

**City of Scranton**  
**2023**  
***Zoning***  
***Ordinance***

Final Draft  
As Proposed by City Planning Commission



CITY PLANNING COMMISSION

Prepared by Environmental Planning & Design, LLC





## **City of Scranton**

### **Mayor**

*Paige G. Cagnetti*

### **City Council**

*William King*

*Jessica Rothchild, PT, DPT*

*Mark McAndrew*

*Thomas S. Schuster*

*Gerald Smurl*

### **City Planning Commission**

*Joseph Murphy*

*Surehhbhai Patel*

*John Finnerty*

*Jennifer Davis*

*Gus Fahey*

*Todd Pousley*

*Joseph Enten*

### **Office of Community Development**

*Eileen Cipriani - Director*

*Donald J. King, AICP, CFM - City Planner*

*Craig Beavers, CFM - Assistant City Planner*



## Contents

<b>ARTICLE 1 – General Provisions</b>	<b>1</b>
Section 1.1 – Title and Short Title	1
Section 1.2 – Purpose	1
Section 1.3 – Community Development Objectives	1
Section 1.4 – Interpretation	2
Section 1.5 – Applicability, Severability, and Scope	2
Section 1.6 – Effective Date	2
<b>ARTICLE 2 – Definitions</b>	<b>3</b>
Section 2.1 – Interpretations	3
Section 2.2 – Definitions	3
<b>ARTICLE 3 – District Regulations and Zoning Map</b>	<b>29</b>
Section 3.1 – Designation and Intent of Districts	29
Section 3.2 – Zoning Map	30
Section 3.3 – Interpretation of District Boundaries	31
Section 3.4 – District Quick Views	32
<b>ARTICLE 4 – Overlay Regulations</b>	<b>33</b>
Section 4.1 – Access Management Overlay	33
Section 4.2 – Floodplain Overlay	34
Section 4.3 – Airport Hazard Overlay	35
<b>ARTICLE 5 – Supplementary Regulations</b>	<b>39</b>
Section 5.1 – Requirements for All Uses	39
Section 5.2 – Deviations from Dimensional Requirements	39
Section 5.3 – Stormwater Management	42
Section 5.4 – Grading and Erosion Control	42
Section 5.5 – Slope Control	42
Section 5.6 – Buffer Areas and Screening	42
Section 5.7 – Landscaping and Tree Preservation	45
Section 5.8 – Fences and Walls	48
Section 5.9 – Regulation of Nuisance Elements	49
Section 5.10 – Lighting and Glare	51
Section 5.11 – Outdoor Storage	52
Section 5.12 – Sewage Disposal	53
Section 5.13 – Accessory Structures/Uses	54
Section 5.14 – Keeping of Pets and Household Animals Other than Pets	54
Section 5.15 – Short-Term Rentals	67



Section 5.16 – Solar Energy Systems .....	57
Section 5.17 – Principle Solar Energy System (PSES) .....	61
Section 5.18 – Swimming Pools .....	66
Section 5.19 – Temporary Uses, Buildings, and Structures .....	66
Section 5.20 – Wind Energy Systems .....	67
Section 5.21 – Wireless Communication Facilities .....	70
Section 5.22 – Essential Services .....	80
<b>ARTICLE 6 – Specific Criteria, Conditional Uses, and Special Exceptions .....</b>	<b>82</b>
Section 6.1 – Process for Uses Permitted by Right .....	82
Section 6.2 – Process for Conditional Uses .....	82
Section 6.3 – Process for Uses by Special Exception .....	82
Section 6.4 – Specific Regulations for Conditional Uses and Uses by Special Exception .....	85
<b>ARTICLE 7 – Off-Street Parking and Loading .....</b>	<b>115</b>
Section 7.1 – General Regulations for Parking Facilities .....	115
Subsection 7.1.1 – Table of Off-Street Parking Requirements .....	119
Section 7.2 – Design Standards for Parking Facilities .....	121
Section 7.3 – Parking of Unregistered Vehicles, Commercial Vehicles and Junk Vehicles ....	122
Section 7.4 – Off-Street Loading .....	124
<b>ARTICLE 8 – Signs .....</b>	<b>126</b>
Section 8.1 – Applicability .....	126
Section 8.2 – Existing Non-Conforming Signs .....	126
Section 8.3 – Miscellaneous Signs Not Requiring Permits .....	127
Section 8.4 – Freestanding, Wall, and Window Signs .....	130
Section 8.5 – Abandoned or Outdated Signs .....	132
Section 8.6 – Location of Signs .....	135
Section 8.7 – Illumination of Signs .....	134
Section 8.8 – Vehicles Functioning as Signs .....	134
Section 8.9 – Prohibited Signs .....	134
Section 8.10 – Construction of Signs .....	135
Section 8.11 – Measurement and Major Types of Signs .....	135
Section 8.12 – Off-Premise Signs (Including Billboards) .....	136
Section 8.13 – Sign Area Bonuses .....	138
Section 8.14 – Signs Identifying Major Residential or Business Developments .....	138
<b>ARTICLE 9 – Nonconformities .....</b>	<b>140</b>
Section 9.1 – Intent and Applicability .....	140
Section 9.2 – Nonconforming Uses .....	142



---

Section 9.3 – Nonconforming Structures .....	142
Section 9.4 – Nonconforming Lots of Record .....	143
Section 9.5 – Registration of Nonconformities .....	143
<b>ARTICLE 10 – Zoning Hearing Board .....</b>	<b>144</b>
Section 10.1 – Organization and Procedure .....	144
Section 10.2 – Zoning Hearing Board Functions.....	145
Section 10.3 – Variances .....	146
Section 10.4 – Uses by Special Exception.....	147
Section 10.5 – Parties Appellant Before the Board .....	147
Section 10.6 – Hearings and Decisions .....	147
Section 10.7 – Mediation.....	149
Section 10.8 – Time Limitations .....	150
Section 10.9 – Appeals to Court and Other Administrative Proceedings .....	151
<b>ARTICLE 11 – Administration and Enforcement.....</b>	<b>152</b>
Section 11.1 – Permits and Certificates .....	152
Section 11.2 – Zoning Officer .....	158
Section 11.3 – Fees .....	159
Section 11.4 – Violations, Penalties, and Remedies .....	159
Section 11.5 – Planning Commission .....	161
Section 11.6 – Amendments .....	161



*This page intentionally left blank*



## ARTICLE 1 General Provisions

### Section 1.1 – Title and Short Title

A. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in the City of Scranton, Lackawanna County, Pennsylvania, and for said purposes dividing the City of Scranton into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

B. Short Title.

This Ordinance shall be known and may be cited as the “The City of Scranton Zoning Ordinance.”

### Section 1.2 – Purpose

This Ordinance is enacted for the following purposes:

- A. To promote, protect, and facilitate the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; travel and transportation facilities, civil defense, and disaster evacuation; and the provision of adequate light and air, vehicle parking and loading space, water and sewage, schools, public grounds and other public requirements, and fire and police protection;
- B. To prevent occurrence of the following: overcrowding; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and
- C. To serve as a part of the overall plan for the orderly growth and development of the City of Scranton, and as such, supplement the Scranton-Abingtons Planning Association Comprehensive Plan, adopted November 21, 2014, as the Comprehensive Plan of the City of Scranton.

### Section 1.3 – Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of the City of Scranton. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Scranton-Abingtons Planning Association Comprehensive Plan.



#### **Section 1.4 – Interpretation**

- A. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of the City of Scranton. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.
- B. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

#### **Section 1.5 – Applicability, Severability, and Scope**

- A. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the City of Scranton Zoning Hearing Board through a special exception or variance.
- B. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Scranton City Council that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
- C. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the City of Scranton have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

#### **Section 1.6 – Effective Date**

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Scranton City Council hereby enacts and ordains into an ordinance this document on the date of Month and Day, 2023. File of Council # 74, 1993 and all amendments excluding File of Council #16, 2020, Floodplain Management Regulations, are hereby repealed.



