, chair and acting chairperson (when applicable).

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 10 to December 30 that were produced on the premises.

City. City of Scranton, Lackawanna County, Pennsylvania.

City Council. The City Council of the City of Scranton.

Clear Cutting. A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof.

College or University. An institution of higher learning authorized to grant associate, bachelor's, master's and/or doctorate degrees. For non-degree institutions, see "Trade School."

Commercial Communications Antennae. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications, but shall be distinct from the use entitled "antenna."

Commercial District. The C-G, C-N and C-D Zoning Districts.

Commercial Motor Vehicle. See Section 604.

Commercial Outdoor Recreation. An use that: a) has a total building coverage of less than 15%, b) is used principally for active or passive recreation (such as a driving range) and c) is used for a profit-making purpose.

Commercial Use. Shall mean retail sales, offices, personal services, car washes, auto sales, auto repair garages, amusement arcade, adult use and other uses of a closely similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission or Planning Commission. The City Planning Commission of the City of Scranton.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Composting. The collection and processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

Comprehensive Plan. The document entitled the Scranton City Comprehensive Plan, also known as the "Master Plan," or any part thereof, adopted by the City Council, as amended.

Conditional Use. A use which is allowed or denied by the City Council within the provisions of Article I, after review by the Planning Commission.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the PA. Unit Property Act of 1963 (at the time such law was in effect) or is/was created under the PA. Uniform Condominium Act of 1980, as amended.

Construction. Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

Convenience Store, Major. A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of more than 2,000 square feet but less than 5,000 square feet and which also includes the on-site sale of gasoline. Other types of convenience stores shall be regulated as as "retail store."

Conversion. To change or adapt land or structures to a different use.

Correctional Facility. A facility operated by the County of Lackawanna, the Commonwealth of Pennsylvania or the U.S. Government to incarcerate persons who have been sentenced by a court of law or a parole board to involuntarily spend time in such facility, or who are being incarcerated while awaiting trial or sentencing. See also "Treatment Center."

County. The County of Lackawanna, Commonwealth of Pennsylvania.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than 15 acres, it may also include the keeping of up to 10 additional animals as a permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 403.

Cultural Center or Library. A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

Curative Amendment. A proposed zoning amendment made to the City Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. (Child) Day Care, as an Accessory Use. A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver. See Section 403.
- B. (Child) Day Care Center, as a Principal Use. A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator. See Section 402. See also day care as an accessory use of a business under Section 306.D.

Days. Calendar days.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

D.E.R. (or "DER"). Shall mean the Pennsylvania Department of Environmental Resources, or its successor, and its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Development. Construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes, but is not limited to, any activities defined as "land development" under the Scranton City Subdivision and Land Development Ordinance.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging. This term shall not include a "trucking company terminal."

District (or Zoning District). A land area within the City within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or State-licensed teaching hospital, or approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Lawful dwelling units shall not be regulated as "dormitories."

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dump. A use involving the unlawful deposit of solid waste or junk onto or into the ground or waters, which is prohibited in all districts.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. Low-Rise Apartments. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.

- C. Mid-Rise Apartments. Three or more dwelling units within a building with a height greater than 35 feet or 3-1/2 stories, and less than the maximum height permitted in the district.
- D. Sectional Home. (Also common called a "modular home.") A type of dwelling that:
1. meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment,
 2. is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site,
 3. does not meet the definition of a "mobile/ manufactured home,"
 4. is supported structurally by its exterior walls and
 5. that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open areas on all sides.
1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "Sectional home."
- F. Single Family Semi-Detached Dwelling or "Half of a Twin Dwelling". One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot, unless otherwise specified.
- G. Townhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."
- H. Two-Family Detached Dwelling. Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area. No dwelling unit may include more than 1 kitchen, except:

- a) cooking facilities may be located in two abutting rooms that open onto each other,
- b) if a kitchen was installed prior to the adoption of this Ordinance under a valid City building permit,
- c) as permitted as a "Unit for Care of Relative" or
- d) as may be permitted under the "Home Occupation" provisions.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) at work on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

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

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, sludge disposal, utility company offices, storage of trucks or equipment or bulk storage of materials.

Exercise Club. A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than 1 lease among all of the occupants. A family shall not include more than 4 persons who are not "related" to each other (see definition in Article II). See provisions in Section 402 regarding maximum number of unrelated persons within a "group home." A "treatment center" shall not be considered a "family" or a "group home." See also the definition of a "dwelling unit."

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link metal, fibreglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain (100-Year). See definitions in Article V of this Ordinance entitled "Flood-prone Areas."

Floor Area or Gross Floor Area. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6 feet 8 inches. Floor area specifically shall not include the following: a) elevator shafts, b) common stairwells within an apartment building or c) unenclosed porches, decks or breezeways.

Floor Area, Habitable. The portion of the "Floor Area" (as defined above) that is heated and that includes a minimum of 1 door or window open to the outside within each room so included.

Forestry, Commercial. The harvesting of more than 25 live trees with a trunk width of 6 inches or more at a height 4 feet above the average ground level on any tract or lot within a calendar year. This term shall not apply to the following, which are permitted by right uses in all districts: 1) cutting of trees that involve less than 20 percent of all trees on 1 or more abutting lots with a trunk width of greater than 6 inches, 2) cutting of trees with a trunk width less than 6 inches, 3) cutting of fewer than 25 such trees in a calendar year, 4) Christmas tree farms or 5) clearing of portions of a lot that is clearly the minimum necessary for construction.

Fraternity or Sorority. A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation. The rental to a person(s) who does not reside on the property of storage space that would accommodate more than 3 cars or for commercial purposes shall be regulated as a business use.

Garage Sale. The accessory use of a non-commercial lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 403, and meets all other standards of such section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.
4. Does not meet the definition of a "treatment center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

NOTE: A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered an "Institutional Group Home," which is a distinct use.

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act, as amended.

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure, including any roof. For a building with a pitched roof, such height shall be measured to midpoint of the eave and the ridge, provided that such area above the maximum height is not habitable. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. Public Heliport. A heliport that does not meet the definition of a Private Heliport.
- B. Private Heliport. A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also known as a helistop.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. is conducted primarily by a permanent resident of the dwelling;
 - B. meets the definition, standards and limitations of a "general home occupation" or a "light home occupation" within the following definitions and Section 403;
 - C. only include uses that are clearly incidental and secondary to the principal residential use;
 - D. does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) nor a "treatment center";
 - E. specifically does not include the following: hotel, motel, nursing home, boarding house, restaurant, stable, kennel, auto repair, retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts) or bulk welding.
- A. General Home Occupation. A type of "home occupation" that:
 - 1) only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of 2 non-residents working on the premises at any one point in time,
 - 2) does not meet the definition and standards of a "Light Home Occupation," and
 - 3) meets the standards of Section 403.

(Note - This use typically requires approval by the Zoning Hearing Board under Article III.)

- B. Light Home Occupation. A type of "home occupation" that:

- 1) only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling,
- 2) does not involve more persons regularly visiting the premises for business purposes than specified in Section 403, but instead primarily involves the operator(s) of the use visiting clients at their home or business,
- 3) is limited to only the following types of activities:
 - a) office-type work (such as writing, editing, drafting, tax preparation, computer programming and computer data inputting),
 - b) clerical work (such as typing, stenography, addressing and sending mail),
 - c) custom sewing and fabric crafts,
 - d) creation of visual arts that does not involve an industrial scale (such as custom painting, sculpture or wood carving),
 - e) sales and surveys over a telephone or
 - f) a use that only involves receiving mail and telephone calls on-site.
- 4) meets the standards of Section 403.

(Note - This use typically does not require Zoning Hearing Board approval under Article III.)

Hospital. A use involving the diagnosis, treatment or other medical or hospice care of humans that includes, but is not limited to, care requiring stays overnight. See "Medical Office or Clinic" for a medical care use that does not involve any stays overnight. A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professions. See standards in Section 402.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may include a restaurant, banquet rooms, conference rooms, nightclub, newstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations. A hotel or motel may also be developed in combination with other commercial uses that are permitted in that district, provided the regulations of those uses are also complied with.

Impervious Coverage. The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The City Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

Industrial Districts. The I-L and I-G Districts.

Industrial Use. Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

Institutional Districts. The INS-L and INS-G Districts.

Juice Bar. A commercial establishment which does not routinely primarily serve full meals but which serves juices, soft drinks, or other beverages to patrons or which rents to patrons, tables or other spaces for the patrons; who bring alcoholic beverages of any kind for their own consumption.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, rags, pipes, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, crates, containers and building materials (except building materials actively being used for construction). Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junk Vehicle. Includes any motor vehicle or trailer that meets any of the following conditions:

- A. does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for licensed antique cars not required to have an inspection sticker), (licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this Section),
- B. has been demolished beyond repair,
- C. has been separated from its axles, body or chassis, and/or
- D. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing, buying, selling, handling, wrecking and/or salvaging, other than within a completely enclosed building, of material of 1 or more of the following types:
 - 1. "Junk" (see definition);
 - 2. More than 1 junk vehicle or the parts thereof (this shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station); or
 - 3. 2 or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

Massage Parlor. An establishment that meets all of the following criteria:

- A. "Massages" are conducted (see definition);
- B. The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the State;
- C. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor or chiropractor;
- D. The massages are conducted within private or semi-private rooms; and
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Medical Office or Clinic. A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

Membership Club. An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club" in this Article.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, clay, coal, shale or iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered Mineral Extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this Ordinance shall be permitted by right in all districts, and shall not be considered "Mineral Extraction."

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of 2 or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motel. See "Hotel."

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended.

Nature Preserve. A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

Kennel. The keeping of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "Keeping of Pets" or the "Crop Farming" provisions of this Ordinance. A non-profit animal shelter is a type of kennel.

Land Development. As defined by the State Municipalities Planning Code, as amended. (As of 1992, this definition included the following: The improvement of 1 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

1. A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
2. The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.)

In addition, "land development" shall specifically not include the following:

1. The construction of only one accessory agricultural building that is not intended for the storage of animal wastes or the storage or feeding of animals, or
2. The conversion of an existing single family detached dwelling or an existing single family semi-detached dwelling (half of a twin) into two or three total dwelling units.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Livestock, Raising of. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is allowed within the definition of "crop farming." The "raising of livestock" shall not include: a) a slaughterhouse, b) a stockyard used for the housing of animals awaiting slaughter, c) a tannery or d) a mink farm.

Lot. A separate parcel of land that is recorded or that will be recorded after City final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered (to be one tract but two lots).

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

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

Lot, Reverse Frontage. A lot that abuts two approximately parallel streets, but only has access onto one street.

Lot, Through. A lot that abuts 2 approximately parallel streets.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. See Section 801.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the "existing" legal rights-of-way of any proposed or existing public streets or alleys/courts, or
- B. Areas that are currently dedicated or will be required to be dedicated as "common open space," or
- C. Areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for the purposes of determining "minimum lot area" for residential lots.

Lot Area, Average. The total of the "lot areas" (see above) of all adjacent lots in common ownership within a proposed subdivision or land development divided by the proposed number of dwelling units.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

- 1. Front Lot Line (Street Line). A lot line separating the lot from the existing street right-of-way.
- 2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A 3 sided lot has no rear lot line.)
- 3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end.

Low-Rise Apartment. See under "Dwellings."

Manufacture. The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or trucking company terminal.

Massage. The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship. See also "personal services."

Night Club. A tavern or restaurant that: a) has a primary or substantial portion of the total trade in the sale of alcoholic beverages, b) frequently charges admission or cover charges for entertainment or music for dancing, c) has a capacity of more than 150 persons for such entertainment or dancing and d) is not a "sexually oriented business."

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment. Such nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment.

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

Nudity or a State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a "Treatment Center."

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Map. Any Official Map that may be adopted or amended by the City Council in accordance with the PA. Municipalities Planning Code.

Official Street Classification Map. The map adopted as part of this Ordinance classifying the streets of the City. See definition of "Street Classification." This map may be amended by resolution of the City Council.

Official Zoning Map. The map as adopted by the City Council which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. if not intended to be publicly owned, is covered by a system for perpetual maintenance,

- C. will be deeded to the City and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation and
- D. does not use any of the following areas to meet minimum open space requirements:
1. existing street rights-of-way,
 2. vehicle accessways,
 3. buildings (other than accessory buildings and pools clearly intended for noncommercial recreation),
 4. off-street parking (other than that clearly intended for noncommercial recreation),
 5. any area needed to meet a requirement for an individual lot,
 6. any area deeded over to an individual property owner for his/her own use or
 7. land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance, This. The City of Scranton Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

PA. Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicles unless otherwise stated.

Paved Area. All areas covered by gravel and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper City authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the City Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the City Staff, in accordance with the provisions of the Building Code(s) adopted by the City.
- C. Occupancy Permit. A permit that may be required by the City that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or reoccupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of City Ordinances. This shall have the same meaning as a "Certificate of Use and Occupancy."

Permitted By Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the City Council. (A site plan review by the Planning Commission and the City Council is required for certain permitted by right uses to ensure that the use would comply with all City ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, State-licensed massage therapists, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, birds, hamsters, gerbils, rabbits and other animals commonly sold in retail pet shops. See standards in Section 403.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include 2 dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planning Commission. The Planning Commission of the City of Scranton.

Plant Nursery. The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Property Line. Has the same meaning as "lot line."

Public. Owned, operated or controlled by a government agency or the City of Scranton School District.

Public Notice. Notice required by the PA. Municipalities Planning Code.

Publicly-Owned Recreation. Land and/or facilities that are owned by a government agency or the City and are available for use by the general public for leisure and recreation.

Recreation, Private. Non-commercial leisure-time uses that are only open to members, guests or some specific group.

Recreation, Commercial. Leisure-time uses that are principally operated for commercial purposes and are open to the general public.

Recreational Vehicle. A vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft other than canoes with a hull longer than 12 feet, motor homes, travel trailers, all-terrain vehicles and snowmobiles.

Recreational Vehicle Storage Area. An outdoor area used for the storage of 3 or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a City-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. Shall not include relationships such as second, third or fourth cousins.

Repair of Household Items. Shops for the repair of appliances, watches, guns, televisions, bicycles and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see "Residential Accessory Structure" Standards in Section 403.

Residential District. The C-R, R-1, R-1C, R-1A, R-2, R-3 and R-2/O Zoning Districts.

Residential Lot Lines. The lot line of a lot that:

1. contains an existing single family detached dwelling, single family semi-detached dwelling or townhouse on a lot of less than 3 acres or
2. is undeveloped and zoned as a Residential District and is not approved for a principal non-residential use.

Additional setbacks and buffer yard requirements from a "residential lot line" shall not apply if:

1. the lot(s) partially or wholly within 75 feet of the lot that would be required to provide the buffer yard or additional setback currently have the same owner as the lot that would be required to provide the buffer yard or additional setback, or
2. where an institutional use would be required to provide the buffer yard or additional setback and the lot(s) partially or wholly within 75 feet of the lot that would be required to provide the buffer yard or additional setback are owned by a similar institutional use.

Restaurant, Fast Food.

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a "standard restaurant."
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Restaurant, Standard.

- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food from a waiter or waitress while seated inside a building and then the food is delivered to the customer's table while the customers are seated and then the food is consumed at the table.
- B. A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

- A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the City or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance.
- B. Right-of-Way, Future. Land that may be dedicated or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Rooming House. See "Boarding House."

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna." A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately operated schools of trade, vocation or business).

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

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

Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent existing street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Sewage Disposal System. A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

- A. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by the City or a municipal authority.
- B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "public sewer service."

Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult live entertainment use, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center. See definitions of each term in this Article.

Shopping Center. A use involving 5 or more retail or personal service uses or establishments and that primarily involves retail sales. If 2 or more abutting lots each include 5 or more retail sales uses and are developed under common or closely related ownership, then those lots shall together be considered as 1 shopping center. A shopping center may also include a mix of permitted office and/or commercial

recreation uses.

Sight Distance. An area required to be kept free of visual obstruction. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. See definitions of types of signs in Sections 711 and 703.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Site Plan Review. Review of a site plan by the Planning Commission that is required for certain uses under Article I.

Slaughter House. A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solicitor. Unless otherwise stated, shall mean the appointed City of Scranton Solicitor, or his/her deputy as authorized.

Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of or where coal culm waste is incinerated. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or waste-to-energy facility (see separate definitions).
- B. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application on land.

Solid Waste Transfer Facility. Any property where solid waste (as defined by the applicable State rules and regulations 25 PA Code Chapter 271 or the successor section) is stored or temporarily stored for any purpose by vehicle, storage container or any other means, except that storage containers for the solid waste generated on and located on a specific site (such as trash cans and dumpsters) and solid waste on the immediate property of its ultimate disposal (such as a properly permitted sanitary landfill) shall not be considered a transfer facility for the purpose of this Ordinance. This shall include, but not be limited to, uses meeting the definition of a "Solid Waste Transfer Facility" in Title 25 of PA. DER regulations, or the successor section. This use shall also include but not be limited to an "in-transit" facility.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 119.

Specified Anatomical Area. The male genitals and/or the vulva and labia of the female genitals.

Specified Sexual Activities. Includes one or more of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Actual or simulated sexual intercourse, oral sex or sodomy;;
- C. Human masturbation, actual or simulated;
- D. Excretory functions as part of or in connection with any of the activities set forth in "A" through "C" above.

Stable, Non-household. Keeping of more than 2 horses, which may include a commercial or private riding club. The housing of 1 or 2 horses shall be considered an accessory use under the "Keeping of Pets" (see Section 403).

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania State Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance 6 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map at the end of this Ordinance for existing streets and as determined by the City Engineer for future streets:

- A. Expressway. Designed for large volumes and high speed traffic with access limited to grade separated intersections.
- B. Arterial Street. Designed for large volumes and high speed traffic with access to abutting properties restricted.
- C. Collector Street. Designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial streets and to community facilities and to provide access to the abutting properties.
- D. Local Street. Designed to provide access to the abutting properties and a route to collector routes.

Street, Proposed. A street which is planned in a proposed subdivision or land development plan or approved within a subdivision or land development plan, but not yet open to traffic.

Structure. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

Subdivision. As defined by the PA. Municipalities Planning Code, as amended. (As of 1993, this definition was as follows:

- 1. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
- 2. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings is not a subdivision.)

Subdivision Ordinance or Subdivision & Land Development Ordinance. The City of Scranton Subdivision and Land Development Ordinance, as amended.

Substantial Enlargement of a Sexually Oriented Business. The increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on date of enactment of this Ordinance.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also the provisions for "Recreational Facilities" limited to use by employees of

a use or residents of a development as an accessory use, which may include a swimming pool, at the end of Section 306.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the City that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. shall only include lands within an approved subdivision or land development plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract, and
- B. shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Transfer of Ownership or Control of a Sexually Oriented Business. Includes any of the following:

- A. The sale, lease, or sublease of the business;
- B. The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than 1 year and who need such facilities because of:

- A. criminal rehabilitation, such as a criminal half-way house/ criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol,
- B. chronic abuse of or addiction to alcohol and/or a controlled substance, or

- C. a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks, and that does not involve substantial processing or repackaging of the materials. This shall not include a use that involves the processing or trucking of "solid waste."

- A. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.
- B. A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for truck drivers using the terminal.