## ARTICLE 2 Definitions

### Section 2.1 – Interpretations

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural, and the plural number includes the singular.
- C. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- D. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- E. If a word is not defined in this Ordinance but is defined in other ordinances of the City of Scranton Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another City ordinance, each definition shall apply to the provision of each applicable ordinance.
- F. The words “such as,” “includes,” “including,” and “e.g.” 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.
- G. The words “shall” or “must” are mandatory.
- H. The words “may” or “should” are permissive.
- I. The word “lot” includes the words “plot,” “parcel,” and “property.”
- J. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
- K. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
- L. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

### Section 2.2 – Definitions

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:



**ABUSED PERSON SHELTER** - A residential shelter 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.

**ACCESS DRIVE** - A vehicular throughway serving a non-residential use or *multi-family* use located within a *parking lot* which directly adjoins *parking spaces*. An *access drive* provides the vehicular connection between *parking space* area and the *driveway* which directly connects to the *public right-of-way*. The *access drive* does not include the vehicular path that connects the parking area to the *public way*.

**ACCESSORY FOOD OPERATIONS** - On site food preparation from raw products produced from on site

**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.

**ACCESSORY STRUCTURE** - A structure, such as a private garage, storage shed, gazebo, or greenhouse, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**ADDITION** - See "extension."

**AGRICULTURAL PROCESSING ARTISAN** – The limited scale transformation of raw materials or food

**AGRICULTURE/ENVIRONMENTAL EDUCATION PROGRAM** – An activity that focuses on delivering information and experiences to patrons interested in processes of the natural world

**AGRITOURISM** - The practice of visiting an agribusiness or agricultural operation for the purpose of recreation, education, purchase, or volunteering in the operation. These operations include those that are for-profit and those that are provided free of charge.

**AIRPORT** - A tract of land, with or without buildings, where airplanes, jets, helicopters and or/and other type of aircraft land and take off.

**ALLEY** - A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and which does not typically provide primary frontage for a building.

**ALTERATION** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance. This term shall not apply to agricultural plowing and tilling activity.

**ALTERATION, STRUCTURAL** - Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

**AMENDMENT** - Any change or revision of the text of this chapter or the Zoning Map.

**AMUSEMENT PARK** - A commercially operated park with a predominance of outdoor games



and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

**ANIMAL HOSPITAL OR VETERINARY CLINIC** - A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**APPLICANT** - A subdivider, landowner or developer who has filed an application for development, including the landowner's or developer's heirs, successors, and assigns.

**ASSISTED LIVING FACILITY** - A building, establishment, complex or distinct part thereof which: a) accepts primarily aged persons (62 years of age or older) for domiciliary care; and b) provides on-site to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract medical services as prescribed by each resident's treating physician. Such facility shall provide services to sixty (60) or more residents.

**BAKERY** - An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or offsite. Such use may include incidental food service. A bakery shall be considered a general retail use.

**BANK OR FINANCIAL INSTITUTION** - An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

**BAR OR TAVERN** - A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may occur.

**BED-AND-BREAKFAST** - Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered and shall be restricted to transient visitors to the area for no more than fourteen (14) consecutive days per visitor.

**BEST MANAGEMENT PRACTICES (BMPs)** – The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.

**BETTING USE** - A use where lawful gambling activities are conducted, including but not limited to off-track para-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, ON ITS OWN LOT** - A type of off-premises advertising sign and which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, 1 commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.



**BOARDING OR LODGING HOUSE** - A residential use in which any or all of the following applies:

- A. An 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
- B. A dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
- C. 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 the record of the property.
- D. 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.
- E. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

**BOUNDARY** - A line marking the limit, or border, of a lot or district.

**BREW PUB** - A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either on or off premise consumption.

**BREWERY** - An Industrial use that brews ales, beer, meads and/or similar alcoholic beverages on site. Breweries are classified as a use that manufactures more than stores as defined herein and/or brew pubs defined herein.

**BUILDING** - A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**BUILDING, CONTRACTING, OR RELATED BUSINESS** - The operations office related to an entity engaged in construction and/or development.

**BULK FUEL STORAGE FACILITY** - Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to wholesale establishments or individual users.

**BUS TERMINAL** - An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities

**BUSINESS SERVICE ESTABLISHMENT** - An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; and other similar business activities.



**BYOB CLUB** - (Otherwise known as Bring Your Own Bottle Clubs) means any business facility such as a dance hall, club, association, or entity not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of a fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises. This definition does not include a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by an individual or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises.

**CALIPER** - As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root ball. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

**CAMP OR RETREAT** – A combination of indoor and outdoor spaces, with limited seasonal use

**CAMPGROUND OR RECREATIONAL VEHICLE PARK** - A site for travel trailers, truck campers, camper trailers, motor homes and tents, for temporary occupancy. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

**CAR OR TRUCK WASH** - Any building or premises or portions thereof used for washing automobiles for commercial purposes.

**CARPORT** - A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles

**CARTWAY** - The portion of a street right-of-way designed or intended for vehicular use.

**CEMETERY** - An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter

**CENTER LINE** - A line running parallel to and equidistant from both sides of a street.

**CERTIFICATE OF USE AND OCCUPANCY** - The certificate issued by the City, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CIVIC** - The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

**CITY COUNCIL** - The governing body of the City of Scranton, Pennsylvania.

**CITY ENGINEER** - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the City of Scranton.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**CLUSTER RESIDENTIAL DEVELOPMENT** - A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance through the



creation of a homeowners' association, or the developer's binding agreements as may be required to achieve such assurances.

**COLLEGE OR UNIVERSITY** - An institution or higher learning authorized to grant associates, bachelors, masters and/or doctorates degrees.

**COMMERCIAL RECREATION FACILITY, INDOOR** - An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of primarily indoor recreational, amusement, and leisure activities, such as, but not limited to: fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes, indoor play structures and ball pits, escape rooms, indoor riflery or archery, indoor batting cages, and indoor golf.

**COMMERCIAL RECREATION FACILITY, LARGE-SCALE/INTENSIVE** - An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of outdoor recreational, amusement, and leisure activities, such as, but not limited to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, outdoor riflery or archery, outdoor batting cages, playing fields, outdoor swimming pools, beaches, and bumper car tracks, but not to include "golf courses."

**COMMERCIAL RECREATION FACILITY, OUTDOOR** - A 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.

**COMMUNITY CENTER OR LIBRARY** - 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."

**COMMUNITY GARDEN** - An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**CONFERENCE CENTER** - A facility that is constructed for and devoted to accommodating meetings by providing meeting space.

**CONSERVATION** - Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

**CONSERVATION RESIDENTIAL** – A development pattern that focuses on limited disturbances on the overall landscape.

**CONSTRUCTION** - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONVENIENCE STORE** - A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "food market"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

**CORRECTIONAL FACILITY** – A publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense



**CRAFTSMAN-ARTISAN WORKSHOP** - A use conducted for the generation of revenue entirely within a dwelling, or in an accessory structure located on the same lot as dwelling. The use must be clearly incidental and accessory to the lot's residential use. The use must be limited to low intensity uses that produce, repair and/or sell a product, but can be operated in such a way that they do not adversely affect adjacent properties. Said use shall employ no less than two (2) and no more than ten (10) employees

**CREMATORIUM** - A standalone facility (when permitted as a principal use) or a facility accessory to a funeral home or mortuary (when permitted as a principle or accessory use) containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation).

**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 include orchards and tree farms but shall not include "raising of livestock," "forestry," "riding academies and stables," "stables" or "kennels." If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as an accessory use in addition to what is permitted by the regulation for "keeping of pets." (see section 5.14(A)).

**CULTURAL CENTER OR MUSEUM** - A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural Interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

**DAY CARE CENTER, ADULT** - A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer 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.

**DAY CARE CENTER, 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 Center, 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.
- 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 6.4.U.

**DAY CARE HOME, FAMILY** - A premise in which child day care is provided at any one time to between four (4) to six (6) children or more who are not relatives of the provider of the child day care, where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.

**DAY CARE HOME, GROUP** - A State licensed facility in which care is provided for more than 6



but less than 12 children, at any one time, if care is provided in a facility where the childcare areas are being used as a family residence.

**DENSITY** - The computation of overall residential dwelling units per acre of land. This figure shall be rounded to the nearest tenth and shall not include the area of lands intended for non-residential purposes, including churches or other civic/public uses within the development, nor shall it include dwelling units accessory to residential or non-residential uses. Open space shall, however, be included in the computation.

**DEP** - The Pennsylvania Department of Environmental Protection ("DEP"), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations. The definition of development shall also include the storage of equipment or materials.

**DISTRIBUTION CENTER** - An enclosed facility used for the storage of merchandise or commodities for a short period of time, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, and labeling.

**DISTRICT** - All land and watercourses located within designated boundaries on the Official Zoning Map; a zoning district.

**DORMITORY** - A residential facility that is 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. Dwelling units shall not be regulated as "dormitories."

**DRIVE-THRU FACILITY** - Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages, or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.

**DRIVEWAY** - A vehicular connection from a *lot* to the *public right-of-way*. A *driveway* terminates at the *right-of-way* line and/or the *access drive*.

**DRUG STORE/PHARMACY** - An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics, and related supplies.

**DWELLINGS:**

Dwelling unit means habitable rooms occupied or designed to be occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

**DWELLING: ACCESSORY (ADU)** - A residential dwelling unit, but not a mobile home, located on the same lot as a single family dwelling unit, either within the same building as the single family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in local code and only in those zoning



districts where the use is listed as permitted by right, special exception, or conditional use.

**DWELLING: APARTMENT BUILDING** - A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The terms “multi-family dwelling” shall include condominiums as well as non-condominium housing units.

**DWELLING: CONVERSION APARTMENT** - To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that District for that particular use.

**DWELLING: TOWNHOUSE** - A group of rental units, generally under single ownership (but a condominium is not precluded) where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartment units are generally less than four (4) stories in height although in the Municipality they shall not exceed a height of 2.5 stories or thirty-five (35) feet.

**DWELLING: SINGLE-FAMILY DETACHED** - A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

**DWELLING: TWO-FAMILY** - A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

**ELECTRIC VEHICLE CHARGING STATION** - A piece of infrastructure that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars, neighborhood electric vehicles, and plug-in hybrids.

**EMERGENCY SERVICES** - 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.

**EQUESTRIAN FARM** - A building or structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owner's primary occupation

**ERECTION** - Construction or assembly.

**ESSENTIAL SERVICES** – A municipal or utility facility that does not require enclosure in a building which is necessary for the public health and safety and which is routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building.

**EXPANSION** - An increase in the size of an existing structure or use, including the physical size of a property, building, parking lot, and other improvements.



**EXTENSION** - An addition to the floor area of an existing structure, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use; an enlargement.

**FAA** - Federal Aviation Administration of the United States Department of Transportation.

**FAMILY** - (1) A person; (2) two or more persons, all of whom are related by blood, marriage, parentage, or adoption (including foster children), living together as a single housekeeping unit. In addition to the family, two or fewer unrelated persons may reside with the housekeeping unit in the dwelling unit or (4) or less unrelated persons living together on a non-transient basis as a single housekeeping unit.

**FARM CAFES** - An eating establishment that prepares and serves food grown on-site and within Region 3 as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering farmers to undertake entrepreneurial endeavors which augment, support, and highlight local agriculture.

**FARM STAND** - A stand that sells fresh agricultural produce.

**FARMERS MARKET** - The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

**FENCE** - A fabricated barrier used to enclose an area of land or serve as a privacy or landscape buffer from a separate property.

**FLEA MARKET** - A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

**FLICKER** - A repeating cycle of changing light intensity.

**FLOODPLAIN** – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FORESTRY** – An establishment primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

**FOWL** - A domestic bird of any kind, not including chickens.

**FUNERAL HOME** - A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

**GALLERIES** - The use of a premises for the sale, display, and exhibition of visual art and craft products, which may include ancillary production or instruction in production of arts and crafts.



**GAMELAND OR PRESERVE** – An area intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

**GASOLINE SERVICE STATION** - A structure, building, or area of land or any portion thereof that's used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance. Which may or may not include facilities for lubricating, washing, and sale of accessories, but not including the painting and/or body work thereof and other vehicle and equipment repair operations as defined by this chapter. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

**GENTLEMAN'S FARM** – A small scale agrarian operation managed for pleasure as part of a family estate and which is not used to generate profit.

**GOLF COURSE OR COUNTRY CLUB** - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges. Courses shall be considered "recreational facilities, private" for the purpose of this chapter.

**GOLF DRIVING RANGE** - A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

**GOLF, MINIATURE** - A novelty version of golf played with a putter and golf ball on a miniature course typically with artificial playing surfaces and including obstacles such as bridges and tunnels. "Golf course, miniature" shall be considered "recreational facility, private" for this purpose of this chapter.

**GRADING** - The act of excavating and/or filling land for the purpose of changing natural slope.

**GREENHOUSE/NURSERY** - An accessory structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.

**GROCERY STORE** – A retail location for the purveying and/or selling of predominantly food stuffs and other related living essentials.

**GROUP CARE FACILITY** - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare. A Group Care Facility can also include transitional housing, a use that is intended to facilitate the movement of homeless persons or near-homeless persons into permanent housing within a maximum period of 23 months, and that provides links to supportive services on site or off site to assist in making the transition.

**GROUP HOME** - A facility housing residential clients and attendant (24 hours or less) staff, living together in a dwelling unit, and functioning as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing



organization and stability. The resident clients of a group home are limited to persons who need specialized housing because of age, disability, or illness, and may include, but not necessarily limited to children, the mentally or physically handicapped, and elderly, but shall not include drug and alcohol rehabilitation facilities, or adult prerelease correctional facilities such as work release, halfway houses, or similar uses. Six or fewer resident clients is considered a "family."

**HARDWARE STORE** – A retail store where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

**HEALTH/FITNESS CLUB** - An establishment where the principal enterprise conducted involves the provision of indoor wellness activities such as fitness training, saunas, athletic courts, and indoor swimming pools.

**HEIGHT** - The maximum height of a building and/or structure measured from the average finished grade at perimeter of the base of the building and/or structure to the highest point of such building and/or structure. For the purpose of determining the height limits in all zones set forth and shown on the official supplementary Airport Overlay Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

**HELIPORT** - An area used for take-off and landing for helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Chapter 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" which is limited to a maximum of 15 flights or take-offs in any 7-day periods (in addition to flights necessary for emergency medical purposes).
- B. Private heliport- a heliport limited to a maximum of 15 flights or take-offs in any 7-day periods (in addition to flights necessary for emergency medical purposes) and that is not available for use by general public. This is also known as a helistop.

**HOME BASED BUSINESS, NO IMPACT** - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, whereas there shall be a maximum of two said accessory uses within any one dwelling, and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including



interference with radio or television reception, which is detectable in the neighborhood.

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

**HOME BASED BUSINESS, OTHER** - An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas, there shall be a maximum of two said accessory uses within any one dwelling unit. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

**HONEYBEE** - Honey bees are limited to European races of *apis mellifera*.

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

**HOTEL** - A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.

**HOUSEHOLD PET** – A domesticated species of dog, cat, or other non-exotic animal generally weighing less than 150 pounds that resides within a dwelling unit and is not raised for production of products for sale.

**HOUSE GUEST** - A temporary occupant of a short-term rental living quarter within a dwelling unit.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

**INDUSTRIAL PARK** - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**JUNK** - Junk shall include, but not be limited to:

- A. Any scrap, scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; any rubbish or reclaimable material; bones, glass, bottles, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used vehicles, machinery, tools, appliances, furniture, plumbing, heating, electrical and other fixtures or parts thereof; pipe and pipe fittings; flammable materials or debris; whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition; any worn out or discarded material in general that may be turned to some use or that can be used for other purposes; anything fit to be discarded; trash, debris,



odds and ends or rubbish of any kind; any other item which has outlived its usefulness in its original form and all articles discarded or no longer used as a manufacturer article composed of any one or more of the materials herein mentioned; and any other item fit to be discarded.

- B. Used lumber, boxes, crates and pallets;
- C. Used tires, wheels, rims and/or hubcaps;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and
- F. Any abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts. and is adequately screened; and,
- C. Construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in the Township, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

**JUNKYARD** - 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:

- A. "Junk" (see definition);
- B. 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
- C. Two (2) or more mobile/manufactured homes that are not in a habitable condition.
- D. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

**KENNEL** - Any accessory building or building or land designed or arranged for care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

**LAND DEVELOPMENT –**

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving
  - 1. A group of two 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 two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with § 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Municipality's Subdivision and Land Development Code.