Truck Stop. A commercial use that primarily involves providing fuel and other services to tractor-trailer trucks. This use may also involve providing repair services, sale of gifts and various household items, a restaurant, showers and a motel.

Unit for Care of Relative. A living area especially created for and limited to occupancy by a person who is "related" (see definition) to the permanent residents of the principal dwelling unit. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others or physical handicap. See standards in Section 403.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of "Small Animals" includes only small domestic animals, including but not limited to dogs, cats, rabbits, birds or fowl. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. Housing primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge, coal culm waste or any other non-"hazardous" commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity).

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City.

- A. **"Public" Water Service.** Central water service by a system owned by the City or a municipal authority and which serves more than 30 dwellings or principal uses.
- B. **On-Lot or Non-Public Water Service.** Service by a water system that does not meet the definition of a "public water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: As of 1993, the following was the official U.S. Army Corps of Engineers' definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1992, the U.S. Army Corps of Engineers and DER enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which usually is the existing street right-of-way line), which restricts the closest portion of the subject structure or use, and which extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto 2 or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot and measured from the entire length of the rear line, which restricts the closest portion of the subject structure, and which stretches between the side lot lines parallel to the rear lot line. (A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.)

Yard, Side. A "yard" restricting the closest portion of the subject structure, measured along the entire length of the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.

Zoning Map. The Official Zoning Map of the City of Scranton, Lackawanna County, Pennsylvania.

Zoning Officer. The administrative officer(s) charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

Zoning Ordinance. The City of Scranton Zoning Ordinance, as amended.

ARTICLE III DISTRICTS

301. DISTRICTS DESIGNATED.

- 301.A. For the purpose of this Ordinance, the City of Scranton is hereby divided into the following zoning districts, as described in this Ordinance:

C-R	Conservation- Residential District
R-1	Low Density Residential District
R-1C	Low Density Residential - Cluster District
R-1A	Medium Low Density Residential District
R-2	Medium Density Residential District
R-2/O	Medium Density Residential - Office District (formerly R-4)
R-3	Medium High Density Residential District
C-D	Downtown Commercial District (formerly C-2)
C-N	Neighborhood Commercial District (formerly C-1)
C-G	General Commercial District (formerly C-3)
I-L	Light Industrial District (formerly M-1)
I-G	General Industrial/ Commercial District (formerly M-2)
INS-G	General Institutional District
INS-L	Light Institutional - Residential District
HD	Historic Overlay District (reserved for future use; see the current City Historic Preservation Ordinance which addresses designated areas and landmarks)

- 301.B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.
- 301.C. Floodplain. The Floodplain Area, as defined by this Ordinance, shall serve as an overlay area to all of the underlying Districts. The documents and mapping referenced by the floodplain provisions of this Ordinance, as amended, are hereby included in this Ordinance by reference.

302. APPLICATION OF DISTRICT REGULATIONS.

- 302.A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- 302.B. No building, structure, or land shall hereafter be erected, used, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- 302.C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- 302.D. Any territory which may hereafter be annexed to the City shall be classified as the zoning district of the City most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

303. ZONING MAP.

- 303.A. A map entitled, "City of Scranton Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map shall bear the adoption date of this Ordinance and the words "Official Zoning Map."
- 303.B. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this Ordinance. All changes should be noted by date with a brief description of the nature of the change.
- 303.C. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the City Office and shall be the final authority on boundaries and districts.
- 303.D. 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof, unless the amendment has been duly advertised and adopted.
3. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

304. DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply:

- 304.A. Unless otherwise stated on the Zoning Map, zoning district boundary lines are intended to follow or be parallel to the center line of street/ court rights-of-ways, railroad rights-of-way, waterways and lot lines as they existed as of January 1, 1992.
1. All references on the Zoning Map to tax maps are based upon lots, lot lines, lot depths, lot numbers and tax map numbers that existed as of January 1, 1992.
2. Applicants or the City staff may provide recorded deeds, plans of record in the County Recorder of Deeds' office, official County tax maps and/or official PennDOT maps to provide evidence in the determination of exact district boundary lines.
3. A subsequent change to or deletion of a lot line shall not by itself cause a change to a zoning district boundary.
- 304.B. Where a district boundary is not fixed by dimensions or other information on the Zoning Map and where the boundary approximately follows lot lines, such boundary shall be construed to follow such lot lines as they existed on January 1, 1992 unless specifically shown otherwise.

304.C. Where a district boundary is not fixed by information on the Zoning Map and where the line does not approximately follow lot lines, then the location of such boundary shall be determined by the use of the scale of the Zoning Map.

304.D. Interpretation of Boundaries. See Section 105.D.

305. **PROTECTION OF DWELLINGS ACROSS MUNICIPAL BOUNDARIES.**

305.A. Intent - To continue compatibility of land uses across municipal boundaries.

305.B. Where this Ordinance requires a certain use to provide additional setbacks and/or a buffer yard if the use abuts an existing dwelling or a residential zoning district, the same additional setback and/or buffer requirements shall apply regardless of whether the dwelling or residential district is located within the City of Scranton or an abutting municipality.

306. **TABLE OF PERMITTED USES BY DISTRICT**

306.A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

P = Permitted by right (zoning decision by Zoning Officer)

C = Conditional use (decision by the City Council after an opportunity for review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board, after an opportunity for review by the Planning Commission for uses other than home occupations)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

306.B. Unless otherwise provided by law or specifically stated in this Ordinance (including Section 105.B.), land or structure shall only be used or occupied for a use specifically listed in this Article as being permitted in the respective zoning district, as listed below. Any use shall only be permitted if it complies with all other requirements of this Ordinance. Where different requirements are stated for the same use in this Ordinance, the most restrictive requirement shall apply.

The following tables of permitted uses are divided into three tables: a) residential districts, b) business districts and c) institutional districts.

TYPES OF USES
(See definitions in Article II)

RESIDENTIAL DISTRICTS
C-R R1/R-1C R-1A R-2 &
R-2/O R-3

AGRICULTURAL USES

Crop Farming (S. 402)	P	P	P	P	P
Raising of Livestock (S. 402) (beyond what is allowed under crop farming)	N	N	N	N	N
Commercial Forestry (S. 402)	SE	SE	SE	SE	SE

RESIDENTIAL USES

Single Family Detached Dwelling (including manufactured/mobile home [S. 402])	P	P	P	P	P
Single Family Semi-Detached Dwelling/ Half of a Twin Dwelling	N	N	P****	P****	P
Townhouse (S. 402, including lot width)	N	N	N**	P*	P***
Low-Rise Apartments (S. 402)	N	N	N	N	P
Manufactured/Mobile Home Park (S. 402)	N	N	N	N	C
Boarding House (S. 402)	N	N	N	N	N
Group Home within a lawful Dwelling Unit (S. 402)	P	P	P	P	P
Mid-Rise Apartments					
- With up to 10 stories, permanently limited to persons age age 55 or older, the physically handicapped and their spouses	N	N	N	N	P
- Other than above, with a maximum of 6 stories	N	N	N	N	SE
Conversion of an existing Dwelling into a total maximum of 3 dwelling units, other than dwelling types listed above (S.402)	N	N	N	N	SE
Two Dwelling Units within one building, other than a conversion listed above and other than a Permitted Single Family Semi-Detached Dwelling	N	N	N	N	P

COMMERCIAL AND INDUSTRIAL USES

All commercial, industrial and institutional uses not specifically listed in this table as permitted in the residential districts	N	N	N	N	N
Bed and Breakfast Use (S. 402)	SE	N	N	SE in R-2 P in R-2/O	SE
Campground (S. 402)	SE	N	N	N	N
Communications Tower, Commercial	SE	N	N	N	N
Funeral Home (S.402)	N	N	N	N in R-2 P in R-2/O	N
Golf Course (S. 402) of more than 20 acres	P	P	P	P	P

Notes:

- * With a maximum of 6 dwelling units attached.
- ** Except townhouses shall be permitted by right on tracts of 4 or more acres, with a maximum of 4 dwelling units attached and a maximum average density of 4 dwelling units per acre, provided each dwelling unit is on its own fee-simple or condominium lot.
- *** With a maximum of 8 dwelling units attached.
- **** With each dwelling unit on its own fee-simple lot.
- P = Permitted by right (zoning decision by Zoning Officer)
- C = Conditional use (decision by the City Council with review by Planning Commission)
- SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

RESIDENTIAL DISTRICTS
C-R R-1/R-1C R-1A R-2 & R-3
R-2/O

INSTITUTIONAL USES (Cont.)

Place of Worship (S. 402)	P	P	P	P	P
School, Public or Private, Primary or Secondary (S. 402), other than a "Care and Treatment Facility for Children"	P	P	P	P	P
Therapy Uses - see under "Offices"					
Treatment Center	N	N	N	N	N
See also certain health care related uses that are prohibited under "Commercial Uses" in this table.					

PUBLIC/SEMI-PUBLIC

City-Owned Uses for a valid governmental, recycling, public health, public safety, recreation, stormwater or public utility purpose	P	P	P	P	P
Emergency Services Station	P	P	P	P	P
Nature Preserve, Non-Profit	P	P	P	P	P
Publicly-Owned Recreation	P	P	P	P	P
Public Utility Facility, other than facilities exempted by section 103 or permitted as "Essential Services" in Section 306.E.	N	N	N	N	N
Swimming Pool, Nonhousehold (S. 402)	SE	SE	SE	SE	SE
U.S. Postal Service Facility	N	P	P	P	P

MISCELLANEOUS USES

Surface Parking for an Institutional Use on a Lot that as of January 1, 1993: a) did not include any principal buildings or b) included principal buildings that were condemned or the subject of condemnation proceedings by the City of Scranton (see buffer yard requirements in Section 803)	N	N	P	P	P
Surface Parking as a Principal Use Serving an Institutional or Office Use, other than as permitted by the above provision	N	N	N	N in R-2 P in R2/O	N

ACCESSORY USES

Day Care Center accessory to a lawful Place of Worship, provided there is a minimum lot area of 20,000 square feet	P	P	P	P	P
Heliport, private, as an accessory use (S. 402)	C	N	N	N	N
Home Occupation, General (S. 403)	SE	SE	SE	SE	SE
Home Occupation, Light (S. 403)	P	P	P	P	P
Parking of a commercial vehicle - See Section 604					
Unit for Care of Relative (S. 403)	P	P	P	P	P
See list of additional accessory uses Section 306, Parts C, D and E.					

Notes:

P = Permitted by right (zoning decision by Zoning Officer)

C = Conditional use (decision by the City Council with review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

BUSINESS DISTRICTS

C-D C-N* C-G I-L I-G

AGRICULTURAL USES

Crop Farming	P	P	P	P	P
Commercial Forestry (S. 402)	P	P	P	P	P
Composting	P	P	P	P	P
Raising of Livestock (S. 402) (beyond what is allowed under crop farming)	N	N	N	N	SE

RESIDENTIAL USES

Low-Rise or Mid-Rise Apartment Building (S.402)	P	P	N	N	N
Conversion of a Building into an Additional Number of Dwelling Units (S. 402), which may include but is not restricted to: a) apartment dwelling units as an accessory use to a permitted commercial use or b) the conversion of an existing non- residential building into apartment dwelling units	P	SE	N	SE***	N
Single Family Detached Dwelling (including manufactured/mobile home [S. 402])	N	*	N	N	N
Single Family Semi-Detached Dwelling/ Half of a Twin Dwelling	N	*	N	N	N
Up to 2 Apartment Dwelling Units Per Lot, which may be accessory to a lawful commercial use	P	P	P	N	N
Manufactured/Mobile Home Park	N	N	N	N	N
Boarding House (S. 402), which may include a fraternity or sorority	SE	N	N	N	N
Group Home within a lawful dwelling unit (S. 402)	P	*	P	P**	P**

COMMERCIAL USES

Adult Uses - See Sexually-Oriented Businesses					
Airport (S. 402)	N	N	N	N	SE
Amusement Arcade (S. 402)	P	P	P	N	N
Amusement Park	N	N	P	P	P
Auditorium, Commercial or Nightclub (S. 402)	P	N	SE	P	P
Auto Repair Garage (S. 402)	N	N	SE	P	P
Auto Service Station - not primarily intended to service tractor-trailer trucks (S. 402)	N	SE	SE	P	P
Auto Service Station - primarily intended to service tractor-trailer trucks (S. 402)	N	N	N	N	SE
Auto, Boat or Mobile/Manufactured Home Sales or Auto Rental (S. 402)	N	N	P	P	P
Bakery	P	P	P	P	P
Bed and Breakfast Use (S. 402)	P	P	P	P	P

* An applicant in the C-N district may develop the same residential uses as are permitted in the R-2 District, within the regulations for that use of the R-2 District.

** If such dwelling exists prior to the adoption of this ordinance

*** Provided the lot abuts a residential district

Notes:

P = Permitted by right (zoning decision by Zoning Officer)

C = Conditional use (decision by the City Council with review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article II)	BUSINESS DISTRICTS				
	C-D	C-N	C-G	I-L	I-G
<u>COMMERCIAL USES</u> (Cont.)					
Betting Use (S. 402)	N	N	N	N	SE
Beverage Distributor	P	SE	P	P	P
Business Services	P	P	P	P	P
Bus Terminal (S. 402), Inter-City as a Principal Use	P	N	P	P	P
Campground (S. 402)	N	N	N	P	P
Car Wash (S. 402)	N	SE	P	P	P
Commercial Outdoor Recreation (such as miniature golf course and golf driving range)	N	N	P	P	P
Commercial Indoor Recreation (such as bowling alley, roller or ice skating, batting practice, indoor miniature golf and closely similar uses)	P	P	P	P	P
Conference Center	P	P	P	P	P
Construction Company Headquarters/ Storage	P	SE	P	P	P
Convenience Store, Major, including on-site sale of gasoline (for other types of convenience stores, see "retail store")	N	SE***	P	N	N
Communications Tower, Commercial (S. 402)	N	N	SE	SE	SE
Crafts or Artisan's Studio	P	P	P	P	P
Exercise Club	P	P	P	P	P
Financial Institution (S. 402)	P	P	P	P	P
Flea Market, primarily within an enclosed building	P	P	P	P	P
Flea Market, not primarily within an enclosed building	N	N	P	P	P
Funeral Home	N	P	P	P	P
Golf Course (S. 402)	P	P	P	P	P
Heliport (S. 402)	N	N	N	SE	SE
Kennel (S. 402)	N	N	SE	P	P
Laundry/Laundromat, Commercial or Industrial	N	N	P	P	P
Lumber Yard	N	N	P	P	P
Medical or Dental Office or Clinic, which may include but are not limited to the following: Magnetic Resonance Imaging Centers and related medical testing uses, Medical Out-Patient Uses, Physical Therapy, Occupational Therapy and Speech and Hearing Therapy Uses	P	P	P	P	P
Motel or Hotel (S. 402)	P	P	P	P	P
Office	P	P	P	P	P
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair and closely similar uses)	P	P	P	P	P
Pharmacy or Drug Store within a Building containing offices of 10 or more medical doctors or dentists	P	P	P	P	P

Notes:

*** If abutting a "residential lot line" and developed after the adoption of this Ordinance, shall not be open to the public between 12 p.m. and 6 a.m.

P = Permitted by right (zoning decision by Zoning Officer)

C = Conditional use (decision by the City Council with review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article II)	BUSINESS DISTRICTS				
	C-D	C-N	C-G	I-L	I-G
COMMERCIAL USES (Cont.)					
Plant Nursery not including Retail Sale of Items not primarily grown on the premises (S. 402)	P	P	P	P	P
Plant Nursery including Accessory Retail Sale of Closely Related Items and Plants Not Grown on the Premises (S. 402)	P	P	P	P	P
Repair of Household Items	P	P	P	P	P
Restaurant, Fast-Food (which shall also include a use primarily involving delivery of ready-to-eat food) (S. 402)	P*	P	P	P	N
Restaurant, Standard	P	P	P	P	N
Retail Store (a permitted commercial use not including uses listed individually in this table, and not including a shopping center)	P	P	P	N	N
Sexually-Oriented Business (S. 402)	SE	N	N	N	N
Shopping Center (includes indoor shopping mall)	P	P	P	N	N
Stable, Nonhousehold (S. 402)	N	N	P	P	P
Target Range, Completely Indoor and Enclosed	N	N	P	P	P
Target Range, Not Completely Indoor or Enclosed (S.402)	N	N	N	N	SE
Taxi Terminal	N	N	P	P	P
Tavern	P	N	SE	N	N
Television or Radio Broadcasting Studios/Offices	P	P	P	P	P
Theater, Indoor	P	P	P	N	N
Trade School	P	P	P	P	P
Veterinarian Office (S.402)	P	P**	P	P	P
INDUSTRIAL USES					
Assembly of Materials Manufactured Elsewhere	N	N	P	P	P
Beverage Bottling	N	N	P	P	P
Building Supplies, Wholesale Sales of	P	P	P	P	P
Distribution as a principal use (other than Truck Terminal)	N	N	P	P	P
Finishing of Previously Prepared Resin, Vinyl, Polymer or Rubber Products	N	N	N	P	P
Industrial Equipment Sales and Rental, other than vehicles primarily intended to be operated on public streets	N	N	P	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	SE
Junk Yard (S. 402)	N	N	N	N	C

Notes:

* Not including a drive-thru facility for customers

** With a 20,000 square feet minimum lot area.

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(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article II)	BUSINESS DISTRICTS				
	C-D	C-N	C-G	I-L	I-G
INDUSTRIAL USES (Cont.)					
Liquid Fuel Storage, Bulk	N	N	N	N	SE
Manufacture and/or Bulk Processing of:					
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	SE
- Animal Feed, Bulk Manufacture for Off-Site Use	N	N	N	P	P
- Apparel, Textiles, Shoes and Apparel Accessories	N	P	P	P	P
- Asphalt and similar materials	N	N	N	N	C
- Cement, actual manufacture of	N	N	N	N	SE
- Cement, Gypsum, Concrete or Plaster	N	N	N	P	P
Products, other than actual manufacture of cement					
- Ceramics Products	N	P	P	P	P
- Chemicals, Bulk Manufacture, Bulk Processing or Bulk	N	N	N	N	N
Storage of Highly Hazardous or Toxic Chemicals					
- Chemical Products that are not highly	N	N	N	N	SE
hazardous or toxic, other than fertilizers or pesticides					
- Coke or Potash Work, including Coke Oven	N	N	N	N	N
- Creosote, including Treatment with	N	N	N	N	N
- Electrical and Electronic Machines, Supplies and Equipment	N	P	P	P	P
- Explosives, Fireworks, Ammunition or Gunpowder, including	N	N	N	C	C
bulk storage (except government-owned facilities necessary					
for public safety or national defense, which are permitted by right)					
- Fabricated Metal Products (except Amunition or Explosives)	N	N	N	P	P
- Food Products (not including uses listed individually in this table)	N	P	P	P	P
- Furniture and Wood Products (not including raw paper pulp)	N	P	P	P	P
- Glass and Glass Products	N	P	P	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughter-	N	N	N	N	N
house Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than uses					
specifically listed separately in this Section, such as: an approved Solid Waste					
Facility or as may be listed as a permitted accessory use)					
- Jewelry and Optical Goods	P	P	P	P	P
- Leather, Clay and Pottery Products	P	P	P	P	P
- Manufactured or Modular Housing	N	N	N	P	P
- Metal Products, Primary	N	N	N	SE	SE
- Microelectronic Components	P	P	P	P	P
- Oilcloth	N	N	N	N	N
- Paper and Cardboard Products (other than paper pulp manufacture)	N	N	P	P	P
- Paper - Raw or Paper Pulp	N	N	N	N	N
- Paving or Roofing Materials, other	N	N	N	SE	SE
than bulk manufacture of asphalt					
- Petroleum or Kerosene Refining or Distillation	N	N	N	N	N
- Pharmaceuticals	N	N	P	P	P