**LANDSCAPE BUFFER** - A use of new or existing plants, earthen mounds, fences and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise, or light.

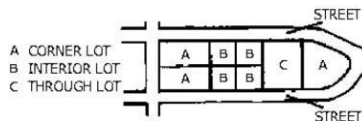
**LANDSCAPE/NURSERY, RETAIL** - The retail handling of any article, substance, or commodity related to the planning, maintenance, or harvesting of garden plants, shrubs, chemicals, or other nursery goods and related products in small quantities to the consumer.

**LAUNDROMAT/DRY CLEANERS** - A self-service facility containing clothes washing machines and dryers which are usually coin-operated and are open for use to the general public.

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

**CORNER LOT** - A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135° and the radius of the street is less than 100 feet.

**INTERIOR LOT** - A lot with only one frontage on a street.



**THROUGH LOT** - A lot with front and rear street frontage.

**LOT COVERAGE** - The portion of the lot that may be impervious. This includes, but may not be limited to, both building footprint and parking area.

**LOT LINE** - A line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot.

**FRONT LOT LINE** - The line separating the lot from the street right-of-way.

**SIDE LOT LINE** - Any lines which are not front or rear lot lines.

**REAR LOT LINE** - The line parallel to or within 45° of being parallel to a street line which defines the rear of the lot.

**LOT SIZE** - The area contained within the boundary lines of a lot.

**LOT WIDTH** - The horizontal distance between side lot lines:

**LUMBERYARD** - An area used for the storage, distribution, and sale of finished or rough cut lumber and lumber products, but not including manufacture or fabrication of lumber, lumber products or firewood



**MANUFACTURING, LIGHT** – A facility involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture, or other wood products production and the like, but excluding basic industrial processing.

**MAUSOLEUM** - An external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people

**MEDICAL MARIJUANA, DISPENSARY** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

**MEDICAL MARIJUANA, GROWER** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

**MEMBERSHIP CLUB, 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.

**MIXED USE STRUCTURE (RETAIL AND APARTMENTS)** - A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

**MOTEL** - A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.

**MPC** - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as reenacted and amended.

**MUNICIPAL/GOVERNMENT FACILITY OR USE** – A Municipal, County, State or Federal government building or facility designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

**NATURE PRESERVES** - 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.

**NEW CONSTRUCTION** – A structure for which the start of construction commenced on or after the adoption date of this ordinance, including any subsequent improvements thereto.

**NIGHTCLUB** - 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 the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.



**NONCONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY** - Any nonconforming lot, structure or use of land or structures.

**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."

**OBSTRUCTION** - Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**OFFICE, BUSINESS OR PROFESSIONAL** - 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.

**OFFICE, MEDICAL OR DENTAL** - A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing practices for the examination and treatment of persons solely on an outpatient basis. Medical and dental offices do not include veterinary services or animal hospitals.

**OFF-STREET PARKING/LOADING ACCESSORY NON-RESIDENTIAL USES** - An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**OFF-STREET PARKING/LOADING ACCESSORY TO RESIDENTIAL USES** - An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for residents.

**OIL AND GAS EXTRACTION** - The removal of oil and gas resources from the ground by means of drilling, as defined herein, in accordance with a valid permit issued by the Pennsylvania Department of Environmental Protection (PA DEP) under the provisions of the PA Oil and Gas Act (58 P.S. §601.101-§602.605), as now or hereafter amended.

**ON PREMISE SIGN** - A sign which directs attention to the primary business, commodity, service, industry which is actively sold, offered, or conducted *on the premises* upon which such sign is located, or to which it is affixed. A sign will be an on-premises sign if it meets the following requirements:



- A. The sign must be located on the same premises as the activity or property advertised.
- B. The sign must have as its purpose the identification of the primary activity or its products or services, or the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.
- C. In order to be classified as an on-premises sign, such sign must meet the following purpose test:
  - a. Any sign which consists solely of the name of the establishment is an on-premises sign.
  - b. A sign which identifies the establishment's principal products or services offered on the premises is an on-premises sign.
  - c. When a sign (i) brings rental income to the property owner, (ii) consists principally of brand name or trade name advertising, and (iii) the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising and not an on-premises sign. An example would be a typical billboard located on top of a service station building advertising a brand of cigarettes or chewing gum which is incidentally sold in a vending machine on the property.
  - d. A sign which does not meet these criteria is regulated as an off-premise sign.

**OPEN SPACE** - A parcel or parcels of land incorporated within a subdivision that is used for passive and unorganized play areas. This land may include floodplain, wetlands, steep slopes, stormwater basins and drainage areas. The land set aside as open space may not be used towards calculating the parkland requirements of the development.

**OTHER ACCESSORY USES CUSTOMARILY INCIDENTAL TO PRINCIPAL USE -**

Commonly occurring practice, product or process directly related to the function of the principal use.

**OUTDOOR STORAGE OF GOODS** - An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

**PARK, PRIVATE** - A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

**PARK, PUBLIC** - A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of the people.

**PENNDOT** - The Pennsylvania Department of Transportation ("PennDOT"), the Commonwealth agency responsible for overseeing and administering transportation laws and regulations within Pennsylvania.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** - Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq.

**PERSONAL CARE HOME** - 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 ESTABLISHMENT** - 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 activity.

**PLACE OR WORSHIP/ASSEMBLY** - Building, 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 two 12) 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."

**PLANNED RESIDENTIAL DEVELOPMENT** - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**PLANNING COMMISSION** - The Scranton City Planning Commission, City of Scranton, Pennsylvania.

**PORCH** - A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PRIVATE** - Not publicly owned, operated or controlled.

**PUBLIC** - Intended for the general population to partake or participate.

**PUBLIC NOTICE** - A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC PARKING** - A principle use on a lot, not accessory parking to a use on a lot. An open space, other than a street or way, used for the parking of only automobiles.

**RADIO/TELEVISION STUDIO** - A studio engaged in transmitting oral and visual programs to the public, but not including the transmitter and/or antennas for such broadcasting.

**RAISING OF LIVESTOCK, SMALL-SCALE** - The raising or keeping of livestock at a limited scale for home use or any commercial purpose.

**RECREATION FACILITY, PRIVATE** - Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by a private, non-public entity. Use of such facility may or may not be restricted by the private owner.

**RECREATION FACILITY, PUBLIC** - Parks, swimming pools, playgrounds, tennis courts, and



other recreational facilities owned and operated by the City, County, school district, state, or federal government.

**RECYCLING, SMALL SCALE** - Whereas the intended customer-base is the City of Scranton residents and businesses, a building in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**RELEASE** - The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the City of Scranton. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

**REPAIR** - To restore by replacing parts or putting together what is torn or broken. Repair can be defined as an accessory or principal use.

**RESEARCH AND DEVELOPMENT FACILITY** - A structure or group of structures used primarily for applied and developmental research. The use may include testing to determine the physical qualities of already manufactured materials or materials used in the manufacturing of a prototype.

**RESIDENTIAL LOT** - A lot containing a residential use or a vacant lot that is zoned for a residential use and meets the zone provisions for the permitted residential use.

**RESIDENTIAL USE** - A use for a structure or portion of a structure which is a person's permanent principal residence; this does not include motor homes, travel trailers, other recreational vehicles, or transient accommodations.

**RESORT** - A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbeque and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars, restaurants, which cater primarily to other than guests.

**RESTAURANT, CAFÉ** - An establishment where limited options of food and drink are prepared, served, and consumed.

**RESTAURANT, CARRYOUT** - An establishment that sells ready-to-consume food or drink, that primarily sells food intended to be consumed off-premises, that might or might not have seating for on-premises dining.

**RESTAURANT, DRIVE THROUGH/DRIVE-IN** - An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

**RESTAURANT, SIT DOWN** - An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**RETAIL ESTABLISHMENT** - 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.



**RIDING ACADEMY AND STABLES** - An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

**RIGHT-OF-WAY** - A corridor of land set aside for use, in whole or in part, by a street or other public purpose.

**SATELLITE DISH/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. A satellite antenna shall be considered an accessory structure for the purposes of this Ordinance.

**SAWMILL** - A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**SCHOOL, COMMERCIAL** - 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 sixteen (16). This shall include a dancing school, martial arts school, or ceramics school.