Notes:

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N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

	BUSINESS DISTRICTS				
	C-D	C-N	C-G	I-L	I-G
Manufacture and/or bulk processing of:					
- Plastics, Polymers, Resins or Vinyl	N	N	N	P	P
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P	P	P
- Rubber, Natural or Synthetic	N	N	N	SE	SE
- Scientific, Electronic and Other Precision Instruments	P	P	P	P	P
- Soaps, Detergents, Paints, Varnishes or Enamels	N	N	N	SE	SE
- Tar, including tar distillation	N	N	N	N	N
- Tire Retreading	N	N	N	SE	SE
- Transportation Equipment	N	N	N	P	P
Mineral Extraction (S. 402)(See definition, which excludes reclamation)	N	N	N	N	C
Packaging	N	N	P	P	P
Package Delivery Services Distribution Center	N	N	N	P	P
Photo Processing, Bulk	P	N	P	P	P
Printing or Bookbinding	N	N	P	P	P
Recycling Collection Center (S. 402)	P	P	P	P	P
Recycling Center, Bulk (other than a solid waste disposal or transfer facility)	N	N	N	P	P
Research, Engineering or Testing Facility or Laboratory which complies with the performance standards of Article V.	P	P	P	P	P
Sanitary Landfill (S. 402)	N	N	N	N	C
Sawmill/ Planing Mill	N	N	N	P	P
Self-Storage Development (S. 402)	N	N	P	P	P
Solid Waste Transfer Facility (S. 402)	N	N	N	N	C
Trucking Company Terminal (S. 402)	N	N	N	N	C
Warehousing as an accessory use	P	P	P	P	P
Warehousing as a principal use (other than truck terminal) (S. 402)	N	N	P	P	P
Waste to Energy Facility (S. 402)	N	N	N	N	C
Wastewater Treatment Plant, Central serving uses off of the tract	N	N	N	N	SE
Welding	N	N	N	P	P
Wholesale Sales	P	P	P	P	P
Other Industrial Uses Not Specifically Listed in this Table (Except as Provided for in Section 105)	N	N	N	N	C
All Uses that would have a serious threat of being unable to comply with the performance standards of this Ordinance, especially including the "Environmental Protection" requirements of Article V	N	N	N	N	N

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N = Not Permitted

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(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article II)	BUSINESS DISTRICTS				
	C-D	C-N	C-G	I-L	I-G
<u>INSTITUTIONAL</u>					
Care and Treatment Center for Children (S. 402)	SE	N	N	N	N
Cemetery (S. 402, including crematorium regulations)	N	N	N	N	N
College or University - Educational, Office, Classroom, Auditorium, Library, Laboratory, Vocational Training, Computer and related Facilities	P*	P**	P	P	P
College or University - Outdoor Recreation Facilities	N	N	N	N	N
Community Center or Library	P	P	P	P	P
Cultural Center or Museum	P	P	P	P	P
Day Care Center, Adult (S. 402)	P	P	P	P	P
Day Care Center, Child (S. 402) (See also as accessory use)	P	P	P	P	P
Dormitory of a College, University or Primary or Secondary School	P	N	N	N	N
Hospital (S. 402)	N	N	P	P	P
Institutional Group Home (S. 402)	SE	N	N	N	SE
Membership Club (S. 402)	P	P	P	P	P
Nursing Home or Personal Care Home (S. 402)	P	P	P	P	P
Place of Worship (S. 402)	P	P	P	P	P
Picnic Grove, Private (S. 402)	N	N	P	P	P
School, Public or Private, Primary or Secondary (S. 402) - other than "Care and Treatment Center for Children"	P	P	P	N	N
Treatment Center (S. 402)	N	N	N	N	SE
<u>PUBLIC/SEMI-PUBLIC</u>					
City-Owned Uses	P	P	P	P	P
Correctional Facility, County-Owned, Expansion of (S. 402)	SE	N	N	N	N
Emergency Services Station	P	P	P	P	P
Essential Services - See Section 306.E.					
Nature Preserve	P	P	P	P	P
Publicly-Owned Recreation	P	P	P	P	P
Public Utility Facility, other than Facilities Exempted by Section 103 or that are "Essential Services"	SE	SE	SE	SE	SE
Swimming Pool, Nonhousehold (S. 402)	P	P	P	P	P
U.S. Postal Service Facility	P	P	P	P	P

Notes:

* But not including outdoor athletic recreation facilities.

** If abutting, across the street from or within 250 feet of an institutional district.

P = Permitted by right (zoning decision by Zoning Officer)

C = Conditional use (decision by the City Council with review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

BUSINESS DISTRICTS

C-D C-N C-G I-L I-G

MISCELLANEOUS USES

Off-Street Parking as an Accessory or Principal Use,
Which may include surface or multi-level parking

P P P P P

ACCESSORY USES

Day Care Center accessory to a Place of
Worship, with a minimum lot area of 0.5 acre

P P P N N

Heliport (S. 402)

N N N SE SE

Home Occupation, General or Light (S. 403)

P P P P P

Incinerator of any wastes other than within an approved "Waste-to-Energy Facility" and other than DER-approved incineration of "municipal waste" generated on-site

N N N N C**

Retail Sales and/or Personal Services limited to
5% of the Total Floor Area of an Industrial or Office Building

P P P P P

Unit for Care of Relative, within a lawful dwelling unit (S.403)

P P P P P

See list of additional accessory uses in the following sections.

Notes:

** Provided the applicant proves to the satisfaction of City Council that the use will not generate any significant public health hazards or significant public nuisances

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N = Not Permitted

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(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

INSTITUTIONAL DISTRICTS
INS-G INS-L

RESIDENTIAL USES

For both districts, all of the same residential uses shall be permitted as are permitted in the R-2 district, within the regulations of the R-2 district.

Boarding Houses, other than a permitted Fraternity or Sorority	N	N
Fraternity or Sorority limited to the housing and membership activities of students of a college or university (S. 402 under "Boarding House")	SE	N
Group Home within a lawful dwelling unit (S. 402)	P	P
Mid-Rise Apartments permanently limited to persons age 55 or older, their spouses and the physically handicapped	P	N

COMMERCIAL USES

Medical and Dental Offices and Medical Out-patient Facilities, including but not limited to the following: Magnetic Resonance Imaging Centers and similar medical testing uses, Physical Therapy, Occupational Therapy, and Speech and Hearing Therapy Uses See also under accessory uses	P	P
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INSTITUTIONAL USES

Care and Treatment Center for Children (S. 402)	SE	SE
Cemetery (S. 402) not including a crematorium	P	P
College or University - Classroom, Office, Library, Recreation and Computer Facilities	P	P
College or University - Customary Support Facilities and Uses, Other than those uses listed in the above row (see also "dormitories" and "Television and radio" below and "fraternities or sororities" above and "cafeterias" under Section 306.D.)	P	N
Community Center or Public Library	P	P
Cultural Center or Museum	P	P
Day Care Center, Adult (S. 402)	P	P
Day Care Center, Child (S. 402) (See also as accessory use)	P	P
Dormitory - of a College, University, Hospital or Primary or Secondary School	P	N
Golf Course (S. 402)	P	P
Hospital (S. 402, including accessory uses), other than tractor-trailer truck loading dock (see accessory uses below for loading dock) (see cafeteria under Section 306.D.)	P	P
Institutional Group Home, other than "Care and Treatment Center for Children"	SE	N
Membership Club	P	P
Nursing Home or Personal Care Home (S. 402)	P	P
Offices, Administrative - of a Health Care Institution, College or University	P	P
Place of Worship (S. 402)	P	P
School, Public or Private, Primary or Secondary (S. 402) - other than "Care and Treatment Center for Children"	P	P

Notes:

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SE = Special exception use (decision by Zoning Hearing Board, with review by Planning Commission except for home occupations)

N = Not Permitted

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(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article II)

INSTITUTIONAL DISTRICTS
INS-G INS-L

Treatment Center (S. 402) as an accessory use within a hospital (See Section 402) C N

PUBLIC/SEMI-PUBLIC

City-Owned Uses	P	P
Emergency Services Station	P	P
Nature Preserve	P	P
Publicly-Owned Recreation	P	P
Public Utility Facility, other than Facilities	SE	N
Exempted by Section 103 or that are "Essential Services" under Section 306.E.		
Swimming Pool, Nonhousehold (S. 402)	P	P
U.S. Postal Service Facility	P	P
Essential Services - See Section 306.E.		

ACCESSORY USES

Day Care Center, Child or Adult accessory to a Place of	P	P
Worship, with a minimum lot area of ½ acre		
Heliport, private (S. 402)	SE	N
Home Occupation, General (S. 403)	P	P
Home Occupation, Light (S. 403)	P	P
Incinerator of any wastes other than within an approved "Waste-to-Energy Facility" and other than DER-permitted incineration of "municipal waste" generated on-site	C*	N
Maintenance Facilities, as routinely needed as an accessory use for the physical repair and maintenance of permitted uses and permitted buildings	P	N
Retail Sales and/or Personal Services Limited to a total maximum of 5% of the Floor Area of a 5,000 sq.ft. or larger institutional or medical office building, without a Separate Exterior Entrance and without any signs advertising such use that are readable from a public street. These uses may include, but are not limited to: automatic transaction machines of financial institutions, college bookshops, college or hospital gift shops, medical office pharmacies and commercial drug stores. These uses shall only include uses that primarily serve the students, patients, staff, visitors and occupants of the building or institution.	P	N
Solid Waste, Outdoor Storage of - See Section 513		
Television or radio broadcasting studios/offices as an accessory use to a permitted college or university	P	P
- Commercial Communications Antennae as an accessory use to the above	P	N
Tractor-Trailer Truck Loading Dock as accessory to a permitted hospital use	SE	N

Notes:

* Provided the applicant proves to the satisfaction of City Council that the use will not generate any significant public health hazards or significant public nuisances and provided that any exhaust system or stack is setback a minimum of 200 feet from any "residential lot line"

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(S. 403) = See Additional Requirements in Section 403

TYPES OF USES

INSTITUTIONAL DISTRICTS

(See definitions in Article II)

INS-G INS-L

See list of additional accessory uses in the following sub-sections 306. parts "C," "D" and "E."

MISCELLANEOUS USES

Off-Street Parking as a Principal or Accessory Use other than within: an above-ground parking deck with 2 or more levels (see Buffer Requirements in Article V)	P	P
Off-Street Parking within an above-ground parking deck with 2 or more levels	P	N
If a lot of more than 20 acres at the time of adoption of this Ordinance includes a State- licensed hospital that clearly specializes primarily in rehabilitation services, then the following business uses shall be permitted by right, in addition to the uses permitted in other INS-G districts, provided that they meet the standards listed in parts 1 through 4 below: packaging, custom printing, custom crafts, ceramics, products from previously prepared leather and glass, light assembly of finished goods, data inputting, preparation of materials for mailing and telephone surveying and uses that the applicant proves to the satisfaction of the Zoning Officer are closely similar in character.	P	N
1. the uses specified above shall be permitted: a) on the same lot and abutting lots within the INS-G district, and b) on portions of the same lot as a hospital that are within a commercial district;		
2. the above uses shall be owned by and operated under the supervision of a U.S. Internal Revenue Service- recognized non-profit organization;		
3. the above uses shall comply with the nuisance and performance standards of this Ordinance; and		
4. the above uses shall clearly serve primarily vocational training and rehabilitation needs of clients and patients of the parent institution.		

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(S. 403) = See Additional Requirements in Section 403

306.C. Permitted Accessory Uses in All Districts. The following accessory uses are permitted by right as accessory uses to a permitted by right, special exception or conditional principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Air Conditioning Equipment, other than central equipment for a commercial or industrial use
2. Antennae, Household
3. Basketball backboard, which may be within a required setback area, provided it is a minimum of 2 feet from any lot line of an abutting residence
4. Crop Storage as an Accessory Use to Crop Farming
5. Family day Care Center as an accessory use, within the limits on number of children in Section 403 *
6. Fence or Wall*
7. Flag Pole

8. Garage, Household
9. Garage Sale*
10. Home Gardening
11. Indoor Storage, limited to materials that are customarily accessory to a permitted use
12. Keeping of Pets*
13. Loading, Off-Street, only to serve a use that is permitted in that district
14. Parking, Off-Street, only to serve a use that is permitted in that district
15. Recreational Facilities limited to use by employees of a lot or a development and their occasional guests
16. Recreational Facilities limited to use by residents of a development and their occasional invited guests
17. Recycling Collection Center as an accessory use to a permitted principal business or institutional use
18. Recreational Vehicle, Storage of One or Two*
19. Residential accessory structure (see definition in Article II)*
20. Satellite Antennae*
21. Signs, as permitted by Article VII
22. Solar Energy System
23. Stable, Household*
24. Swimming Pool, Household
25. Tennis/ Raquetball Court
26. Volleyball Court
27. Windmill
28. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use

* See standard for each in Section 403.D.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses on the same lot as a lawful commercial, industrial or institutional principal use, provided that all requirements of this ordinance are met:

1. Up to 3 amusement machines, coin or token operated (not including an adult use; see also "Amusement Arcade for 4 or more machines)
2. Food, beverage and toy machines, coin operated
3. Newspaper sales machines, coin operated
4. Telephones, coin operated
5. The following accessory uses are permitted, provided that such use is clearly limited to employees, patients, residents and families of employees of the use and their occasional guests:
 - a. Cafeteria without drive-thru service and without separate outside entrances or outdoor signs,
 - b. Day care center, child or adult or
 - c. Non-commercial recreational facilities.

306.E. Essential Services - The following are "Essential Services" that are permitted by right as a principal or as an accessory use in all districts:

1. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.
 - a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
 - b. Electrical transformers as an accessory use to dwellings.
 - c. Electrical, telephone and street light poles.
 - d. Electrical transmission and distribution lines and meters.
 - e. Wells, standpipes, water transmission lines, cisterns and meters.
 - f. Sewage pumping stations, but not including a central sewage treatment plant, provided that such use be setback a minimum of 75 feet from any dwelling or any residential lot line.
 - g. Cable television and telephone lines.
 - h. Storm water pipes, outfalls, detention basins, swales and catchbasins.
 - i. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
 - j. U.S. mailboxes.
 - k. Boxes for receiving individual newspapers.
 - l. Railroad lines.
 - m. Fire hydrants and emergency callboxes.
 - n. Engineered retaining walls that are clearly necessary to hold back slopes.
 - o. Sidewalks and curbs.
 - p. Residential driveways.
 - q. Accessory improvements that are clearly primarily intended to provide physical access for persons with disabilities, such as handicapped access ramps.
 - r. Ground level porches that are not covered by a permanent roof.
 - s. Steps leading into the entrance of a building.
 - t. On-lot septic disposal systems.
 - u. Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction during the time of an active City construction permit on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to.
2. The following are permitted essential services and are required (except within Section 106) to meet all of the applicable requirements of this Ordinance:
 - a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.
 - b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.
 - c. Emergency and other electrical generators and compressors.
 - d. Solid waste bulk dumpsters and bulk compactors.
 - e. Telephone switching stations.
 - f. Industrial or commercial central air conditioning equipment.

307. **TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT**

307.A. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

sq.ft. = square feet
 ft. = linear feet
 SFD = single family detached dwelling
 Public Sewer = service at the time of occupancy by "public sewage service" as defined by Article II
 Public Water = service at the time of occupancy by "public water service" as defined by Article II
 NA = Not applicable.

307.B. The following requirements shall apply for each respective district, unless a more restrictive requirement is listed for a particular use in Sections 402 or 403 or elsewhere in this Ordinance.

1. Requirements for the R-1C district - see Section 308.
2. Table of Requirements for the C-R, R-1 and R-1A districts:

Type of Requirement (See definition of terms in Article II)	C-R District	R-1 District	R-1A District
Minimum Lot Area (sq.ft.) (per dwelling unit for dwellings) (see Section 309 if a use is not served by both public water and public sewage service)	3 acres	8,500	5,000 for single family detached dwelling; 4,000 for each half of a twin dwelling **; 4 town-houses per acre where permitted by Section 306
Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.) (per dwelling unit for residential purposes) except on the curve of a cul-de-sac street, this minimum width may be reduced by 40%.	150	75	40; except for townhouses see Section 402
Minimum Lot Width at the Street Right-of-Way Line (ft. - after development)	20	20	20, except for townhouses see Section 402
Minimum Width and Minimum Length of a Dwelling (ft.)	20	20	20, except for townhouses see Section 402
Minimum Building Setback for Principal Structure (ft.)			
- Front Yard	30	30	20
- Side Yard - 1 side	10	10	4
- Side Yard - 2 sides combined (no side yard required along lot line where buildings are lawfully attached)	25	25	12
- Rear Yard	30	30	25
- For any Yard adjacent to a Public Street	30	20	20
- For any permitted non-residential principal structure to a lot line of a "residential lot line" (as defined in Article II)	30	30	20

Type of Requirement (See definition of terms in Article II)	C-R District	R-1 District	R-1A District
Minimum Building Setback for Accessory Structures (ft.) (see Section 403 for pools) <ul style="list-style-type: none"> - Within Required Minimum Front Yard Building Setback of a Principal Building - Not permitted - Side Yard (no side yard required along lot line where buildings are lawfully attached) - Rear Yard - For any Side or Rear Yard abutting a public street (other than an alley) 	5* 5* 5	5* 5* 5	5* 5* 5
Maximum Height (ft.; See exceptions in Section 802) <ul style="list-style-type: none"> - Principal Building - Accessory Building 	40 25	40 25	35 25
Maximum Number of Stories <ul style="list-style-type: none"> - Principal Building - Accessory Building (plus an additional non-habitable floor that shall be restricted to storage and shall not have plumbing) 	2 1/2 1	2 1/2 1	2 1/2 1
Minimum Usable Open Space Per Lot (sq. ft.)	250	250	200, except for townhouses see Section 402
Maximum Building Coverage	15%	40%	45%
Maximum Impervious Coverage	20%	60% for dwellings; 80% for other permitted uses	60% for dwellings; 80% for other permitted uses

* See note under part "3." below.

** Each dwelling unit shall be upon its own lot, and shall be completely separated from the other dwelling unit by an unpierced vertical fire-resistant wall.