**SCHOOL, PRIVATE** - A private institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

**SCHOOL, PUBLIC** - A public institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

**SEASONAL DWELLING** - A dwelling unit, including mobile homes, for full-time, temporary, or permanent employees engaged in agricultural pursuits.

**SEDIMENT** - Soil materials transported by wind or water as a result of erosion.

**SHADOW FLICKER** - The on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

**SHORT-TERM RENTAL** - The use of a Dwelling in which the owner rents any area of the Dwelling to one, or more, individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) on a temporary basis. This definition applies to all types of residential dwellings including, but not limited to, One-Family, Two-Family and Multiple-Family Dwellings. Also referred to as an "Airbnb".

**SHRUB** - An ornamental plant with woody stems that is at least 2 gallons in depth at planting. See the City's official plant list for a listing of permitted shrubs.

**SELF-STORAGE FACILITY** - A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods, or supplies.

**SHOOTING/ARCHERY RANGE, INDOOR** - Any fully enclosed building used for the discharge of any firearm or bow for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of



this Zoning Ordinance.

**SHOOTING/ARCHERY RANGE, OUTDOOR** - A specialized facility designed for firearm and bow qualifications, training, or practice.

**SHOPPING CENTER OR MALL** - A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

**SIGN** - Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

**SILOS** - Tower or other structure on a farm used for feed/grain storage.

**SMALL SCALE GROCERY** - A grocery store with a total floor area of 12,000 square feet or less.

**SMALL SCALE RETAIL** - A retail establishment with a total floor area of 5,000 square feet or less.

**SOLAR ENERGY** - Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR RELATED EQUIPMENT** - Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

**SOLAR SYSTEM, BUILDING AND/OR GROUND-MOUNTED** - A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of providing electricity on-site, heating or cooling the interior spaces of buildings, or heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**SOLAR SYSTEM, PRINCIPAL SOLAR ENERGY SYSTEM (PSES)** - An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal Solar Energy Systems consist of one (1) or more freestanding ground, or roof mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, heat exchanges, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SQUARE** - A spatially defined element of usable open space designed such that it directly abuts streets on two or more sides. Squares may be located throughout the required open space of a community in a manner which enhances the form, appearance, and function of this element of the community. Landscaping and lighting must be provided to augment the function of this feature within the open space network.

**SPA** - A place or building where active exercise and related activities are preformed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness.



Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

**STABLES** - Any Structures or land use having stalls or compartments where animals, excluding dogs and cats are sheltered and fed; may be accessory to a residential or other use or a freestanding principal use.

**STORAGE** - A space or place for storing materials and supplies for use by the principal use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the principal use on the site.

**STREAM** - A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Scranton" mapping or as watercourses shown on a U.S.G.S., 75 minute quadrangle map as solid blue lines or as state open waters identified in a letter of interpretation issued by the Pennsylvania DEP.

**STREET** - Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified according to the functions they perform:

EXPRESSWAY - Designed for large volumes and high-speed traffic with access limited to grade-separated intersections.

ARTERIAL STREET - Designed for large volumes and high-speed traffic with access to abutting properties restricted.

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.

LOCAL STREET - Designed to provide access to the abutting properties and a route to collector routes.

Refer to the Official Street Classification Map, on file in the city offices.

**STRUCTURE** - An object, including a mobile object, includes without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmissions lines.

**STUDIO OR SCHOOL FOR SPECIAL TRAINING** - An establishment where arts such as dance, martial arts, music, and visual arts are taught, studied, or produced, or where movies, radio, television, or music recording is produced.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means into two 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; provided, however, that 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 any residential dwelling, shall be exempted.

**SUBSTANTIAL CHANGE (WCF)** - (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.



**TASTING ROOMS** - A room or rooms open to the general public, primarily used for the retail marketing of beverage-related products controlled by the PA Liquor Control Board. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the product(s). Rooms where wine tasting occurs, where beverage tasting is part of the normal business practice in the wholesale marketing of beverage products and that are not open to the public are not considered tasting rooms.

**TATTOO PARLOR** - Any establishment, place of business, or location wherein the procedure of inserting permanent markings or coloration upon or under human skin is practiced through including artistic tattoo parlors and any establishment conducting cosmetic tattooing where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

**TEMPORARY USE** - A use lasting for a limited time of seven days or less, unless specified as longer under a particular use. Does not include the construction or alteration of any structure.

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

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT** - A district that encourages mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient uses of services.

**TRAILS** - A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles. Trails may allow electric bikes unless otherwise restricted by local, state, or federal regulations.

**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, the physical safety of others.

**TRUCK/FREIGHT TERMINAL** - A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

**URBAN AGRICULTURE** - The activities that include the growing, processing, marketing, distribution, and consumption of food and other products through growing plants and raising animals in and around an urban area. Such activities can be public, private, or commercial and can exist in a variety of forms, including community gardens, market gardens, and backyard animal keeping. When done successfully, these activities also produce environmental, health, social, and economic effects that can positively impact a community and increase its resilience.

**UTILITY** - A corporation, enterprise, government entity or persons generating, transmitting, distributing, transporting and/or collecting in any manner, electricity, heat, steam, natural gas, propane, water, wastewater, or communications (cable, telephone, and fiber optic) to the public, or any portion thereof.



**VARIANCE** - A permissive waiver of terms and conditions of this chapter issued by the Zoning Hearing Board.

**VEHICLE OR EQUIPMENT SALES** - The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

**VEHICLE REPAIR GARAGE** - An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

**VIOLATION** - The act of not meeting specific conditions or requirements of this Ordinance.

**WAREHOUSE** - Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

**WASTE-TO-ENERGY FACILITY** - A 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).

**WASTEWATER TREATMENT PLANT** – A facility used to treat industrial wastewater or domestic wastewater.

**WHOLESALE ESTABLISHMENT** - An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WIND ENERGY SYSTEM** – Any device or equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.

**WINERIES/TASTING FACILITIES** - A licensed facility used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine.

**WIRELESS COMMUNICATIONS FACILITY (WCF)** - A structure other than a building, such as a monopole or guyed tower, designed and used to support one (1) or more wireless communications antennas.

**WIRELESS SUPPORT STRUCTURE** - A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a non-tower based wireless communications facility if approved by the City.

**YARD** - An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

**FRONT YARD** - An open space area extending along the full width of a lot parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Ordinance.



**SIDE YARD** - An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

**REAR YARD** - An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Ordinance.

**BUFFER YARD** - An open space inclusive of vegetation and designed to provide an area of separation between different districts or uses.

**YARD SETBACK AREA** - An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side, or rear yard setbacks.

**ZONING DISTRICT** - A finite area of the City, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

**ZONING HEARING BOARD** - The Scranton Zoning Hearing Board, City of Scranton, Pennsylvania.

**ZONING MAP** - The map setting forth the boundaries of the districts of this chapter and adopted by City Council.



## ARTICLE 3

### District Regulations and Zoning Map

#### Section 3.1 – Designation and Intent of Districts

##### A. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, the City of Scranton is hereby divided into districts which shall be designated on the Zoning Map and as follows:

1. Agricultural/Conservation/Recreational Districts.
  - a. **CONSV – Conservation District:** To conserve areas of unique natural beauty or low-impact recreation, or in which accessibility is difficult or constrained by topography, and to protect open spaces, environmentally sensitive areas, and natural features such as steep slopes, forests, and water courses.
  - b. **REC – Planned Recreation District:** To provide appropriate locations for active and passive recreation uses of regional significance and the infrastructure needed to support such activities.
2. Residential Districts.
  - a. **R-6 – Suburban Single Family Residential District:** To arrange for low-density neighborhoods of single-family detached dwellings, largely serviced by public sewer and water.
  - b. **R-8 – Town Single Family Residential District:** To accommodate medium-density neighborhoods of single-family attached and detached dwellings, typically on local streets and with private driveways.
  - c. **R-9 – Town Mixed Residential:** To allow for neighborhoods of a medium-to-high density consisting of single-family dwellings and apartments on small-to-medium lots developed on a grid system of curbed streets, typically with access to alleyways.
  - d. **R-10 – Town-City Single Family Residential District:** To allow for neighborhoods of a medium density consisting largely of single-family attached and detached dwellings on small lots developed on a grid system of curbed streets, typically with access to alleyways.
  - e. **R-11 – City Neighborhood Mixed Residential District:** To arrange for urban residential neighborhoods that are medium-to-high density and contain a mix of single- and multifamily dwellings with on-street parking and minimal side yard setbacks, as well as ancillary institutional uses.



3. Mixed Use Districts.
  - a. **D – City Downtown Mixed Use District:** To allow for multistory commercial, mixed-use, and institutional buildings on a pedestrian scale in the urban downtown setting of the central business district.
  - b. **N – City Neighborhood Mixed Use District:** To permit a mix of pedestrian-oriented residential, commercial, and ancillary institutional land uses in an urban neighborhood setting, ranging from converted dwellings to mixed-use buildings with retail uses on the ground floor and apartments on upper floors.
4. Civic/Institutional Districts.
  - a. **INST – Town-City Institutional District:** To provide for institutional uses primarily providing services and benefits to individuals who have a relationship with the not-for-profit institutions associated with such uses rather than the public at large.
  - b. **CIV – Civic District:** To provide for institutional uses primarily providing public services and benefits and generally designed for and widely accessible to members of the public at large.
5. Commercial Districts.
  - a. **HC – Highway Commercial District:** To accommodate areas of historic, cultural, and civic significance located in and around the central business district.
  - b. **PC – Planned Commercial District:** To permit areas for master-planned retail, dining, lodging, entertainment, and other commercial activities, including shopping centers and developments of multiple buildings on one lot.
6. Industrial Districts:
  - a. **CI – Commercial-Industrial District:** To create a zone where small-scale, low-impact light industrial uses and general commercial development coexist along arterial and collector roads.
  - b. **LI – Light Industrial District:** To arrange for locations accommodating less intense industrial land uses such as light manufacturing, small-scale warehousing, research/testing facilities, and supporting offices.

B. Overlay Districts and Purpose Statements.

See Article 4 of this Ordinance for the designation and intent of the overlay districts.

**Section 3.2 – Zoning Map**

- A. The boundaries of the districts in which the City of Scranton is divided shall be shown upon a map entitled the “The City of Scranton Zoning Map,” which is available on file for public viewing at the Scranton Municipal Building. This map and all notations, references, and



other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

- B. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the City.

### **Section 3.3 – Interpretation of District Boundaries**

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be constructed a following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
- E. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
- G. Boundaries indicated as approximately parallel to or extensions of features identified in subsections A through F above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- H. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by subsections A through G above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
- I. Where one (1) or more district boundary lines divide a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.



**Section 3.4 – District Quick Views**

The subsections included herein provide the following information about each zoning district designated in Section 3.1:

- A. Table of Principal Use Regulations (organized by land use group);
- B. Table of Accessory Use Regulations;
- C. Dimensional Regulations for Lots and Buildings;
- D. Preferred Lot Configurations; and
- E. Other Requirements.



Scranton



2 Conservation



3 Planned Recreation



6 Suburban Single Family Residential



8 Town Single Family Residential



9 Town Mixed Residential



10 Town-City Single Family Residential



11 City Neighborhood Mixed Residential



14 City Neighborhood Mixed Use



15 City Downtown Mixed Use



17 Town-City Institutional



18 Civic



19 Highway Commercial



20 Planned Commercial



21 Commercial-Industrial



22 Light Industrial

Overlays

O1 Access Management Overlay

O2 Floodplain Overlay

O3 Airport Hazard Overlay



## 2 Conservation



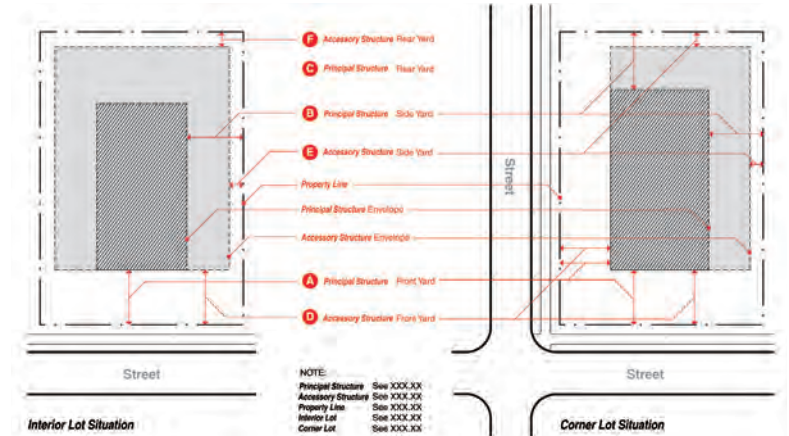
### PERMITTED USES

PRINCIPAL USES			
		Place or worship/assembly	P
		School, private	P
Bed-and-breakfast	P	School, public	P
Cluster residential development	SE	Trails	P
Conservation residential	SE	Camp or retreat	P
Dwelling: single-family detached	P	Campground or recreational vehicle park	P
Commercial recreation facility, indoor	SE	Conservation	P
Commercial recreation facility, outdoor	P	Forestry	P
Short term rental	SE	Gameland or preserve	P
Agricultural processing artisan	P	Golf course or country club	P
Crop farming	P	Golf driving range	P
Equestrian farm	P	Nature preserve	P
Gentleman's farm	P	Recreation facility, public	P
Raising of livestock, small-scale	P	Group home	P
Riding academy and stables	P		
Urban agriculture	P	ACCESSORY USES	
Airport	P	Carport, garage, or shed	P
Essential services	P	Dwelling: accessory (ADU)	P
Helipoint	P	Home based business, no impact	P
Wireless communications facility	SE	Home based business, other	P
Community center or library	P	Short term rental	P
Community garden	P	Accessory food operations	P
Cultural center or museum	P	Agriculture/environmental education program	P
Emergency services	P	Agritourism	P
Municipal/government facility or use	P	Craftsman-artisan workshop	P
Park, private	P		
Park, public	P		
		Essential services	P
		Electric vehicle charging station	P
		Farm cafés	P
		Farm stands	P
		Forestry	P
		Greenhouse/nursery	P
		Off-street parking/loading accessory non-residential uses	P
		Off-street parking/loading accessory to residential uses	P
		Other accessory uses customarily incidental to principal use	P
		Park, private	P
		Park, public	P
		Raising of livestock, small-scale	P
		Satellite dish/antenna	SE
		Silos	P
		Stables	P
		Wineries/tasting facilities	P

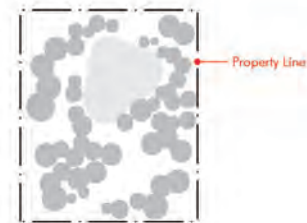
P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	87,120 sf	YARD SETBACK	
LOT WIDTH		PRINCIPAL STRUCTURE	
at Building Setback Line	150 ft		
at Street Line			
HEIGHT			
Principal Structure	40		
Accessory Structure			
COVERAGE			
Building			
Impervious Surface	15%		