3. Table of Requirements for the R2, R3 and R-2/O district **for uses other than manufactured/ mobile home parks** (for that use see Section 402):

Type of Requirement (See definition of terms in Article II)	R2 and R-2/O Districts	R3 District
a. Minimum Lot Area (sq.ft.): (see Section 309 for uses that will not be served by both public water and public sewage service) <ul style="list-style-type: none"> - SFD - Single family semi-detached dwelling (twin) - per dwelling unit - Two family detached dwelling (duplex) - per building - Other Permitted Principal Uses (other than those listed in the next row below) 	4,000 4,000 8,000 6,000	4,000 3,500 7,000 6,000

Type of Requirement (See definition of terms in Article II)	R2 and R-2/O Districts	R3 District
b. Minimum Average Lot Area (sq.ft.) per dwelling unit for the following dwelling types, where permitted: 1) Townhouses (see also Section 402) 2) Mid-Rise Apartments other than as listed in part 3) below 3) Mid-Rise Apartments permanently restricted to persons age 55 and older, the physically handicapped and their spouses 4) Low-Rise Apartments (see also Section 402) 5) Any other permitted dwelling units other than listed in this row or in row "a." above (including but not limited to conversions of buildings to apartments where permitted)	1) 3,000 2) Not permitted 3) Not permitted 4) Not permitted 5) 3,000	1) 2,000 2) 2,000 3) 800 4) 2,000 5) 2,000
c. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.) * - Lot other than single family semi-detached dwelling (twin) or duplex - Single family semi-detached dwelling (twin) - per dwelling unit - Two family detached dwelling (duplex) - per building	40 40 80	40 40 80
d. Minimum Lot Width at the Street Right-of-Way Line (ft. - after development)	20	20
e. Minimum Width and Length of a Dwelling (ft.)	14	14
f. Minimum Building Setback for Principal Structure or Non-Residential Accessory Structure (ft.) - Front Yard - Side Yard (except no side yard required along a lot line where dwellings are lawfully attached) - Rear Yard	20 Min. of 4 for each, with a min. of 8 for both side yards added together 25	20 Min. of 4 for each, with a min. of 8 for both side yards added together 25
g. Minimum Building Setback for Principal Structure (ft.) - For any Yard adjacent to a Public Street - From a dwelling on a lot granted preliminary approval after the adoption of this Ordinance to the existing right-of-way of an expressway - For any permitted non-residential principal structure to a "residential lot line" (as defined in Article II)	20 50 25	20 50 25
h. Minimum Building Setback for Residential Accessory Structures (ft.) (see Section 403 for pools) 1) Within Required Front Yard Setback of a Principal Building - Not permitted 2) Side Yard (except no side yard required along a lot line along which dwellings are lawfully attached) 3) Rear Yard 4) For any Side or Rear Yard abutting a public street (other than an alley)	1) 5* 2) 5* 3) 5 4) 5	1) 5* 2) 5* 3) 5 4) 5
i. Maximum Height (ft.; See exceptions in Section 802) 1) Principal Building 2) Accessory Building	1) 35 2) 25	1) 40 2) 25

Type of Requirement (See definition of terms in Article II)	R2 and R-2/O Districts	R3 District
j. Maximum Number of Stories (see also Mid-Rise Apartments in Section 402) 1) Principal Building 2) Accessory Building (plus an additional non-habitable floor that shall be limited to storage and shall not have plumbing)	1) 2 1/2 2) 1	1) 3 2) 1
k. Minimum Usable Open Space (sq. ft.) for residential uses (average per dwelling unit) **	200	150
l. Maximum Building Coverage	50%	60%
m. Maximum Impervious Coverage	80%	80%

- * Except: a) a storage shed of less than 200 square feet of floor area may have a minimum setback of 3 feet from side or rear lot lines that do not abut a public street, and/or
 b) see also Section 111.E.3.f. for exceptions for residential accessory setbacks.

** May include balconies or patios for each dwelling unit and/or common open yard areas.

4. Table of Requirements for the C-D, C-N, C-G, I-L and I-G districts:

Type of Requirement (See definition of terms in Article II)	C-N District ***	C-D District	C-G District	I-L District	I-G District
a. Minimum Lot Area (sq.ft.)	1,000	750	5,000	5,000	20,000
b. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.)	8	8	50	50	75
c. Minimum Lot Width at the post-development Street Right-of-Way Line (ft.)					
1) For a lot granted preliminary subdivision approval after the adoption of this Ordinance that will have direct vehicle access involving left-hand turns onto or off of an arterial street	1) 100	1) 8	1) 100	1) 100	1) 100
2) For any other lot	2) 8	2) 8	2) 25	2) 25	2) 25
d. Minimum Building Setback for Principal and Accessory Structure (ft.) - except see part "e." if abutting a residential lot					
1) Front Yard	1) 0	1) 0	1) 10	1) 10	1) 25
2) Side Yard	2) 0	2) 0	2) 5	2) 5	2) 10
3) Rear Yard	3) 5	3) 0	3) 10	3) 10	3) 25
4) For any Yard abutting a public street, other than an expressway	4) 0	4) 0	4) 10	4) 10	4) 25
5) For any Yard abutting an expressway	5) 50	5) 50	5) 50	5) 50	5) 50
e. Minimum Building Setback for Principal Structure and Specified Uses (ft.)					
1) For a portion of a building used for manufacturing or an area routinely used for the parking, storage or loading/ unloading of tractor-trailer trucks or refrigerated trucks <u>from</u> an abutting or adjacent "residential lot line" (see definition in Article II)	1) 30	1) 15	1) 45	1) 45	1) 80
2) For any newly constructed non-residential principal structure <u>other</u> than a portion of a structure used as specified in part "e.1)" above <u>from</u> any abutting or adjacent "residential lot line" (see definition in Article II).	2) 20	2) 0	2) 30	2) 30	2) 40
f. Maximum Height (ft.; See exceptions in Section 802) for any building, except as noted in "g." below	40	125	50 **	50 **	100 **
g. Maximum Number of Stories , except a 10 story and 125 feet maximum height shall apply for mid-rise apartments permanently restricted to persons age 55 or older, the physically handicapped and their spouses, where permitted	3	10	5	5	10

Type of Requirement (See definition of terms in Article II)	C-N District ***	C-D District	C-G District	I-L District	I-G District
h. Minimum Average Lot Area (sq.ft.) per dwelling unit for the following dwelling types, where permitted: 1) Townhouses (see also Section 402) 2) Mid-Rise Apartments other than as listed in part 3) below 3) Mid-Rise Apartments permanently restricted to persons age 55 and older, the physically handicapped and their spouses 4) Low-Rise Apartments (see also Section 402) 5) Any other permitted dwelling units other than listed in this row or in row "a." above (including but not limited to conversions of buildings to apartments where permitted)	1) see R-2 2) 2,000 3) 800 4) 2,000 5) 2,000	1) 1,000 2) 1,000 3) 600 4) 1,000 5) 1,000	1) not permitted 2) not permitted 3) not permitted 4) not permitted 5) 1,500	1) not permitted 2) not permitted 3) not permitted 4) not permitted 5) 1,500	Not permitted
i. Maximum Building Coverage	70%	100%	60%	60%	60%
j. Maximum Impervious Coverage	100%	100%	95%	90%	90%
k. Minimum Lot Area Per Dwelling Unit where dwelling units are permitted (sq. ft.)	500	500	500	500	500

****** Except 40 feet maximum building height within 40 linear feet of a "residential lot line."

******* An applicant in the C-N district may develop the same residential uses as are permitted in the R-2 District, within the regulations for that use of the R-2 District.

5. Table of Requirements for the INS-L and INS-G districts (other than residential uses permitted in an R-2 district):****

Type of Requirement (See definition of terms in Article II)	INS-L District ****	INS-G District ****
a. Minimum Lot Area (sq.ft.)	4,000	10,000
b. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.)	30	50
c. Minimum Lot Width at the post-development Street Right-of-Way Line (ft.)	20	20
d. Minimum Building Setback for Principal and Accessory Structure (ft.) (except see part "e." if abutting a residential lot) 1) Front Yard 2) Side Yard 3) Rear Yard 4) For any Yard adjacent to a public "street" (not including an alley/court) other than an expressway 5) For any Yard adjacent to an expressway	1) 15 2) 5 3) 10 4) 10 5) 50	1) 10 2) 5 3) 5 4) 10 5) 50
e. Minimum Building Setback for Principal Structure or Certain Uses (ft.) 1) For any dormitory, fraternity or sorority or any area routinely used for the parking, storage or loading/ unloading of tractor-trailer trucks or refrigerated trucks <u>from</u> an abutting or adjacent "residential lot line" (see definition in Article II) 2) For any newly constructed non-residential principal structure <u>from</u> an abutting or adjacent "residential lot line" (see definition in Article II)	1) 70 2) 25	1) 70 2) 25
f. Maximum Height (ft.; See exceptions in Section 802) for any building	40	105 *****
g. Maximum Number of Stories	3	8
h. Maximum Building Coverage - based upon all abutting lots in common ownership	50%	80%
i. Maximum Impervious Coverage - based upon all abutting lots in common ownership	90%	95%

**** This table lists standards for permitted uses other than types of dwellings allowed in the R-2 district. All of the same residential uses shall be permitted in the INS-G and INS-L districts as are permitted in the R-2 district, within the regulations of the R-2 district, except that mid-rise apartments (where permitted) may have a minimum average lot area per dwelling unit of 800 square feet.

***** Except 40 feet maximum height within 40 feet of a "residential lot line" (other than lots owned by the applicant).

307.C. See also additional Requirements in the Following Sections:

1. Additional Requirements for Specific Types of Principal Uses - Section 402

2. **Additional Requirements for Specific Types of Accessory Uses - Section 403**
3. **Off-Street Parking - Article VI (including paved area setbacks in Section 603)**
4. **Signs - Article VII**
5. **Buffer Yards - Section 803**
6. **Steeply Sloped Areas - Section 505**
7. **Environmental Protection - Article V**
8. **Temporary Structures - Section 807**
9. **Site Plan Review for certain uses - Sections 116 and 117**
10. **Outdoor Storage and Display as an accessory use - Section 403**

308. **R-1C DISTRICT.**

- 308.A. **Purposes.** To allow flexible, clustered development of areas with sensitive natural features in such as as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased stormwater flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon, e) conserve forested areas that are an important part of the ecological cycle, that provide for groundwater recharge, that reduce air pollution and that serve as wildlife habitats and g) reduce construction costs while f) allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In certain cases, this option will encourage the preservation of significant areas of common open space.
- 308.B. **Applicability.** This article allows an applicant to develop land based upon an average density within the R-1C district. The applicant shall prove, as a conditional use, to the satisfaction of City Council that all of the requirements of this section 308 will be complied with.
- 308.C. **Unified Development.**
1. Land within the R-1C district shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single developer. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or homebuyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.
 2. **Phasing.** The development shall include a phasing system that shall be approved by the City Planning Commission under the Subdivision and Land Development Ordinance. Such phases shall ensure that the requirements of this Section 308 would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 308.D. **Other Requirements.** A development within the R-1C district shall be required to comply with all requirements of this Ordinance and the procedural, improvement and all other requirements of the City Subdivision and Land Development Ordinance.
- 308.E. **Permitted Uses.**
1. Only the following dwelling types shall be permitted within the R-1C district: single family detached dwelling, single family semi-detached dwelling/twin dwelling or townhouses.
 - a. Dwelling units within the R-1C district shall have a minimum building width and a minimum building length of less than 18 feet.

- b. A group home is permitted by right within any lawful dwelling unit, provided the requirements of Section 402 for group homes are complied with.
2. Any accessory use or non-residential principal use permitted in the R-1 district shall also be permitted in the R-1C district, provided that the use meets all of the same procedures and conditions as would apply within the R-1 district. Permitted non-residential principal uses shall be located on their own lots and shall not be considered in the calculation of the maximum residential density under this Section 308.

308.F. Maximum Density and Preservation of Natural Features.

1. Lot Area and Lot Width. Provided that the maximum permitted average density established by this Section is complied with, then any lot containing a single family detached dwelling may have a minimum lot area of 5,000 square feet and a minimum lot width of 45 feet. A single family detached dwelling shall have a minimum lot width of 35 feet. A townhouse dwelling shall have a minimum width as specified in Section 402.
2. For the purposes of this Section, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including: a) the right-of-way of any new future streets proposed within the tract and b) any proposed common open space.
3. All principal structures shall be served by both public water and public sewage service.
4. The following maximum average density shall be permitted on any tract in the R-1C district: 2.5 dwelling units per acre. The maximum number of dwelling units permitted on a tract shall be calculated based upon the "Total Area of the Tract" (in acres) multiplied by 2.5. No single acre of land, after the deletion of street rights-of-way, shall include more than 15 dwelling units.
5. Any areas used in the calculation of density which are not shown on the development plan as intended to be used for development, or for which the Zoning Officer determines could possibly be subdivided for future development shall have a permanent conservation easement and/or deed restriction preventing the construction of buildings or parking lots or any commercial use upon such land.

305.G. Preservation of Natural Features.

1. Slopes. No building shall be placed upon any land that has or had a natural slope of 25 percent or greater.
2. Waterways. No building shall be placed within any of the following:
 - a) the "100 Year Floodplain,"
 - b) 75 feet of the centerline of any waterway shown on the official Zoning Map or
 - c) 75 feet of the shoreline of any lake as determined by the City Engineer.
3. All areas within the 100 Year Floodplain and upon areas with a slope of 25 percent or greater shall be preserved in their natural vegetation, except for:
 - a) driveway, street and/or utility crossings,
 - b) permitted outdoor recreation facilities specifically approved as part of a subdivision or land development plan by the City,

- c) routine clearance of brush and undesirable vegetation,
 - d) the clearance of pedestrian trails and firefighting roads and
 - e) necessary stormwater and erosion control improvements.
4. All areas within the 100 Year Floodplain and areas with concentrations of slopes greater than 25 percent slope within the boundaries of the development shall include restrictions, through a 99 year minimum deed restriction or conservation easement, with all rights to enforce such restriction held by the City of Scranton, in addition to the City's authority to enforce this Ordinance.
 - a. Such restriction should but is not required to be able to be enforced by a homeowners association and/or a nature conservancy, in addition to the authority required to be granted to the City.
 5. Any development in the R-1C district shall be designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.

308.H. Setbacks and Lot Requirements.

1. No building shall be placed within: a) 30 feet of the right-of-way of any public street that existed at the time of adoption of this Ordinance, and/or b) 20 feet of any other public or private street right-of-way.
2. Townhouses shall comply with the provisions of Section 402 for that use, other than density. A maximum of 6 townhouse dwelling units may be attached.
3. If 2 or more principal buildings are on the same lot, each such building shall be setback a minimum of 15 feet from any other principal building.
4. If 2 principal buildings are not attached to each other and are located on abutting lots, then each building shall have a minimum setback along such abutting lot line of 6 feet.
5. Principal and accessory structure setbacks, other than those specified by this Section, shall be regulated under the same restrictions as would apply within the R-2 district.
6. The maximum height of all buildings shall be 2.5 stories or 35 feet, whichever is more restrictive.

308.I. Open Space. If any area of a tract is not part of a privately-owned lot, then the applicant shall prove to the satisfaction of the City Council that a permanent method for the oversight and maintenance of such land is provided. Such method may any of the following:

1. dedication to a formal homeowner's association as common non-public open space, with such homeowners being legally bound to ensure the maintenance and preservation of such land,
 - a. Any homeowner association agreement shall be subject to review by the City Solicitor, and the Planning Commission may require reasonable adjustments to such agreement based upon such review. The provisions of Sections 705.(f) parts (1) and (2) of the PA. Municipalities Planning Code, as amended, or such successor sections, shall serve as a general guide for such agreement.
2. dedication to the City or the County if such entity agree in writing in advance to accept such land for public recreation or
3. dedication as a Nature Preserve to a well-established nature conservancy acceptable to City Council.

308.J. Improvements to Open Spaces. The application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated to make it suitable for its intended purpose.

1. Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
2. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

308.K. Access. Development within the R-1C district shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or collector streets.

309. USES WITHOUT PUBLIC WATER AND/OR SEWAGE SERVICE.

309.A. Any lot that will not be served by either public water or public sewage service at the time of occupancy by humans of any principal buildings shall be required to have a minimum lot area of 1 acre per equivalent dwelling unit and a minimum lot width of 150 feet, unless a more restrictive requirement is established by another section of this Ordinance.

309.B. Any lot that will be served by public water service but not public sewage service, or by public sewage service but not public water service at the time of occupancy by humans of any principal buildings shall be required to have a minimum lot area of 30,000 square feet per equivalent dwelling unit and a minimum lot width of 120 feet, unless a more restrictive requirement is established by another section of this Ordinance.

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.

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- 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.

ARTICLE V

ENVIRONMENTAL PROTECTION

501. **GENERAL PERFORMANCE STANDARDS.**

501.A. Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous and toxic substances, operations and safeguards.

501.B. Federal and State Permits. City permits under this Ordinance are issued conditioned upon compliance with applicable Federal and State permits. Failure to comply with such Federal and State permits on a substantive matter shall be sufficient reason for suspension or withdrawal of a City permit under this Ordinance.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor leasee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:

1. Communicable disease or other public health hazards, including activities that would be attractive to or encourage the breeding of disease-prone insects or rodents.
2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
3. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See the City Fire Prevention Code.)
4. Activity that causes serious pollution to groundwaters or surface waters.

502.B. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire.

503. **WETLANDS.**

503.A. If the Zoning Officer or the City Engineer have reason to believe that a portion of a site proposed to be altered or drained may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the City accepts no responsibility to identify all wetlands or to warn parties of such possibilities.

503.B. All permits of the City are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked by the Zoning Officer for non-compliance with such regulations.

504. **SETBACK FROM RIVERS AND CREEKS.**

504.A. Purposes. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use, and to preserve adequate flow capacity for floodwaters and to encourage groundwater recharge.

504.B. Setback From Creeks and Rivers.

1. No new principal building or paved area (except as exempted in part C. below) shall be located within:
 - a. 75 feet of the top edge of the primary bank of the Lackawanna River and the Roaring Brook creek;
 - b. 75 feet of the center of the following creeks for land in the R-1, R-1C or C-R district: Stafford Meadow Brook, Keyser Creek, Leggett Creek, Lindly Creek and Meadowbrook Creek; and
 - b. 30 feet of the center of the following creeks in any zoning district other than the R-1, R-1C or C-R district: Stafford Meadow Brook, Keyser Creek, Leggett Creek, Lindly Creek and Meadowbrook Creek.
2. These setbacks shall only apply to portions of these creeks that are above ground as of the adoption of this Ordinance. See the City floodplain map in case a wider area is regulated under the Floodplain Ordinance.

504.C. Setback Exemptions. The setbacks of this Section shall not apply to:

1. public utility facilities,
2. stormwater control or flood control structures authorized by the City or a State or Federal agency,
3. publicly-owned recreational facilities or
4. approved and necessary street and driveway crossings that are approximately perpendicular to the waterway.

504.D. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved waterway crossings. See the Grading and Erosion Control requirements of Section 512.

505. **STEEP SLOPES.**

505.A. Site Plan. If an area of a lot including slopes of 25% or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/ land development plans.

505.B. Submission Requirements. A steep slope site plan shall meet the following requirements:

1. show detailed slope contours for all areas that potentially may be disturbed and/or constructed upon,
2. identify all areas of greater than 25% slope,
3. be to scale (such as 1 inch = 50 ft.),

4. show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,
5. be stamped by a professional surveyor, professional engineer, engineer-in-training, registered landscape architect or registered architect,
6. show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance,*
7. state the maximum slope of proposed driveways and streets and
8. show an area of 20 feet around the proposed principal building locations.

* If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.

505.C. Greater than 25% in R-1 - If, within the R-1 district, a proposed principal building location and any areas within 20 feet of such location on the lot include more than 1,500 square feet with slopes greater than 25.0%, then the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Ordinance:

1. minimum lot area of 30,000 square feet per dwelling unit or per principal non-residential use and
2. maximum impervious coverage of 15% on the lot.