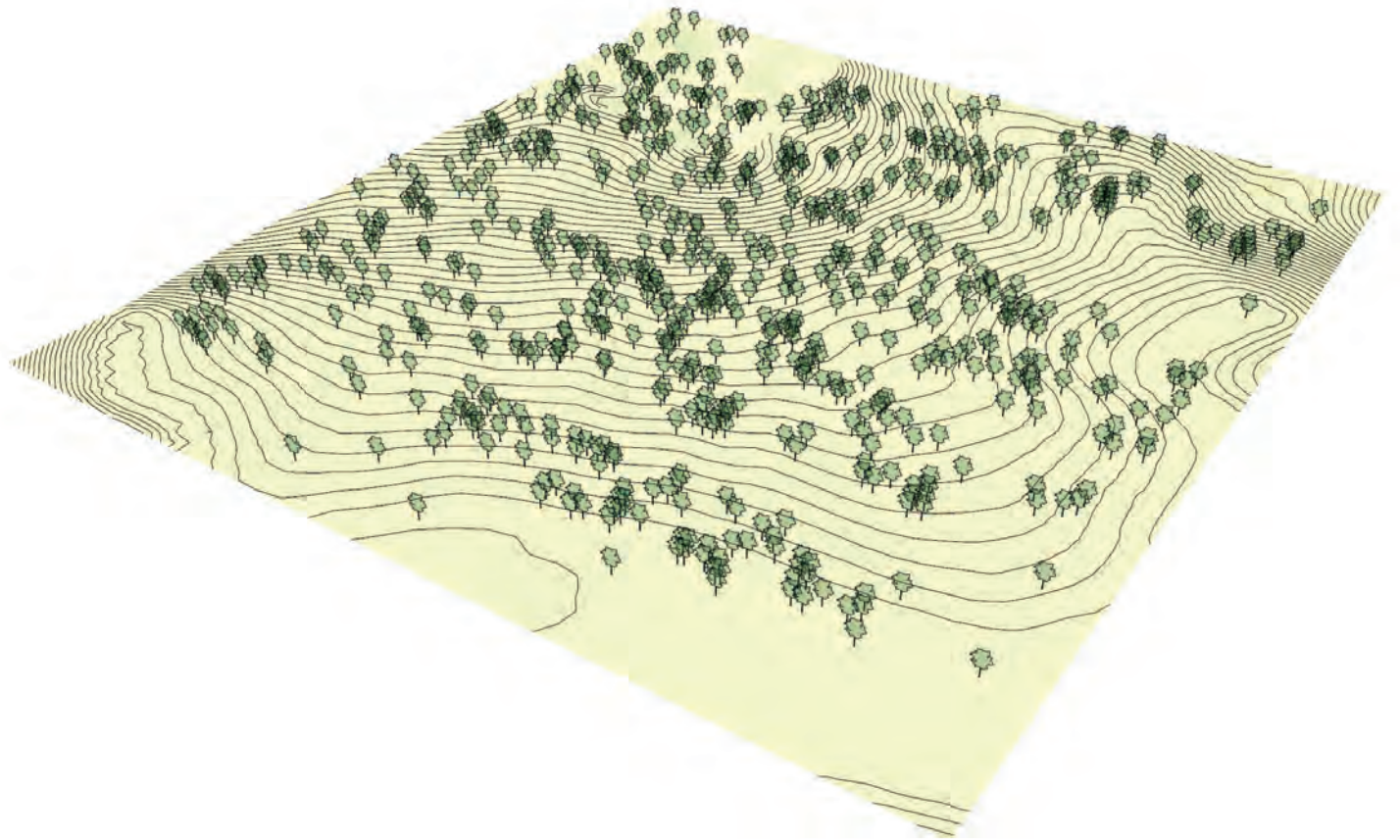


### PREFERRED LOT CONFIGURATIONS



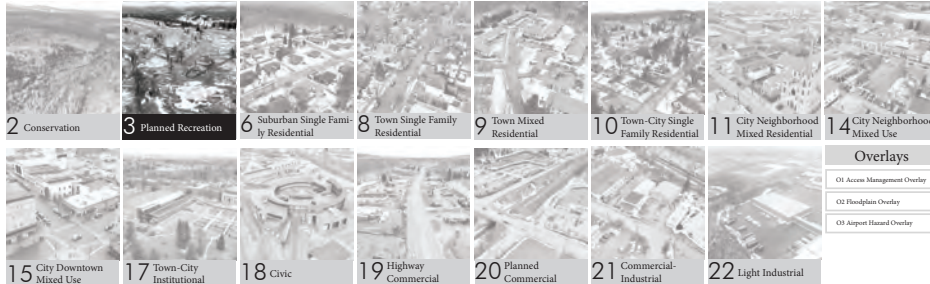


**PUBLIC REALM CHARACTER**





### 3 Planned Recreation



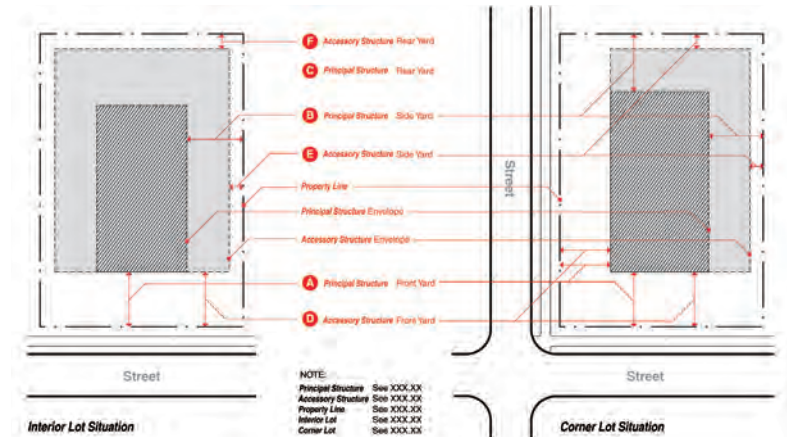
### PERMITTED USES

PRINCIPAL USES					
		Shooting/archery range, outdoor	P	Golf course or country club	P
Bed-and-breakfast	P	Short term rental	SE	Golf driving range	P
Dwelling: single-family detached	P	Small scale retail	P	Golf, miniature	P
Dwelling: townhouse	P	Theater	P	Nature preserve	P
Dwelling: two-family	P	Equestrian Farm	SE	Recreation facility, private	P
Seasonal dwelling	P	Riding academy and stables	SE	Recreation facility, public	P
Traditional neighborhood development	C	Essential services	P	Group home	P
Amusement park	SE	Wireless communications facility	SE		
Business service establishment	P	College or university	P	Silos	P
Commercial recreation facility, indoor	P	Community center or library	P	Stables	P
Commercial recreation facility, large-scale/intensive	SE	Community garden	P	Urban agriculture	P
Commercial recreation facility, outdoor	P	Cultural center or museum	P	Wineries/tasting facilities	P
Conference center	P	Emergency services	P		
Craftsman-artisan workshop	P	Hospital	P		
Hotel	P	Membership club, fraternity, or sorority	P		
Motel	P	Municipal/government facility or use	P		
Nightclub	SE	Park, private	P		
Resort	SE	Park, public	P		
Restaurant, sit down	SE	Place or worship/assembly	P		
Restaurant, drive through/drive-in	P	School, private	P		
Retail establishment	P	School, public	P		
Self-storage facility	P	Trails	P		
Shooting/archery range, indoor	P	Camp or retreat	P		
		Campground or recreational vehicle park	P		
		Conservation	P		
		Forestry	P		

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	30,000 sf	YARD SETBACK	
LOT WIDTH		PRINCIPAL STRUCTURE	
at Building Setback Line	120 ft		
at Street Line			
HEIGHT			
Principal Structure	25	A Front Yard, on Local/Collector Street	30 ft
Accessory Structure		A Front Yard, on Arterial Street	30 ft
COVERAGE		B Side Yard	10 ft
Building		C Rear Yard	25 ft
Impervious Surface	45%		