505.D. Streets, Driveways and Septic Systems. See applicable street and driveway slope standards in the City Subdivision and Land Development Ordinance. See also DER regulations on slopes of on-lot septic systems.

505.F. Erosion. See Section 512.

505.G. Grading. No grading shall occur in such a way that would circumvent the requirements of this Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Ordinance.

505.H. Man-Made Slopes. This section shall not apply to man-made slopes that naturally were not 15% or greater slope.

506. **STORAGE OF EXPLOSIVE AND HAZARDOUS SUBSTANCES.**

506.A. Storage. See the City Fire Protection Code. See fencing requirement in Section 513.

506.B. Water Quality Hazards.

1. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.
2. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to a engineered collection area, or other method that the applicant proves to the satisfaction of the City Engineer is safe.

507. SEWAGE DISPOSAL.

- 507.A. All methods of wastewater disposal shall meet requirements of DER, the City, the Sewer Authority and the Official City Sewage Facilities Plan, as amended, as applicable.
- 507.B. Recertification of On-Lot Systems. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in the number of dwelling units.
- 507.C. Alternate Septic Location. Any lot using an on-lot septic system that is to be granted final subdivision approval after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be tested by the City Sewage Enforcement Officer and found to meet State and City requirements. This requirement for the alternate system location shall not apply if the applicant proves to the satisfaction of the Zoning Officer that public sewage service can reasonably be expected to serve the lot within 5 years from the date of occupancy.
- 507.D. On-Lot Systems and Lot Area. A more restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon DER regulations.

508. NOISE.

- 508.A. No land use or its operations shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
10 feet inside a Lot in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, 4th of July, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, 4th of July, Labor Day and Memorial Day	1) 69 dBA 2) 64 dBA
10 feet inside a Lot in a I-G or I-L District	All times and days	78 dBA
10 feet inside any Lot Line Not Listed Above	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

- 508.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.

2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 10 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 7 a.m. and 10 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Railroads and aircraft; motor vehicles operating on public streets and highways. See vehicle noise restrictions in the State Motor Vehicle Code.
6. Public celebrations specifically authorized by City Council or a County, State or Federal Government agency or body.
7. Unamplified human voices or the barking of a single dog.
8. Routine ringing of bells and chimes by a place of worship or municipal clock.

508.C. Professional Studies and Costs. If a District Magistrate determines that professional analysis is needed to enforce this Section regarding a particular situation, the Zoning Officer may require that the applicant reimburse the City for such reasonable costs of such analysis. In addition, the Zoning Officer may base a determination under this Ordinance upon a written study accomplished by and signed by a qualified professional and submitted by an affected party. Any such study provided by an affected party shall state the methods used and the credentials of the person(s) who accomplished the study.

509. **VIBRATION.** No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.

510. **ODORS, DUST AND AIR AND WATER POLLUTION.** No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. All uses shall comply with Federal and State air and water pollution regulations as a condition of any City permit.

511. **LIGHT AND GLARE CONTROL.**

511.A. Street Lighting Exempted. This Section 511 shall not apply to street lighting that is owned, financed or maintained by the City or the State.

511.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a dwelling or residential district shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

511.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent the lighting element from being directly visible from streets, public sidewalks, dwellings or adjacent lots. Two or more bare incandescent light bulbs of 40 watts or greater shall not be hung along a public street or an abutting property.

511.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or undeveloped residentially-zoned areas, and to prevent the lighting from shining into the eyes of passing motorists. Light sources shall also be shielded to avoid excessive fugitive emissions into the sky in such a way as could harm astronomical visibility from an observatory.

511.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

512. GRADING AND EROSION CONTROL.

512.A. Permit Required.

1. A zoning permit shall be required for:
 - a. the deposit of more than 15 cubic yards of soil, stone, rock, clean fill or similar material on a site in a calendar year,
 - b. grading activities involving more than 1/2 acre of land, and/or
 - c. any grading, dumping or fill activities within the 100 Year Floodplain. All such activities may be subject to review by the City Engineer.
2. A separate City permit is not required for fill or grading specifically approved under another zoning permit, under a subdivision or land development approval or as part of a City-approved flood control project.
3. See the City Stormwater Management Ordinance.

512.B. Erosion Control. All City permits are granted on the condition that State erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are fully complied with. The Zoning Officer may require the submittal of an erosion and sedimentation control plan with review by the County Conservation District wherever soil will be disturbed. Failure to comply with such regulations or plan shall be cause for suspension of City permits.

512.C. Unstable Slopes. Slopes that would have the serious threat of instability, in the determination of the City Engineer, shall not be created. The Zoning Officer may require applicants to provide certification from a Professional Engineer that finished slopes greater than 4:1 will be stable.

512.D. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building. Any fill or grading shall only occur in such a way that it does not increase the flow of stormwater onto public streets, without approval by the City Engineer or PennDOT as applicable. Any fill or grading shall not increase flooding hazards for neighboring properties.

512.E. Grading, fill, dumping of clean fill, excavation or movement of materials shall be completed to avoid an unsightly appearance and to prevent interference with drainage, streets or utilities. Any fill placed on a site shall be levelled off and properly sloped within 3 months of placement, except for soil stockpile areas shown on an approved erosion and sedimentation control plan.

513. PLACEMENT AND SCREENING OF WASTE CONTAINERS AND OUTDOOR MACHINERY AND FENCING OF STORAGE.

513.A. Placement. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise sensitive use.

513.B. Safety. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.

513.C. Solid Waste Containers.

1. Screening. All trash dumpsters shall be screened on 3 of 4 sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.
2. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 15 feet from any window or door of a dwelling unit on an abutting lot.
3. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least 1 outdoor solid waste receptacle at a convenient location outside of the main exit door of the property for customer use. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.
4. Enclosed Containers. Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodents and insects.

513.D. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for small children to enter:

1. outdoor industrial storage areas involving storage covering more than 5,000 square feet of land,
2. stationary hazardous machinery and equipment that are outdoors and
3. outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

514. **RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No use shall routinely cause electrical, radio or electromagnetic disturbances to equipment on other lots. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also PA. DER regulations.

515. **TREE PRESERVATION.**

515.A. Intent. To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas and conserve energy.

515.B. Tree Removal.

1. The provisions of this Section shall not apply to:
 - a. a permitted commercial forestry use (which is a special exception use within standards in Section 402), or
 - b. routine selective cutting of up to 15 percent of the trees throughout a lot to thin woods that does not involve clearcutting of any areas other than areas approved for the development of a new use.
2. Except as permitted in part 1. above, a maximum of 10 trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of 8 inches or more (measured at a height 4 feet above original grade) shall be removed in any calendar year unless each such additional tree meets or will meet one or more of the following conditions:

- a. is located within 10 feet of an uncurbed vehicular cartway,
- b. is within a proposed or existing vehicular cartway, shoulder or sidewalk,
- c. is within 10 feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system,
- d. is within 25 feet of the foundation of an approved structure,
- e. is within an approved utility corridor,
- f. is diseased, dead or poses a clear danger to a structure, utility or public improvement,
- g. is a hazard to vehicular sight distance,
- h. is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional 5 years,
- i. is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
- j. is within an area that must be cleared to develop an approved golf course, or
- k. is necessary to allow longer rows for crop farming.

515.C. Protection of Trees During Construction. Adequate measures shall be used to prevent the damage and destruction of trees during construction. This should typically include the erection of temporary wooded barriers around the dripline of trees, to prevent compaction of root systems and damage to trunks from machinery.

515.D. Applicability. This section shall not apply to an owner of a residential lot of less than 1 acre after occupancy.

516. FLOOD-PRONE AREAS.

516.A. Purposes. To prevent loss of life and destruction and damage of property; to avoid government expenditure for flood protection, rescues and reconstruction; to avoid public health and safety hazards; to avoid increases in flood levels and velocities; and to reduce the numbers of persons unknowingly investing in land or new structures that are prone to flooding.

516.B. Floodplain Applicability.

1. The regulations of this Section shall apply throughout the entire City as "overlay" zoning regulations that supplement the zoning district regulations. Where the regulations of this Section differ from the regulations of any other section of this Ordinance, the provision that is more restrictive on development shall apply. If any portion of this Section shall be voided by judicial action, such action shall not affect the applicability of the underlying zoning district regulations.
2. No structure shall be erected or enlarged or land used or graded except in full compliance with the regulations of this Section, the City Subdivision and Land Development Ordinance, the City Building Code and the Federal Water Pollution Control Act, as amended.
3. See the "Liability" section in Article I. The City makes no guarantee that any area or structure is free from vulnerability to flooding.
4. See the 1980 amendment to the City Building Code regarding construction in floodplains.

516.C. Description of Floodplain Areas. For the purposes of this Article, the "100 Year Floodplain" shall be those areas identified as such on the latest version of the official Flood Insurance Study for the City as issued by the U.S. Department of Housing and Urban Development - which shall hereafter be referred to as the "Federal Floodplain Study." As of 1992, the latest official version was dated May 27, 1979. The 100 Year Floodplain shall consist of the following three components: the 100 Year Floodway, the 100 Year Flood-Fringe and the General Floodplain Area.

1. Floodway ("FW") - shall mean the channel of a stream plus any adjacent portions of the 100 Year Floodplain that must be kept free of encroachment in order to prevent the increase of floodlevels by more than 1 foot.
2. Flood-Fringe ("FF") - shall mean portions of the 100 Year Floodplain that are not within the 100 Year Floodway.
3. General Floodplain Area ("FA") - shall mean areas identified as such in the Federal Floodplain Study, for which no detailed 100 year flood elevations or profiles have been provided. In such areas, information shall be used from any available Federal, State or other qualified studies that are found to be acceptable by the City Engineer. If no such reliable information is available, then the 100 year flood elevations shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question if determined to be acceptable to the City Engineer. Otherwise, an applicant shall be required to provide a detailed floodplain study of the site as specified in this Section.
4. Floodplain Amendments. The City Council may by resolution officially amend the 100 Year Floodplain to account for man-made or natural changes, or to incorporate an updated Federal or State study or to accept an appropriate professional study that provides a detailed analysis of a specific segment of a waterway. However, any such official amendment of the official Floodplain Map requires prior approval of the Federal Insurance Administration or its successor agency.
5. Interpretation.
 - a. The Zoning Officer shall initially determine the location of the 100 Year Floodplain areas based upon the Federal Floodplain Study.
 - b. Where exact measurements do not exist, the boundaries of the 100 Year Floodplain areas shall be determined by scaling distances from the official Floodplain Map, unless the City Engineer determines that a detailed floodplain study needs to be submitted by the applicant. The Zoning Officer may request the advice of the City Engineer.
 - c. The applicant may appeal such determination to the Zoning Hearing Board as a variance. In such case, the full burden of proof shall be on the applicant to prove that the determination of the Zoning Officer or the study being used is not accurate. See the standards for a professional floodplain study in part "516.D.4" below.

516.D. Permitted and Prohibited Uses in the 100 Year Floodplain.

1. Prohibited Uses in the Floodway. Within the 100 Year Floodway and portions of the General Floodplain Area determined to be within the 100 Year Floodway, each of the following is prohibited:
 - a. construction, development, placement or extension of a structure that could inhibit the passage of 100 Year floodwaters or that could reduce the water capacity of a 100 Year Floodplain or of any watercourse,
 - b. filling in or grading within the 100 year floodway, other than minor finished grading or excavation that the applicant proves to the written satisfaction of the City Engineer will not result in a net reduction in the water carrying capacity of the floodplain,

- c. redirections of a perennial waterway, other than stream improvements authorized by the PA. Fish and Boat Commission that are intended solely to improve aquatic habitats,
2. Prohibited Uses Within the Entire 100 Year Floodplain. The following uses are prohibited anywhere within the 100 Year Floodplain:
- a. the development or expansion of any of the following buildings or uses:
 - 1) manufactured/ mobile homes or manufactured/ mobile home parks,
 - 2) jails or prisons,
 - 3) nursing homes or hospitals,
 - 4) junkyards or solid waste disposal facilities,
 - 5) bulk manure storage,
 - 6) cemeteries or
 - 7) commercial forestry.
 - b. storage of any of the following materials or items that would be:
 - 1) buoyant and not anchored or tied down or easily moved within the time available after a flood warning,
 - 2) toxic,
 - 3) highly hazardous,
 - 4) explosive or
 - 5) radioactive.
 - c. any new or substantially improved structure that will be used for the production or storage of any of the following substances or substances involving a similar degree of hazards or any use involving the maintenance of more than 550 gallons of any of the following substances:
 - 1) Acetone
 - 2) Ammonia
 - 3) Benzene
 - 4) Calcium Carbide
 - 5) Carbon disulfide
 - 6) Celluloid
 - 7) Chlorine
 - 8) Hydrochloric acid
 - 9) Hydrocyanic acid
 - 10) Magnesium
 - 11) Nitric acid and oxides of nitrogen
 - 12) Petroleum products (such as gasoline and fuel oil)
 - 13) Phosphorus
 - 14) Potassium
 - 15) Sodium
 - 16) Sulphur and sulphur products
 - 17) Pesticides (including insecticides, fungicides and rodenticides)
 - 18) Radioactive substances, insofar as such substances are not otherwise regulated.
4. Standards. Before any action affecting the 100 Year Floodplain occurs, the applicant shall prove to the written satisfaction of the City Engineer that:
- a. all applicable City, State and Federal requirements have been met and applicable permits have been granted,

- b. compensating improvements will be made to prevent any net increase in flood levels or adverse affects on flood velocities and drainage patterns and
 - c. any municipalities that will be affected by a change in a alteration or relocation of a waterway have been given prior notice of such proposal.
5. Permitted Uses. Permitted uses in the 100 year floodplain (except areas that an applicant proves are not within the 100 year floodway) shall be limited to the following uses and uses that the Zoning Officer are closely similar:
- a. nature preserves,
 - b. plant nurseries,
 - c. outdoor recreation uses,
 - d. golf courses,
 - e. parking areas,
 - f. yard/ setback areas,
 - g. parking areas (see setback from Johnston's Run in Section 504) and
 - h. crop farming.
 - i. bridges, culverts and similar structures that the applicant proves to the satisfaction of the City Engineer will:
 - 1) pass over the 100 Year Floodplain or
 - 2) carry stormwater within a City-approved stormwater improvement or
 - 3) float over floodwaters or
 - 4) allow 100 Year floodwaters to easily pass through the structure without causing debris to block the flood channel.
6. General Floodplain Areas and Studies. To avoid the application of the prohibition on construction of structures within the General Floodplain Area, an applicant may prove to the satisfaction of the Zoning Hearing Board as a special exception, based upon review by the City Engineer, that a particular portion of such area is not within the 100 Year Floodway. Such proof shall be based upon a professional hydrological study. Such study shall:
- a) only be conducted by a professional engineer, licensed surveyor, registered landscape architect or hydrologist,
 - b) follow current accepted hydraulic technical methods and Federal standards,
 - c) provide sufficient analysis and computation information for the City Engineer to determine that such study is accurate.
7. Flood-Fringe. Within the 100 Flood-fringe, the following provisions shall apply:
- a. all new buildings and all existing buildings that are "substantially improved" as specified in the following sub-section below shall be fully floodproofed in compliance with this Ordinance and all City Building Codes. This shall include the following:
 - 1) The elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be a minimum of 1.5 feet above the 100 year flood elevation. Enclosed areas below this lowest floor are prohibited.
 - 2) The elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall a) be a minimum of 1.5 feet above the 100 year flood elevation or b) be floodproofed up to that height.

- a) Enclosed areas below this lowest floor (including the basement) are prohibited.
- b) Such required floodproofing shall follow the standards stated in the Army Corps of Engineers' "Flood-Proofing Regulations" publication or some equivalent standard acceptable to the City Engineer. The applicant shall ensure that plans for such floodproofing shall be certified by a professional engineer or architect - certifying that a building has been adequately designed to withstand the 100 Year Flood elevations, pressures, velocities, impact and uplift forces associated with a 100 Year Flood and that utility extensions have been designed to take the 100 year flood levels fully into account.

8. Existing Structures in Floodplains.

- a. Structures that existed prior to the adoption of this Section within the 100 Year Floodplain shall not be expanded or enlarged, except:
 - 1) if such structures are determined to not be within the 100 Year Floodway and the expansion meets the requirements for the 100 Year Flood-fringe or
 - 2) for upper story additions that do not decrease the water carrying capacity of the 100 Year Floodplain or
 - 3) if any negative effects on flood heights are fully offset by accompanying improvements.
- b. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100 Year Floodplain (or the 100 Year Floodway where such has been officially defined) that is equal in value to less than 50 percent of the structure's market value ** shall to the greatest extent possible be elevated and/or floodproofed.
- c. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100 Year Floodplain (or the 100 Year Floodway where such has been officially defined) that is equal in value to 50 percent or more of the structure's market value ** (which shall be considered to be "substantially improved") shall only occur in full compliance with the provisions of this Article.

** Based upon the value of the structure before the improvement or repair started and before any flood damage that may be being repaired.
- d. Historic and Safety Exception. Parts "b" and "c" above shall not apply to improvements that are necessary to comply with a City, County or State health, safety or sanitary regulation or to historically rehabilitate and restore a structure listed on the National or State Registry of Historic Places or that is a clearly a contributing structure to a State-certified Historic District.
- e. The applicant shall provide written information to the Zoning Officer on the lowest floor elevation of each structure approved within the 100 Year floodplain.
- f. Basement shall be defined for the purposes of this Section as any area of a building having its floor below ground level on all sides.

9. Floodplain Variances.

- a. A variance shall not be granted to the provisions of this Article if such variance would result in unacceptable increased flood heights or to increased threats to the public safety. Any variances to this Article shall be annually reported to the Federal Insurance Administration.
- b. If a variance is granted to allow construction of a structure below the 100 Year Floodplain elevation, the applicant should be notified in writing by the Zoning Officer that such construction will likely result in increased premium rates for flood insurance, and that the applicant may be creating a risk to life and property, and that the applicant is completing such work at their own risk.

517. **REMOVAL OF TOPSOIL.** The permanent stripping and removal of more than 50 percent of the topsoil from any lot is prohibited, except on portions of a lot for which approval has been received from the City to construct a building, street or paving. This section shall not restrict approved mineral extraction uses, the temporary stockpiling and regrading of soil during construction or routine crop farming practices. See Section 512 "Grading and Erosion Control."

ARTICLE VI

OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article, except as exempted by Section 602.F. in the C-D district.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 601.B.
4. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

601.B. Reduction of Parking Requirements by Special Exception

1. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
2. The Zoning Hearing Board may permit a reduction, through the Special Exception process of Section 119, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.
 - a. Proof. To prove that less parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
 - b. Shared Parking. Under this Section, an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 400 feet of the entrance to the use will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
 - c. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.
 - i) Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board Solicitor. A legally binding deed restriction is recommended.

- ii) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall be designed to meet all City requirements, including stormwater runoff. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.
- iii) Such additional parking shall be required to be provided within 1 year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on at least 3 different days.

TABLE 6.1
OFF-STREET PARKING REQUIREMENTS
(See definition of employee in Article II)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>A. AGRICULTURAL USES:</u>		
1. Crop Farming or Raising of Livestock	-----	Employee
2. Kennel (Min. of 4)	1 per employee	15 animals of capacity
3. Plant Nursery	1 per employee	250 sq. ft. of indoor sales floor area and 10,000 sq.ft. of outdoor sales area
4. Stable, Non-Household (Min. of 2)	1 per employee	8 animals of capacity
5. Seasonal Sale of Agricultural Products (Min. of 5)	1 per employee	250 sq. ft. of sales floor area
<u>B. RESIDENTIAL USES:</u>		
1. Dwelling Unit	1 per dwelling unit, except for dwellings approved after the adoption of this Ordinance: - 1.5 per apartment and - 2 per other dwelling unit (which may include a driveway space and a garage space). (see also "Housing for Persons over Age 60" below)	
2. Home Occupation, General	As determined to be necessary by the Zoning Hearing Board	Non-Resident Employee
3. Home Occupation, Light	None additional required.	
4. Housing Permanently Restricted to Persons 60 Years and Older and/or the Physically Handicapped	0.6 per dwelling/ rental unit, except 0.3 per dwelling/ rental unit if evidence is presented that the residents will primary be physically handicapped or over 70 years old	Non-Resident Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
5. Boarding House	1 per rental unit, except for a college fraternity or sorority: 1 per 2 beds plus 2 spaces.	Non-Resident Employee
6. Group Home	See Section 402	
<u>C. INSTITUTIONAL USES:</u> 1. Place of Worship or Church	1 per 5 seats in room of largest capacity. If a place of worship shares parking with a school, then whichever use requires the most parking shall apply instead of the other use.	Employee
2. Care and Treatment Facilities for Children	1 per staff doctor, plus 1 per 3 employees on the maximum shift, plus 1 per 1,000 sq. ft. of total habitable floor area for visitor and resident parking	Plus such additional spaces required by this Table for any supplementary activities that generate additional parking needs
2. Hospital	1 per 3 beds	1.2 Employee
3. Nursing Home	1 per 4 beds	1.2 Employee
4. Personal Care Home	1 per 3 beds	1.2 Employee
5. Day Care as an accessory use to a dwelling	1 space - designed for safe and convenient drop-off and pick-up	Non-resident employee
6. Day Care Center as a principal use	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	Non-resident employee
7. School, Primary or Secondary	1 per 4 students aged 16 or older plus 2 visitor spaces	Employee
8. Utility Facility	Vehicle routinely needed to service facility	
9. Dormitory	1 per 2 residents aged 16 or older	Non-resident employee
10. College, University or Trade School	1 per 2 students not living on campus or within 1/2 mile of the campus who attend class at peak times (plus required spaces for on-campus housing)	1.2 Employee on campus during peak times, other than those living on-campus
11. Public Library, Community Center or Cultural Center or Museum	1 per 10 seats for a library; 1 per 5 seats for a community center, cultural center or museum (or 1 per 300 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.2 Employee
12. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
13. Swimming Pool, Non-Household	1 per 40 sq. ft. of water surface, other than wading pools	1.2 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
D. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auditorium, Commercial	1 per 4 seats	
2. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee
3. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
4. Automatic Transaction Machine	3 per machine, conveniently located	
5. Adult Use (including Adult Bookstore, Adult Live Entertainment Use or Massage Parlor) (min. of 10 spaces)	1 per 30 sq. ft. of total floor area	Employee and/or performer
6. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
7. Betting Use	1 per 3 persons of maximum capacity of buildings, as rated by fire regulations	1.2 Employee
7. Bowling Alley	2 per lane plus 2 per pool table	1.2 Employee
8. Bus Station, Inter-city	5 per loading/ unloading stall for buses	Employee
9. Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	1.2 Employee
10. Financial Institution (includes bank)	1 per 250 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	Employee
11. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors	Employee
12. Golf Driving Range	1 per tee	1.2 Employee
13. Miniature Golf	2 per hole	1.2 Employee
14. Golf Course	3 per hole (plus spaces required for any membership club building or restaurant)	2 Employees
15. Ice Skating/ Roller Skating	250 sq.ft. of floor area accessible to users	1.2 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
16. Haircutting/ Hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employee
17. Hotel or Motel	1 per rental unit plus 1 per 5 seats in any meeting room (plus any parking required for any restaurant)	1.2 Employee
18. Laundromat	1 per 3 washing machines	On-site Employee
19. Offices or clinic, Medical/dental	5 per each doctor or dentist working on-site at peak times	Employee
20. Office building primarily intended to include medical/dental offices	Requirements shall be split porportionally between No. 19 and No. 21 based upon estimate of expected types of tenants	
21. Offices, other than No. 19 or 20 above (min. of 3 per establishment)	1 per 300 sq. ft. of floor area	
22. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	Employee
23. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 250 sq. ft. of floor area other than racquetball courts accessible to customers/ members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	1.2 Employee
24. Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employee
25. Restaurant, Standard	1 per 4 seats	2 Employees
26. Retail Sales (other than Types separately listed) or Shopping Center (min. of 5 per establishment, except 10 per video rental store)	1 per 200 sq. ft. of floor area other than accessory warehouse/storage areas not accessible to customers, except 1 per 250 sq. ft. of total leasable floor area if such is greater than 30,000 sq. ft.	----
27. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area, other than accessory warehouse/storage areas not accessible to customers	
28. Tavern or Nightclub	1 per 40 sq. ft. of total floor area	Employee and/or performer
29. Restaurant, Fast Food (Min. of 20 spaces)	1 per 4 seats	2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
30. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:30 p.m.	1.2 Employee
31. Veterinarian Office	5 per veterinarian	Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1.2 per employee working on-site	1 visitor space
Self-Storage Development	1 per 20 storage units	Employee

602. **GENERAL REGULATIONS FOR OFF-STREET PARKING.**

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be required to add additional parking spaces to meet the requirements of this Article unless: a) the general type of use is significantly changed or b) the use is expanded a total aggregate over time of more than 5 percent or 2,000 square feet in floor area, whichever is more restrictive. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.

602.C. Change in Use or Expansion. If a building or use:

1. significantly changes in type of principal use or expands by a measure used in this Article to determine parking need (such as floor area, maximum number of employees, number of dwellings units or seating capacity), and
2. if such expansion or change would increase the number of required parking spaces by at least 10 percent or 20 spaces, whichever is less,

then the use shall provide the total number of parking spaces that would be required if the entire existing and proposed uses would be newly developed under this Article, instead of only being required to provide the additional uses for the change or expansion.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking to serve a use, except that an owner of a parking area may allow use of the spaces by another use during specific times of the day and week when they are clearly not needed for the primary user.

602.E. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a guaranteed method of providing the spaces is available using parking spaces within 400 feet of a patron/patient entrance of the principal use being served.*

1. Such distance between the entrance of the use and the parking spaces shall be 200 feet instead of 400 feet for parking that serves uses located within the R2/O district.*
2. To meet the requirement that the availability of the parking be guaranteed, an applicant may provide a suitable deed restriction or a lease extending 25 years or for the life of use of the property, whichever is of shorter duration.

* Provided such parking is in a district where such parking is permitted.

602.F. Downtown Exemption. In recognition the need to strongly encourage new construction and to reuse building space in the Downtown, and recognizing the availability of public parking areas, the requirements for minimum numbers, minimum aisle widths, minimum sizes and landscaping requirements of off-street parking spaces in this Article shall not apply within the C-D district.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except spaces for a single family detached dwelling, twin dwelling or for approved "valet" parking areas.
3. Parking areas shall not be within any of the following: a required buffer yard or a required paved area setback.
4. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
5. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle

entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Ordinance shall be separated from the street by a grass or landscaped strip of land. Parking spaces may back into an alley. See Section 603.G.

6. Stacking. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.
7. Stormwater Management. The applicant for any new or expanded parking lot that would result in 5,000 square feet or greater of impervious coverage (compared to what previously existed), outside of the C-D district, shall be required to submit stormwater management calculations to the City Engineer and prove to the satisfaction of the City Engineer that stormwater will be adequately managed.

603.B. Size and Marking of Parking Spaces. Each parking space shall include a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except:

1. The minimum length shall be 21 feet for parallel parking.
2. If a lot or parking deck includes more than 30 parking spaces, a maximum of 20 percent of the required spaces include a rectangle with a minimum width of 8 feet and a minimum length of 16 feet, provided that those spaces are marked as "Compact Cars Only" and provided that those spaces do not include the most desirable spaces in the lot or deck.
3. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.
4. If a parking area is permitted to not be paved, then a minimum width of 10 feet per space shall be used.

603.C. Aisles.

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be at least 20 feet in width.
3. Maximum length of parking aisle- 300 feet.
4. Modification. By special exception, the Zoning Hearing Board may reduce the minimum size of parking spaces or aisles to reflect congested conditions and the need for parking spaces in older commercial areas of the City.

603.D. Access Drives and Driveways.

1. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cartway)*	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

* Unless a different standard is required by PennDOT for an entrance to a State street.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
3. Separation Between Driveways. At least 50 feet shall be provided between the centerlines of any 2 accessways or driveways along one street within one lot.
4. Separation from Intersection. If a driveway or accessway enters onto a collector or arterial street, then the centerline of that driveway or accessway where it enters the collector or arterial street shall be a minimum of 75 feet from the centerline of any other street, where that street enters the collector or arterial street at a different point than the driveway or accessway.
5. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.
6. Sight Distance for Driveways. See Section 803.C.2.

603.E. Paving, Grading and Drainage.

1. Parking, loading facilities, driveways and vehicle sales display areas shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties. See the City Stormwater Management Ordinance.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete or decorative paving block, except that portions or all of driveways or parking areas may be left in grass or gravel where the applicant proves to the full satisfaction of the Zoning Officer that:
 - a. the parking or driveway is clearly intended for use for a maximum of 1 year or for a maximum of 30 days in a calendar year or
 - b. serves an agricultural use or
 - c. involves a single family residential driveway with a length of over 100 feet.
3. Each of the following existing parking areas shall be paved with asphalt, concrete or decorative paving block within 3 years of the adoption of this Ordinance:
 - a. parking lots in the C-D district that have existed for at least 5 years prior to the adoption of this Ordinance and that include a minimum of 25 parking spaces, except for lots for which an official development plan or building permit has been approved or is being reviewed prior to approval, and except where the property-owner has signed an agreement to develop the property within a specified period of time;

1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
2. Any lot approved after the adoption of this Ordinance, outside of the C-D district, that would include more than 25 parking spaces shall be required to provide shade trees within the paved area.
3. One deciduous tree shall be required for every 3,000 square feet of paved area. Such trees may be placed within or around the edges of paved areas.
4. Trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant provides standard reference material or a signed letter from a registered landscape architect that proves to the satisfaction of the Zoning Officer that another specific type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - American Red Maple	Quercus borealis - Red Oak
Acer saccharum - Sugar Maple	Quercus coccinea - Scarlet Oak
Celtis occidentalis - Common Hackberry	Quercus macrocarpa - Bur Oak
Fagus sylvatica - European Beech	Quercus imbricaria - Shingle Oak
Fraxinus americana - White Ash	Quercus montana - Chestnut Oak
Fraxinus pennsylvanica - Green Ash	Quercus velutina - Black Oak
Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Quercus phellos - Willow Oak
Gleditsia triacanthos - Thornless Locust	Sophora japonica - Chinese Scholar Tree
Liriodendron tulipifera - Tulip Poplar	Tilia americana - American Linden
Quercus alba - White Oak	Tilia cordata - Little Leaf European Linden
Quercus acutissima - Sawtooth Oak	Tilia euchlora - Crimean Linden
	Tilia petiolaris - Silver Linden
	Zelkova serrata - Zelkova

Note- This ordinance only regulates the species of trees that are used to meet requirements of the City. The species of trees that are not required by City ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 1 foot above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:
 - i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air,
 - ii) properly protected by raised curbs, distance or other devices from damage from vehicles,
 - iii) surrounded by a minimum of 9 square feet of pervious ground area, which shall be protected from vehicles and
 - iv) properly maintained.

- e. A required tree shall not be removed without being replaced within 12 months by another tree that meets the requirements of this section. Trees which have died or have become diseased or pest-ridden shall be replaced within 12 months.
5. Curbing and landscaped islands shall be located as needed to direct the flow of traffic through the parking lot in a smooth, orderly and safe manner to prevent "cross-taxiing."
6. Existing Trees. For every existing tree on the lot that is healthy and is protected and preserved and maintained after the completion of all construction and that would generally meet the requirements of this section:
 - a. 1 less deciduous tree shall be required to be planted for every such preserved tree with a minimum trunk diameter of between 4 and 16 inches (measured 1 foot above the natural ground level), and
 - b. 2 less deciduous trees shall be required to be planted for every such preserved tree with a minimum trunk diameter of 16 inches or greater (measured 1 foot above the natural ground level).

603.I. Buffer Yard. See Section 803.

603.J. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

TOTAL NO. OF REQUIRED PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size - Each required handicapped parking space shall be a minimum of 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

604. PARKING OF UNREGISTERED, COMMERCIAL AND JUNK VEHICLES.

604.A. Purpose. To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.

604.B. Storage of Unregistered, Commercial or Junk Vehicles.

1. Definitions. For the purposes of this section 604, the following terms shall have the following meanings:
 - a. Commercial Vehicle. A motor vehicle that has a gross vehicle weight of greater than 6,000 pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
 - b. Tractor of a Tractor-Trailer. A truck with a minimum of 3 axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
 - c. Trailer of a Tractor-Trailer. A commercial vehicle with a length of 20 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle".
2. Residential District. Within a residential district, no motor vehicle that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no "junk vehicle" (as defined by Article II) shall be parked or stored in any way that is visible from a public street or an adjacent dwelling.
3. Non-Residential District. In a non-residential district, a maximum of 1 "junk vehicles" (as defined by Article II) shall be parked or stored in such a way that the vehicles are visible from a public street or a dwelling. This Section 604 shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.

4. Exceptions. This section does not apply to the following, provided they are in an operational condition:
- a. Municipally-owned vehicles
 - b. Ambulance, fire and rescue vehicles
 - c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
 - d. Recreational vehicles (see definition in Article II and regulations in Section 403)
 - e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
 - f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
 - g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
 - h. Equipment and vehicles clearly primarily intended for agricultural use
 - i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

5. Commercial Vehicles in a Residential District.

- a. In a residential district, a maximum of 2 "commercial vehicles" (as defined above) may be parked for more than 8 hours in any 48 hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in a residential district shall have a gross vehicle weight of over 15,000 pounds if parked outside of an enclosed building.
- b. Idling. In a residential district, the engine of a tractor or a tractor-trailer shall not be idled for more than 10 minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
- c. No trailer of a tractor-trailer shall be parked, stored, maintained or kept in a residential district for more than 8 hours in any 48 hour period.
- d. Streets. See requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

605. OFF-STREET LOADING.

605.A. General Requirements.

- 1. Each use receiving or shipping material or merchandise by trucks shall provide sufficient off-street loading facilities, which meet the requirements of this Section, to accommodate the maximum demand generated by the use. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 2. The applicant shall provide evidence to the Zoning Officer that the use will have sufficient numbers and sizes of loading facilities. If a site plan or land development review is required, such information shall also be provided to the Planning Commission, who may advise the Zoning Officer.

605.B. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

1. Each off-street loading space shall be at least (in feet):

Largest Type of Truck Intended	Minimum Width	Minimum Length
Tractor-trailer	12 (except 11 if more than 10 such spaces on a lot)	40 (with 12 feet clear height)
Trucks Other than tractor-trailers, pick-ups or vans	10	25
Pick-Up Truck or Van	9	18

2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.
3. Each space and the needed maneuvering room shall be located such that it does not inhibit traffic on public streets and shall be located outside of required buffer areas and paved area setbacks. An appropriate means of access to a street shall be provided.
4. Paving, Grading and Drainage. See Section 603.E.

605.C. Fire Lanes and Emergency Access.

1. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the City Fire Superintendent or his/her designated staff.
2. All buildings shall have adequate access for emergency vehicles.

ARTICLE VII

SIGNS

701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure capability with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.
- 701.B. Permit Required. A permit under this Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) window signs permitted by this Ordinance. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. EXISTING NON-CONFORMING SIGNS.

- 702.A. Signs lawfully existing at the time of enactment of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. Existing non-conforming signs may be continued to be used and may be repaired, repainted and changed in message.
- 702.B. Replacement. An existing lawful non-conforming sign may be replaced within 1 year with a new non-conforming sign provided that the replacement sign meets all three of the following standards:
1. is not more non-conforming in any measurement than the previous sign (including but not limited to height and total square feet),
 2. meets the City Building Code and
 3. in the case of an on-premises freestanding sign, does not in any case have a maximum height of greater than 50 feet or a maximum sign area per side of greater than 100 square feet, unless such size of a sign is specifically permitted by this Ordinance.
- 702.C. Historic Signs. Signs and related canopies and awnings that clearly have a historic character, that the applicant proves to be of a type that previously was attached to the building or on the site and that would not otherwise be permitted by right under this Article of this Ordinance may be re-erected or re-created and placed on a building or site if both of the following conditions are met:
1. the applicant proves to the written satisfaction of the responsible City building inspectors that the sign or related canopy or awning would not be a threat to the public safety and

2. the applicant proves to the written satisfaction of the City of Scranton Architecture, Urban Design and Historic Review Commission (or its successor City board or commission) that the sign or related canopy or awning would clearly have a historic character, clearly is of a type that previously was attached to the building or on the site, and would overall improve the appearance of the building or lot. If such Commission or its successor no longer exists, then this section 702.C. shall no longer be valid.

703. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	A. MAX. NO. OF SIGNS PER LOT	B. <u>TOTAL</u> MAX. SIGN AREA PER SIGN * ON A LOT OF LESS THAN 2 ACRES THAT INCLUDES PRIMARILY RESIDENTIAL USE(S)	C. <u>TOTAL</u> MAX. SIGN AREA PER SIGN * ON ANY OTHER LOT	D. OTHER REQUIREMENTS
<u>Agricultural Products Sign</u> - Advertises the sale of agricultural or livestock products clearly primarily produced or raised on the premises of a principal agricultural use, or the seasonal sale of Christmas trees.	2	6 total	16	Shall only be posted when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	12	16 for each of 2, or 32 if only a single sign is used	Shall be placed a max. of 30 days prior to event and removed a max. of 10 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	12	40, except 80 square feet on the total of up to 5 signs for a project with a total construction cost of more than \$2 million.	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Such signs shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include commercial advertising	No max.	6, other than signs painted on pavement	6, other than signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag, Commercial</u> - a banner or penant made of fabric or material having the appearance of fabric and that is hung in such a way to flow in the wind and that includes some type of commercial message.	2	15, limited to a permitted home occupation	40	Flags that do not contain a commercial message are not regulated by this Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	A. MAX. NO. OF SIGNS PER LOT	B. TOTAL MAX. SIGN AREA PER SIGN * ON A LOT OF LESS THAN 2 ACRES THAT INCLUDES PRIMARILY RESIDENTIAL USE(S)	C. TOTAL MAX. SIGN AREA PER SIGN * ON ANY OTHER LOT	D. OTHER REQUIREMENTS
<u>Funding Sign</u> - primarily states the government funding source for a development project.	2	20	60	Shall only be posted if authorized by the appropriate City, School District, County, State or Federal agency.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Historic Sign</u> - memorializes an important historic place, event or person and that is specifically authorized by the City or a County, State or Federal agency.				Not regulated by this Ordinance.
<u>Holiday Decorations</u> - commemorates a holiday recognized by the City, County, State or Federal Government and that does not include advertising.				Not regulated by this Ordinance.
<u>Home Occupation Sign</u> - states the name and type of: - a permitted "general home occupation" or - day care as an accessory use to a dwelling.	1	1, on each of 2 sides if back-to-back	2, on each of 2 sides if back-to-back	Shall not be illuminated. The top of the sign shall have a maximum height above the ground of 6 feet. Shall be freestanding or attached flat on a building wall or attached to a mailbox.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1 in a residential district	1	2 signs of 2 square feet each per each separate establishment	Maximum height of 6 feet in a residential district and 15 feet in a non-residential district.
<u>Not Visible Sign</u> - not visible from any public street or any exterior lot line.				Not regulated by this Ordinance.
<u>Official Sign</u> - erected by the State, County, City or other legally constituted governmental body, or specifically authorized by City ordinance or resolution, and which exists for public purposes.				Not regulated by this Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	A. MAX. NO. OF SIGNS PER LOT	B. TOTAL MAX. SIGN AREA PER SIGN * ON A LOT OF LESS THAN 2 ACRES THAT INCLUDES PRIMARILY RESIDENTIAL USE(S)	C TOTAL MAX. SIGN AREA PER SIGN * ON ANY OTHER LOT	D OTHER REQUIREMENTS
<u>Open House Sign</u> - advertises the temporary open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted for more than 5 consecutive days.
<u>Parking Area Sign</u> - identify persons permitted to use the parking area and the rules of use.	1 per vehicle entrance	4	20	See also "Directional Signs" in this table.
<u>Physically Carried Sign</u> - physically carried by a person.				Not regulated by this Ordinance.
<p><u>Political Sign</u>- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p> <p>Persons posting political signs should maintain a written list of locations of such signs, to aid in their removal.</p>	5	20	40	Shall be placed a max. of 65 days prior to election, vote or referendum and removed a max. of 15 days after such election, vote or referendum. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Proposed Development Sign</u> - announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the City, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.	1 per street frontage	16	40	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the City, and shall be removed when any of the following occur: 1) if such plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold or 3) for a nonresidential development, when a permanent sign is placed.
<u>Public Services or Hospital Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience, or provides direction towards a hospital.	No max.	4	4	Signs directing persons to hospitals may be placed in the street right-of-way.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	A. MAX. NO. OF SIGNS PER LOT	B. TOTAL MAX. SIGN AREA PER SIGN * ON A LOT OF LESS THAN 2 ACRES THAT INCLUDES PRIMARILY RESIDENTIAL USE(S)	C. TOTAL MAX. SIGN AREA PER SIGN * ON ANY OTHER LOT	D. OTHER REQUIREMENTS
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease. For off-site signs, see "Open House Signs" in this table.	1 per street the lot abuts	6	20	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Required Sign</u> - only includes information required to be posted outdoors by a government agency or the City.				Not regulated by this Ordinance.
<u>Right-of-Way Sign</u> - posted within the existing right-of-way of a public street and officially authorized by the City or PennDOT.				Not regulated by this Ordinance.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or lawful place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	4	4	Maximum of 2 such signs per such organization or place of worship.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	40	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot	No max.	2	4	
<u>Very Small Sign</u> - has an area of less than 1 sq. ft. and that cannot be read by a person of normal eyesight from a public street or exterior lot line.				Not regulated by this Ordinance.

* The maximum sign areas are for each of 2 sides of a permitted sign that has two attached sides. Sign areas are measured in square feet.

704. **FREESTANDING, WALL AND WINDOW SIGNS.**

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Signs Not Requiring a Permit" in Section 703. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	MAXIMUM HEIGHT OF FREE-STANDING SIGNS ** (See Section 711.A.3)	MAX. SIGN AREA OF WALL AND ROOF SIGNS (Permitted on a max. of two sides of a principal building or an attached structure unless otherwise specified)	MAX. SIGN AREA OF WINDOW SIGNS (Which shall not be illuminated and shall not be permanent)	MAX. SIGN AREA (each of 2 sides) AND NUMBER OF FREE-STANDING SIGNS PER LOT
1. In a Residential or an Institutional District for: a) permitted non-residential principal buildings (such as places of worship, schools & hospitals) or b) for developments of more than 20 rental dwelling units	8 feet	Max. total of 10% of the area of the building side (or "face") on which each sign or set of signs are located, up to a max. of 60 sq. ft.	Max. of 5% of the area of the building side on which the window sign(s) are located	Max. of 2 signs on each street which the use abuts, with a max. total sign area per street of 32 sq. ft. per sign side. Such signs shall not be internally illuminated if the sign would be within 50 feet of and shine onto an existing dwelling. See "Signs Not Requiring a Permit" in Section 703.
2. In a Residential District- other than uses listed in part "1." above	Not permitted, except for signs permitted by Section 703	Not permitted, except for signs permitted by Section 703 (such as political signs)	Not permitted, except for signs permitted by Section 703 (such as political signs)	Not permitted, except for signs permitted by Section 703 (such as political signs)
3. In a Commercial District other than C-D or in an Industrial District	35 feet	Max. total of 10% of the area of the building side on which each sign(s) are located, on a maximum of 3 sides of a building. No maximum shall apply on the number of wall signs.	Max. total of 20% of the area of the building side on which such signs are located	For each lot, a max. of 3 sign structures per abutting public street, with the total area of all freestanding signs on each street having a max. area per side of 1 sq. ft. for every 1.5 linear feet of street frontage on that street, up to a maximum of 300 square feet per street.
4. In the C-D Downtown Commercial District	10 feet, except as provided in note "****" below	Max. total of 10% of the area of the building side on which each sign(s) are located, on up to 3 sides of a building. No maximum shall apply on the number of wall signs.	Max. total of 20% of the area of the building side on which such signs are located	For each lot, a max. of 1 sign structure per abutting public street, each with a max. area of 30 sq. ft. per side, except as provided by note "****" below.

** See definition of Sign Height in Section 711.

*** In place of the above requirements, a lot may include up to 3 freestanding sign structures with a total maximum height of 25 feet, and with a total maximum area per side of all such signs of 150 square feet if the lot includes any of the following:

- 1) a minimum of 10 individual retail establishments,
- 2) a conference center or theater(s) (other than an adult theater) capable of accomodating a minimum of 200 patrons at one time,
- 3) the sale of new automobiles manufactured by 2 or more distinct corporations or
- 4) the lot includes a minimum of 300 square feet of total frontage on a public street.

704.B. Maximum Height of Wall and Roof Signs. The top part of a wall or wall sign shall not be placed at a maximum height greater than 10 feet above the total height of the building to which it is attached, not including the height of elevator shafts and similar extensions.

704.C. Special Sale Displays and Banners. Banners totalling over 30 square feet in area (other than banners meeting the requirements for a permitted sign), ballons of over 50 cubic feet tethered to the ground, aerial spotlights and outdoor lasers used for commercial purposes are permitted on a lot that includes a principal commercial use provided that such items are not displayed for more than 21 days in any 90 day period.

704.D. Signs on Mobile Stands ("Portable Signs").

1. Purpose. These standards recognize that signs on mobile stands have been inappropriately used as permanent sign - often without permits, without adequate wiring, with violations of setback requirements, with violations of sign area requirements and with obstructions of sight distance. To recognize that this Ordinance permits businesses sufficient sign area to erect a permanent changeable message sign.
2. Definition of a "Sign on a Mobile Stand"- A freestanding sign that is not permanently attached to the ground or permanently attached to a building, and that can be carried on the back of a flat-bed truck or towed from one location to another.
3. Signs on a Mobile Stand are prohibited in all districts, except that a new principal commercial use in the C-G or C-N district may use one sign on a mobile stand with a maximum sign area of 35 square feet for a maximum of 60 days while a permanent permitted freestanding sign is on order.

704.E. Projecting Signs. In addition to the signs permitted by this Article, each lot in the C-D or C-N district may include 1 projecting sign. Such sign shall meet all of the following requirements:

1. have a maximum sign area of 10 square feet on each of 2 sides, except such maximum sign area shall be 50 square feet for a marquee of a non-adult movie theater,
2. not extend more than 4 feet from a building and not more than 4 feet into a street right-of-way,
3. not be internally illuminated (relief-finish wood with metal supports are strongly recommended) and
4. meet the construction requirements of the City Building Code, including being securely attached to the building.

705. **ABANDONED OR OUTDATED SIGNS.** Conforming and non-conforming signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. **Public Rights-of-Ways and Sign Setbacks from Streets.**

1. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs and shall be erected within or project more than 2 feet over any existing street right-of-way, except:
 - a. if an awning or canopy that is authorized by the City to extend over a sidewalk, then a portion or all of the permitted sign area may be located on such awning or canopy (see Section 803);
 - b. except as may specifically be permitted by another City Ordinance;
 - c. except as permitted by Section 704.E. for projecting signs;
 - d. except for occasional banners erected across streets when authorized by the City or PennDOT to advertise a public celebration or charitable event; and
 - e. except if a setback is required by subsection "A.2." below.
2. A freestanding sign of greater than 5 square feet in sign area shall be setback a minimum of 5 feet from the existing right-of-way of a public street, except in the C-N and C-D districts.
3. Any sign, canopy or awning shall maintain a 9 feet minimum vertical clearance over a sidewalk. See provisions of the City Building Code regarding construction of signs that intrude over a sidewalk.

706.B. **Sight Distance.** No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot.

706.C. **Off-Premises.** No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

706.D. **Setbacks.** An illuminated freestanding sign for a commercial or industrial business shall not be located within 25 feet of a "residential lot line." (See definition in Article II). A sign is not required to meet setback requirements for principal or accessory structures.

706.E. **Permission of Owner.** No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

706.F. **Utility Poles.** No sign shall be stapled or nailed to a utility pole, except by an authorized utility.

707. **ILLUMINATION OF SIGNS.**

707.A. See Section 511, "Light, Glare and Heat Control."

707.B. **Times of Illumination.** It is strongly encouraged that signs within 200 feet of a dwelling not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

707.C. Permitted signs may include an electrically changing message, except for those signs prohibited by Section 709 below.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

709. **PROHIBITED SIGNS.** The following signs are prohibited in all zoning districts:

709.A. Spinners, pennants or any moving object used to attract attention to a commercial use. Flags and banners of more than 20 square feet per lot that contain a commercial message and that do not meet the requirements for a permitted sign.

709.B. Flashing, blinking, twinkling, animated or moving signs of any type, except for: a) time and temperature signs and b) signs that have a non-flashing electrically changing message. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

709.C. Signs which emit smoke, visible vapors or particles, sound or odor.

709.D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.

709.E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").

709.F. Signs that use reflective materials to give the appearance of flashing, blinking or twinkling.

709.G. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.

709.H. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes, except as provided as a "special sale sign."

709.I. Floodlights and Lasers, except as is permitted as a "special sale display" under Section 703.

710. **CONSTRUCTION OF SIGNS.** See the City Building Code. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. Any sign which becomes dilapidated or unsafe may be repaired or removed by the City at the expense of the owner or leasee of the property on which it is located, after providing written notice to such owner or leasee.

711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**

711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

1. Building Side or Building Face. The vertical area of a particular side of a building, including the vertical area of any roof, but not including non-structural extensions. This area shall be measured using a straight two-dimensional plane, without considering any indentations in the building or angling of the roof.

2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
4. Illuminated Sign, Internally. A sign with man-made illumination ed by light from within the sign and that shines through and illuminates the sign face, as opposed to a sign illuminated by a source in front of or shining from the outside of the sign face.
5. Off-Premise Sign. See Article II.
6. Roof Sign. A sign attached to a building and that extends above the top of the roof of the building.
7. Sign. See Article II.
8. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall. See the requirements of the City Building Code for signs that project over sidewalks.
9. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door and which is not internally illuminated and that is constructed of paper or similar non-permanent material or is painted on the window. Signs within windows that do not meet this definition shall be regulated as a wall sign.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the total area of all signs on the structure.
2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself. Also, cut-out areas that are open to the sky as part of a freestanding sign shall not be included in sign area.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle or 2 smallest rectangles that include all of the letters and symbols.
4. Two-Sided Signs. In computing the permitted sign area of a sign with 2 sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ). If the interior angle formed at the inside of a two-sided sign is greater than 60 degrees (other than a permitted off-premise sign), then the total area of both sides shall not be greater than the permitted total sign area. If a sign has more than 2 sides, then the maximum sign area per side shall apply to all the sides added together divided by two.

5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. **OFF-PREMISE SIGNS** (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the City and protect property values, especially in consideration of the fact that most commercial areas of the City are within close proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the City planned to remain conservation areas; avoid the creation of additional visual distractions to motorists, especially along the high-speed expressways and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the City, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; recognize that this Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section 701.

712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

712.C. Commercial and Noncommercial. This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Ordinance.

712.D. PennDOT Sign. Signs erected and maintained by the PennDOT are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

712.E. Political Signs. See Section 703.

712.F. Permitted Off-Premise Signs. Based directly on the intent statements within this Ordinance, off-premise signs are only permitted if they meet the following requirements, except for exempt signs under Section 703.

1. District. An off-premise sign is only permitted in:
 - a. the I-G, I-L and C-G Districts, and
 - b. the C-N District if both of the following conditions are met:
 - 1) all portions of such sign are within 150 feet of: a) the existing right-of-way of Interstate 81, b) the existing right-of-way of the North Scranton Expressway north of its intersection with North Main Avenue or c) any I-G or I-L district, and
 - 2) the sign does not abut and does not face: a) East or West Market Street, b) North or South Keyser Avenue or c) the North Scranton Expressway south of its intersection with North Main Avenue.
2. Location. An off-premise sign is only permitted within a maximum of 250 feet of existing right-of-way of an arterial street or expressway.

3. Maximum Sign Area - 672 square feet on each of 2 attached sign faces if the entire sign would be within 250 feet of an expressway in a permitted district other than the C-N district. In all other permitted locations, a maximum sign area of 300 square feet on each of 2 attached sign faces shall apply. Where a maximum sign area of 300 square feet is permitted, such sign area may be divided into 4 attached sign faces (such as 4 sign faces of 75 square feet each).
4. Spacing. Any off-premise sign shall be separated by a minimum of 400 feet from any other off-premise sign that faces onto the same side of the same street, including existing signs in other municipalities. In the case of signs along an expressway, such separation distance shall only apply for signs along the same side of the expressway.
5. Maximum Height- The total height of the sign shall be a maximum of 40 feet above the centerline of the primary street that the sign is directed towards. See definition in Section 711.
6. Off-premise signs shall have a maximum of 2 sign faces attached to each other, except as stated in subsection "3." above.
7. Lighting and Glare. See standards in Section 511.
8. Setbacks. In place of the setback requirements of Article III, an off-premise sign meet the following minimum setback requirements:
 - a. 250 feet from a "residential lot line" (as defined by Article II), except 200 feet if the illumination of the sign would not be visible from the residential lot line,
 - b. 50 feet from an existing hospital building or nursing home building, or
 - c. 10 feet from the existing right-of-way of a public street or any other lot line.

713. **SIGN AREA BONUSES.**

- 713.A. Intent. To encourage designs of signs that will be highly compatible with nearby residences and other attractive natural features and areas.
- 713.B. Applicability. These bonuses may apply to on-premise signs in a commercial, industrial or institutional district.
- 713.C. Wood. The wall or freestanding maximum sign area(s) permitted by this Article may be increased by 20 percent if:
1. all such wall or freestanding signs are constructed completely of natural relief-finish wood (other than required fasteners) and
 2. all freestanding signs on the lot have a maximum height of 10 feet.

714. **SIGNS IDENTIFYING MAJOR RESIDENTIAL OR BUSINESS DEVELOPMENTS.** The following signs are permitted by right in all districts, provided that they meet the following requirements.

- 714.A. When Allowed. Signs and any supporting structure (as described in this section) are allowed for developments that have been approved to involve either:
- 1) a total of 10 or more residential lots or
 - 2) a total of 5 or more separate office, commercial, industrial and/or institutional establishments on a minimum total of 3 acres of land.

- 714.B. Size and Number. Signs described in this section may have a maximum sign area of 40 square feet and a maximum height of 10 feet, except a maximum height of 15 feet may apply in a commercial district. These signs and/or structures may be located one each a maximum of 3 of the major entrances to the development from exterior streets. This sign area may be an addition to other sign area limits of this Ordinance. The signs may be attached to a brick or wooden structure with a maximum height of 10 feet and maximum length of 20 feet, which shall be permitted within a required front yard provided that required sight distance is not obstructed.
- 714.C. Durability. Such signs shall be designed to be of a durable construction requiring little maintenance.
- 714.D. Message. Such signs may only include the name of the development, the names of any uses within the development and any logo. A phone number may only be included during sale or rental of the development. Such signs shall not include any advertising.
- 714.E. Landscaping. Such signs shall be attractively landscaped, with plants and shrubs requiring minimal maintenance.
- 714.F. Location. Such signs and structures shall be located outside of the existing and future street rights-of-way lines and shall satisfy the sight distance requirements of Section 803.
- 714.G. Maintenance. If such signs are intended to remain beyond the completion of a developer's involvement in a project, the developer shall provide an appropriate method to ensure proper maintenance of the sign.
- 714.H. Illumination. Such signs in a residential district shall not be illuminated.
- 714.I. Directional Signs Within a Major Business Development.
1. When Allowed. A directional business sign is allowed at each intersection of 2 or more streets within an office, commercial or industrial development that involves a total of 20 or more acres.
 2. Size. Each sign may have a total square footage of 120 square feet on each of 2 sides. The sign shall be an orderly single structure and may include on it the names and logos of all the businesses located in the development, along with directional arrows and a map.
 3. Purpose. The signs allowed by this subsection are to direct visitors to businesses. These signs are not intended for routine advertising purposes.
 4. Illumination. Such signs may be externally but not internally illuminated.

ARTICLE VIII

GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street.

1. A principal building shall only be built upon a lot with frontage on a public street improved to meet City standards abutting the lot or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance, except:
 - a. a single lot that existed as a lawful recorded lot of record prior to the adoption of this Ordinance and that is not proposed to be subdivided and that is to be used for a single family detached dwelling shall be permitted to have access onto a public street by means of a paved public alley/ court with a minimum cartway width from the subject lot to a public street of 10 feet if:
 - 1) such alley/ court provides legally-permanent access to the property and
 - 2) the Zoning Officer determines there are no other feasible methods of providing access to the property; or
 - b. a townhouse or condominium apartment development may have access to individual dwellings using a parking court and a shared accessway/ private street within the tract, provided that such shared access/private street guarantees permanent access (with a method for funding perpetual maintenance approved by the Planning Commission under the Subdivision and Land Development Ordinance) from such dwellings to reach a public street.
2. Any new lot that is granted subdivision approval shall have frontage onto a public street, except as permitted above for a townhouse or condominium apartment development.

801.B. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Ordinance are satisfied.

801.C. Multiple Buildings on a Lot. An approved commercial, institutional, industrial, townhouse or garden apartment lot may include more than one principal building. In such case, the minimum front, side and rear yard requirements shall only apply at exterior lot lines of the property, except as otherwise provided by this Ordinance. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity. In cases not meeting this Section 801.C., only one principal building shall be permitted per lot. See Section 806.I. concerning the creation of new non-conforming business lots.

801.D. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 700 square feet of habitable indoor heated floor area, except:

1. such minimum for apartment units shall be 600 square feet, except

2. such minimum for apartment units within buildings containing 6 or more dwelling units that are specifically limited to persons over 55 years old and the spouses and/or the physically handicapped shall be 450 square feet.

802. HEIGHT EXCEPTIONS; AIRPORT APPROACHES.

802.A. Height Exceptions. The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, commercial communications antennae, household antennas (see Section 403), water towers, cupolas, clock or bell towers, steeples or spires of places of worship, electrical transmission lines, industrial raw material storage silos (other than for fuels), flag poles, elevator shafts, ventilators, skylights, windmills, smokestacks, chimneys or other similar appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

802.B. Height and Airport Approaches. At a minimum, any structure proposed to have a height of 75 feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable Federal, State and City requirements regarding airport approaches and warning lights.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, nonimpervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.
3. Accuracy. The applicant is responsible to make sure that all measurements submitted to the City are accurate. See "Revocation of Permits" in Article I.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Nonconforming Lots. See Section 806.
2. Through Lots. Any lot in the R-1 or R-1A district having frontage on 2 approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
3. Corner Lots.
 - a. For R-1, R-1C and R-1A districts, see "Setback from Public Street" in Section 307.B.2.
 - b. For a corner lot, the applicant may choose which shall be the front, unless the Zoning Officer determines that 1 side clearly should be the front based upon the predominate pattern on that block. The front door shall face the front yard.
4. Triangular Lots. If a three-sided lot does not have a rear lot line, then the required rear yard shall be measured from the corner that is furthest away from the front lot line. In such case, the lot shall have 2 side lot lines.

5. Projections Into Required Yards. The following features may project into required yards as specified:
- a. Emergency fire escapes, new or improved fire exits and handicapped access facilities added onto a building that existed prior to the adoption of this Ordinance, provided that: 1) a fire escape shall not intrude into a required front yard and 2) that such features intrude a maximum of 5 feet into a required yard;
 - b. Routinely projecting architectural features such as bay windows, cornices, eaves, fireplaces, flues, gutters, chimneys, fire escapes or window sills which do not project more than 3 feet into a required yard;
 - c. Stairs and landings that are not covered by structural roofs that are necessary for entry into the main doors of a building;
 - d. Patios, porches and decks that:
 - 1) are not covered by a structural roof,
 - 2) are not enclosed and do not have walls of mostly solid material, glass or plexiglass,
 - 3) are not closer than 3 feet to any side or rear lot line, (except 0 feet at a shared lot line of attached dwellings) and
 - 4) are not raised an average of more than 4 feet above the surrounding average ground level;
 - e. If a covered or uncovered patios, porch or deck does not meet the standards of part "d" above, and does not have enclosed walls of mostly solid material (including glass or plexiglass), then such patio, porch or deck may be a minimum of 5 feet from a side lot line, 15 feet from a rear lot line and 0 feet from any shared lot line of abutting dwellings.
 - f. Awnings and canopies may extend into a required yard if the following standards are met:
 - 1) the awnings or canopies are constructed primarily of fabric (such as canvas) or closely similar material,
 - 2) the awnings or canopies are maintained in good condition,
 - 3) the awnings or canopies shall not be enclosed on the front or sides,
 - 4) the awnings or canopies do not extend more than 3 feet into a street right-of-way, except that canopies covering a walkways to a main entrance of a principal apartment, institutional or business building and that has a maximum canopy width of 10 feet may extend to within 1 feet of a curb,
 - 5) the canopies or awnings shall meet the requirements of the City Building Code as applicable, and
 - 6) the awnings or canopies shall not obstruct pedestrian or vehicle movement.
6. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Ordinance.
7. Front Yard Exceptions. When an unimproved lot is situated between 2 or more lots with principal buildings with principal building front yard setbacks with less depth than required in that district, the minimum front yard shall be reduced to the depth of such abutting improved lot that has the largest depth, down to an absolute minimum of 10 feet.
8. Parking Lot Planting Strips. See Section 804.

9. Depth of Irregular Lots. On irregularly-shaped lots where the rear lot line is not parallel to the front lot line, the minimum depth may be based upon average dimensions.
10. Side Yard Variation. Where the side wall of a building is irregular and not parallel with the side lot line, the side yard may be varied as follows:
 - a. the average side yard width shall not be less than the required width and
 - b. the side yard width shall not be narrower at any point than 75 percent of the minimum side yard requirement.

803.C. Sight Distance at Intersections.

1. Purpose. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 2.5 and 10 feet, including structures, non-transparent fences, vegetation and signs (but not including sign posts or utility posts of less than 1 foot in width or the trunks of deciduous trees).
3. This sight distance triangle shall be shown on development plans submitted to the City and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
4. If a driveway, accessway or street would enter onto a State street, the required sight triangle to be included on the development plan shall be that necessary to achieve the minimum sight distance required by PennDOT regulations.
5. If minimum sight distance requirements would not be established by PennDOT, then the sight distance triangle shall be as follows: the triangle shall be measured based upon the intersecting point of the centerlines of the street receiving the traffic and the entering street, accessway or driveway. The sight distance triangle shall be established by a distance along the centerline of the receiving street (established below) and a distance (measured along the centerline of the entering street, accessway or driveway) 25 feet back from the edge of the existing right-of-way of the receiving street. The following distances shall be used along the centerline of the receiving street in each direction from the intersection to establish the sight distance triangle:
 - a) 350 feet along the centerline of any arterial street,
 - b) 275 feet along the centerline of any collector street,
 - c) 200 feet along the centerline of any local street.

6. These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only 1 or 2 dwelling units that enters onto a local or collector street.
7. A sight distance triangle shall be apply for each direction of approach to an intersection when two or more arterial or collector streets are involved.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

1. When Required. Buffer yards with evergreen screening shall be required whenever any new or expanded:
 - a. principal commercial use, principal institutional use, principal industrial use, industrial outdoor storage area, tractor-trailer truck loading/ unloading area or area routinely used for the parking of 2 or more tractor-trailer trucks has a side or rear yard that abuts or is across the street from a "residential lot line" (see definition in Article II), or
 - b. off-street parking lot or parking deck containing 6 or more parking spaces that abuts and is within 200 feet of a "residential lot line."
 See also requirements for "Junkyards" in Section 402.
2. In case of an expansion of an existing use, only the area abutting the expansion shall be required to provide the buffer yard, unless otherwise required as a condition of the Zoning Hearing Board if such use is within their purview. For a use approved by the Zoning Hearing Board, the Board may also require fencing where deemed necessary.
3. Width and Plants. Any required buffer yard shall have a minimum width of 50 feet if an industrial use or industrial outdoor storage or a tractor-trailer truck loading dock abuts a residential district, and 8 feet in all other situations where a buffer yard is required. The buffer yard shall include plant screening with an initial height when planted of 4 feet. Ninety percent of the plants shall be evergreen. Plants shall be chosen and placed so as to reasonably be expected to form a solid year-round visual screen with a minimum height of 6 feet within 3 years of planting.
4. Location of Buffer Yards.

- a. The buffer yard width shall be measured from the district boundary line, existing street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an existing street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

5. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except: at points of approved perpendicular crossings for ingress or egress, which shall have a maximum width of 35 feet.
- b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than 8 inches.
- c. Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.
- d. Modifications. In situations where it would be impractical to develop a screen that would meet all City requirements or where an undue hardship would be created to an applicant, the Zoning Hearing Board may as a special exception agree to modify these requirements to allow an acceptable alternative. Such alternative may, for example, involve the development of a solid wooden fence that has been treated to be weather-resistant. Such modification shall only occur after a review by the Planning Commission.

6. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - i) the location and arrangement of each buffer yard,
 - ii) the placement, general selection of species and initial size of all plant materials, and
 - iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.

7. See also planting strips along parking streets in Section 804 below.

804. **LANDSCAPING.**

804.A. Groundcover. Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

804.B. Parking Lot Planting Strip.

1. Whenever a parking lot or parking deck including 6 or more parking spaces abuts a public street, and a buffer yard is not required under Section 803, along such lot line a planting strip with a minimum width of 3 feet shall be required.
2. Right-of-Way. Such planting strip may extend into or be within the right-of-way of a public street if authorized in writing by the City Engineer, based upon whether sufficient width for pedestrians would be maintained (which may involve the use of tree grates) and obstructions with utilities would be avoided, and if authorized by PennDOT, if a State street is involved.
3. Plants. Such planting strip shall include:
 - a. grass other other attractive vegetative ground cover,
 - b. shrubs intended to have a maximum height of 3 feet, which shall be designed to eventually form a continuous hedge if within the C-D or C-N district and
 - c. deciduous shade trees with a minimum trunk width when planted of 2 inches measured 1 feet above the average surrounding ground level, with an average of 1 such tree for every 50 feet of length of parking area along such street.
4. Maintenance. Such planting strip shall be maintained by the abutting property-owner, regardless of whether the plantings are located within the public right-of-way or not.

805. **ULTIMATE/ FUTURE STREET RIGHT-OF-WAY WIDTHS.** See the City Subdivision and Land Development Ordinance, as amended.

806. **NONCONFORMITIES.** (See definitions in Article II)

806.A. Purposes. These provisions are intended to gradually encourage greater separation of less compatible uses. As non-conforming uses may desire to grow significantly in intensity, those uses are intended to be encouraged to relocate in areas that are more suitable. Generally, existing non-conformities are intended to be permitted to be continued and to be re-sold and modified within certain limits.

806.B. Registration and Continuation of Nonconformities.

1. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may, but is not required to, prepare a partial or complete list of existing non-conformities.
2. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

806.C. Expansion of, Construction Upon or Change in Use of Nonconformities.

1. Nonconforming Structure.
 - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - i) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity,

- ii) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance and
 - iii) that if the structure uses an on-lot septic system, the City Sewage Enforcement Officer determines that such system is adequate for the proposed use.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
- c. If a residential building has a lawfully nonconforming side or rear building setback, additions may occur to increase the height above such setback or to extend other portions of the building up to such non-conforming setback line, provided that the structure is not extended beyond the existing setback line and provided that no additional non-conformity is created and if all other requirements of this Ordinance are met.
- d. If a non-residential building has a lawfully nonconforming side or rear building setback, additions may occur to increase the height above such setback or to extend other portions of the building up to such non-conforming setback line, provided that the structure is not extended beyond the existing setback line and provided that no additional non-conformity is created and if all other requirements of this Ordinance are met. However, such additions shall not be permitted if the non-residential building abuts an existing primarily residential use.

2. Nonconforming Lot.

- a. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met:
 - i) The lot area is at least 40% of the minimum lot area.
 - ii) The lot width is at least 40% of the minimum lot width.
 - iii) The lot is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
 - iv) Minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
 - v) If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.
 - vi) For a dwelling on a non-conforming lot, the front door shall face a public street, and the dwelling shall have a side facing onto a public street that has an appearance typical of a front of a dwelling.
- b. Setbacks. The Zoning Hearing Board may grant a special exception to reduce the required setbacks for construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
- c. Integration. Contiguous nonconforming lots under common ownership shall be integrated to form lots that would be conforming or less nonconforming.

- d. If a proposed development on a nonconforming lot does not meet the requirements of the above Section 806.C.2. parts a. and b., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.
3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
 - a. An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Section 119.
 - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - c. The: 1) total building floor area used by a nonconforming use or the 2) total land area used by a nonconforming use, whichever is more restrictive, shall not be increased by greater than 25% beyond each such measurement that existed in such use at the time such use became nonconforming. These maximum increases shall be measured in aggregate over the entire life of the nonconformity.
 - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
 - e. The Zoning Hearing Board may require a non-conforming use that is expanding to provide: a) a buffer yard with a planting screen meeting the requirements of Section 803 and/or b) an attractive solid wood fence of 6 feet minimum height.
 4. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that:
 - a. the number of dwelling units or boarding house units or other types of living units is not increased,
 - b. the expansion meets all applicable setbacks,
 - c. no new types of nonconformities are created and
 - d. a nonconformity is not made more severe (including the building area within the required setback area).

806.D. Damaged or Destroyed Nonconformities.

1. Except as provided for in part "4." below, a nonconforming structure that has been destroyed or damaged equal up to a maximum of 75 percent of its appraised fair market value by fire, windstorm, lightning or a similar cause deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if:
 - a. the application for a building permit is submitted within 12 months after the date of damage or destruction,
 - b. work begins in earnest within 6 months afterwards,
 - c. a new nonconformity shall not be created or increased by any reconstruction and
 - d. the applicant proves to the satisfaction of the Zoning Officer that the damage or destruction was not greater than 75 percent of the appraised fair market value.

2. A nonconforming structure that has been destroyed or damaged equal by more than 75 percent of its appraised fair market value by any cause shall not be rebuilt in a nonconforming fashion, except as provided in part "D.5." below.
3. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.
4. Nonconforming Use of Open Land. All nonconforming off- premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost, shall not be continued, repaired or reconstructed. The burden of proof concerning the extent of the damage shall be upon the applicant.
5. Dwellings. A destroyed or damaged nonconforming building including only 1 or 2 dwelling units may be reconstructed regardless of the percentage destruction provided that:
 - a. no new nonconformity is created or increased by the reconstruction, and
 - b. that work begins in earnest within 18 months of the date of damage or destruction unless the Zoning Hearing Board grants a time extension for good cause.
6. Fair Market Value. An applicant shall have the burden of proof to prove the percent of the fair market value that was damaged or destroyed. Such proof shall involve an appraisal by a licensed real estate broker with substantial real estate appraisal experience. Fair Market Value shall generally be defined as the price a property would bring under normal conditions on the open market - before and after the damage. Such value shall assume that the owner is under no compulsion to sell within a shorter than average time period, and that the property would remain on the market for an average length of time for such properties.

806.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 months or more, or is discontinued or abandoned for 24 or more months in any 3 year period, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section and
 - b. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the non-conforming use shall not be continued, repaired or reconstructed.
2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
3. By special exception, the Zoning Hearing Board may permit an "Abandoned" non-conformity to be re-used if the Board determines that the structure is suitable for the new use and will be capable of meeting City code requirements, that the site is highly unlikely to be used for a conforming use and that the proposed use would be compatible with the surrounding area and surrounding uses.

806.F. Floodplain. See the flood-prone area regulations in Section 516.

806.G. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land or portion thereof shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different type of nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects compared to the pre-existing nonconforming use. The Board should review the following types of effects:
 - a. Traffic generation (especially truck traffic),
 - b. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings,
 - e. Compatibility with the character of the surrounding area and
 - f. Potential of the expansion to alleviate existing congestion and parking shortages by improved site design, addition of parking and improved loading areas.
3. Approval of the Zoning Hearing Board shall not be required for a change from one nonconforming retail sales use to another non-conforming retail sales use or from one personal service use to another personal service use, provided that:
 - a. the hours of operation are not increased between 9 p.m. to 7 a.m.,
 - b. the new use is not a "Sexually-Oriented Business" (see definition in Article II),
 - c. the new use meets any applicable conditions placed by the Board on the prior use and
 - d. the total floor area of the use is not increased by more than 5 percent.

806.H. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806.I. Division of Lots with Existing Buildings. Notwithstanding limitations imposed by other provisions of this Ordinance, a lot which had 1 or more principal commercial or industrial buildings existing prior to the adoption of this Ordinance may be divided after receiving special exception approval into more than 1 nonconforming lot provided such division is for purposes of conveyance into separate ownership and provided the following conditions are met:

1. Each lot shall have a guaranteed permanent method of vehicle access onto a public street, through a permanent legal access easement or other method approved by the Zoning Hearing Board.
2. Each lot shall be served by both public water and public sewage service.
3. The boundaries of all lots shall be designed in such a manner to maximize lot area, lot width, lot depth and yard areas and to result in a functional configuration that minimizes non-conformities.
4. The applicant shall prove to the satisfaction of the Zoning Hearing Board that each lot will include adequate off-street parking areas and loading areas, or a permanent legally binding method to ensure joint use of such facilities.
5. See Planning Commission review provisions in Article I for a special exception.

6. The applicant shall prove that there will be an adequate mechanism for joint ownership and/or maintenance of any shared facilities or features.

806.J. Approval Granted Prior to Passage of Ordinance. A proposed structure or use that is granted a zoning permit, building permit or subdivision or land development approval prior to the adoption of this Ordinance shall be deemed a legal non-conforming use, provided that:

1. The construction of the structure or use was actually started prior to the adoption of this Ordinance;
2. The ground story framework including the second tier of beams is completed within 6 months of adoption of this Ordinance; and
3. The entire structure or use is completed or installed and ready for operation or occupancy within 1 year of the adoption of this Ordinance.

807. **TEMPORARY STRUCTURE OR USE.**

807.A. Construction Vehicle Parking and Temporary Offices. See "Essential Services", a permitted by right accessory use, in Section 306.

807.B. Tents. The following are permitted by right accessory uses: tents erected for a use during a maximum of 5 days in any calendar year for- 1) routine and customary accessory non-commercial uses (such as weddings in a rear yard) and for 2) a routine and customary accessory use to an existing commercial use.

807.C. Temporary Uses by Special Exception. For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses that would not otherwise be permitted, subject to the following additional provisions:

1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 7 days in any 60 day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.
2. Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
3. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the City. If the structure or use is not removed in a timely fashion after proper notification, the City may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
4. Conditions. The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.
5. Fee. Either the Zoning Hearing Board or the City Council may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.

6. Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events. For a special event that will attract significant numbers of the public, the Zoning Hearing Board may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

808. **MOTOR VEHICLE ACCESS.** The following regulations apply to access from a lot to a public street.

808.A. Each lot with less than 250 feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with 250 feet or more feet of total frontage on an arterial street shall have more than 2 access points involving left-hand turns onto any such arterial street.

1. This provision shall not apply to the following: 1) construction of new streets onto an existing arterial street, or 2) access points that are clearly limited to use by only emergency vehicles.
2. A separate ingress point and a separate egress point shall be considered one access point, if well-marked.

808.B. Shared Driveways. Where practicable, access to 2 or more non-residential lots should be combined and/or shared and/or coordinated to minimize the number of access points onto an arterial street. Shared parking lots and driveways connecting adjacent non-residential lots are strongly encouraged. See possible reduction of parking requirements in Section 601.B.

808.C. Driveway Separation and Setback. The edges of driveways entering onto an arterial or collector street shall be a minimum of 12 feet apart. The centerline of a driveway entering onto a street shall be a minimum of 50 feet from the intersection of rights-of-ways of two public streets. Driveways shall be setback a minimum of 3 feet from any side lot line of a dwelling, unless the driveways are approved by the City as shared driveways or unless dwellings are attached along such lot line.

808.D. Width. A driveway shall have a maximum width of 35 feet measured at the existing right-of-way line, except as may be increased by the City Engineer or PennDOT to provide sufficient turning radii for trucks or buses.

808.E. Ramps. Access shall not be provided to an arterial street within 300 feet of the intersection of such street with an off-ramp ramp from an interchange of an expressway.

809. **DEMOLITION OF AN ATTACHED BUILDING.** The following shall apply unless a more restrictive provision is established under a future City Building Code:

809.A. If a building is to be demolished that is attached to another building that is not to be demolished on another lot, and the party wall is to be exposed, then the owner of the building being demolished shall at his/her expense preserve the exposed party wall by permanently waterproofing the party wall on the exposed side. Such waterproofing shall involve stucco, brickote, gunite or other approved noncombustible materials.

809.B. This provision shall not apply to buildings demolished by the City of Scranton or the Scranton Redevelopment Authority, or if an active development plan has been approved by the City for the development of a new building attached to such wall.