### PREFERRED LOT CONFIGURATIONS



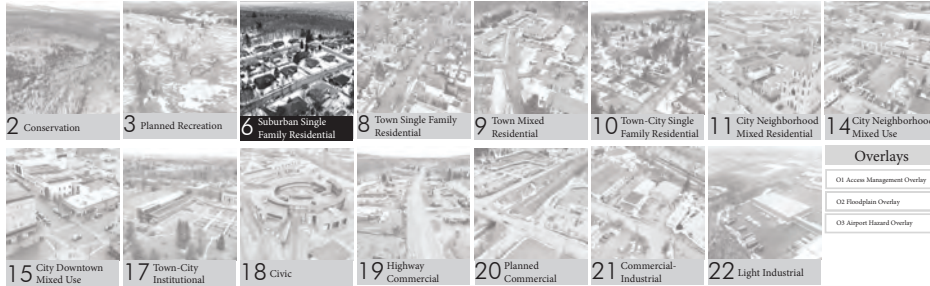


**PUBLIC REALM CHARACTER**





## 6 Suburban Single Family Residential



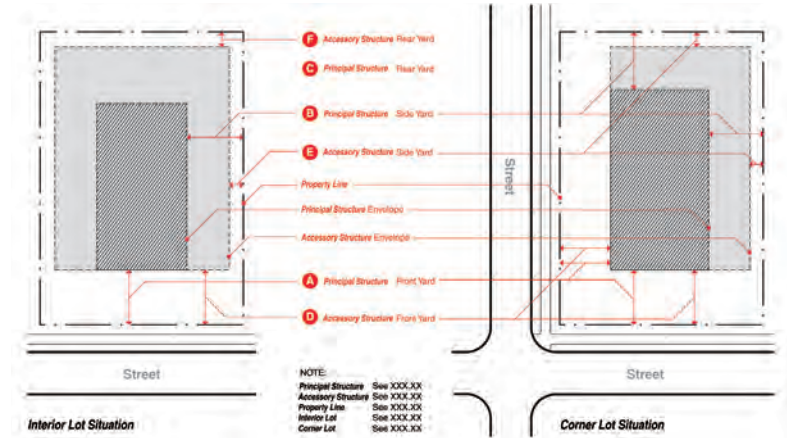
### PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Dwelling: garden apartments	SE	Carport, garage, or shed	P
Dwelling: single-family detached	P	Dwelling: accessory (ADU)	P
Dwelling: two-family	P		
Traditional neighborhood development	C	Electric vehicle charging station	P
Craftsman-artisan workshop	SE	Home based business, no impact	P
Essential services	P	Short term rental	P
Community center or library	P	Craftsman-artisan workshop	SE
Community garden	P	Day care center, adult	P
Emergency services	P	Day care center, child	P
Municipal/government facility or use	P	Day care home, family	P
Park, private	P	Day care home, group	P
Park, public	P	Essential services	P
Place or worship/assembly	P	Forestry	P
School, private	P	Off-street parking/loading accessory to residential uses	P
School, public	P	Other accessory uses customarily incidental to principal use	P
Trails	P	Satellite dish/antenna	SE
Forestry	P		
Nature preserve	P		
Recreation facility, private	SE		
Recreation facility, public	SE		
Abused person shelter	P		
Group home	P		

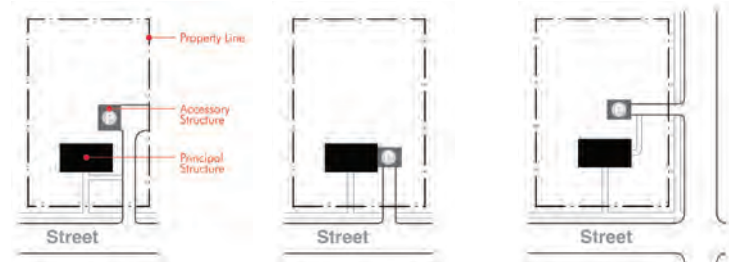
P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	5,000 sf	YARD SETBACK	
LOT WIDTH		<b>A</b> Front Yard, on Local/Collector Street	20 ft
at Building Setback Line	40 ft	<b>A</b> Front Yard, on Arterial Street	20 ft
at Street Line		<b>B</b> Side Yard	4 ft
HEIGHT		<b>C</b> Rear Yard	25 ft
Principal Structure	35	<b>D</b> Front Yard	N/A
Accessory Structure	25	<b>E</b> Side Yard	5 ft
COVERAGE		<b>F</b> Rear Yard	5 ft
Building			
Impervious Surface	45%		

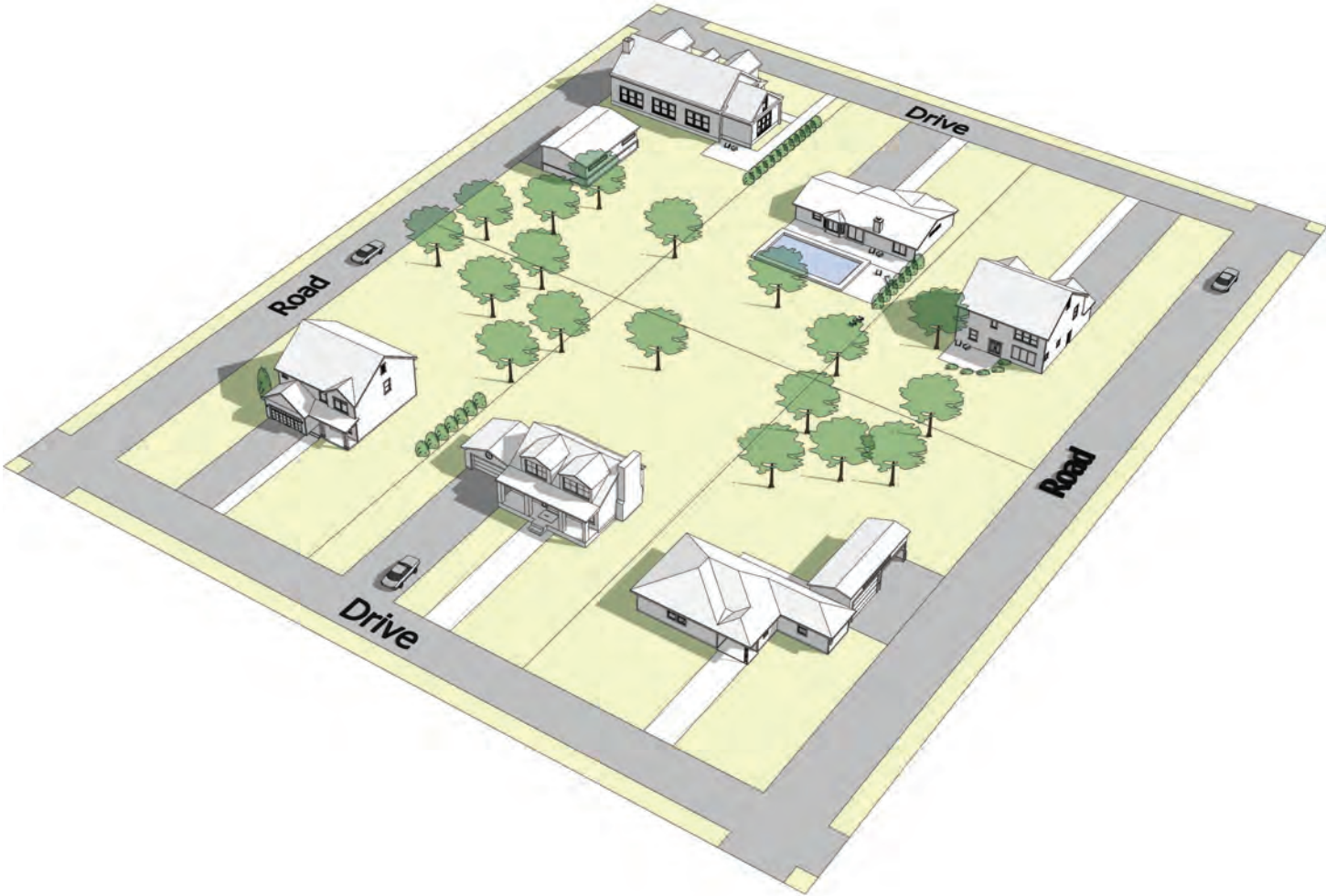


### PREFERRED LOT CONFIGURATIONS





**PUBLIC REALM CHARACTER**





## 8 Town Single Family Residential



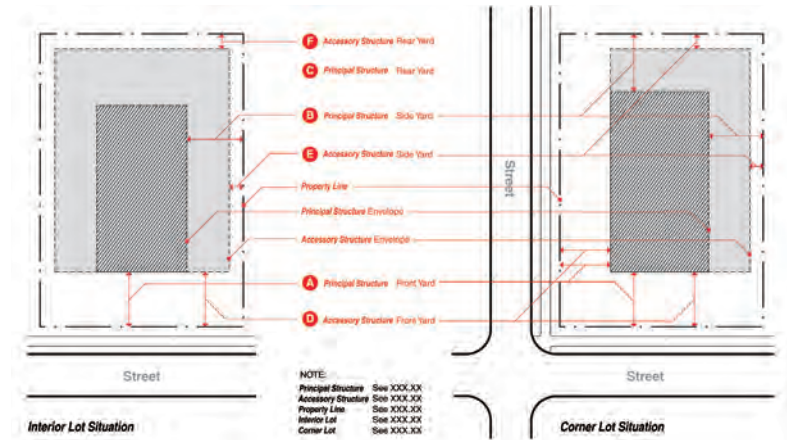
### PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Dwelling: single-family detached	P	Carport, garage, or shed	P
Dwelling: two-family	P	Home based business, no impact	P
Dwelling: townhouse	P	Short term rental	SE
Traditional neighborhood development	C	Day care center, adult	P
Essential services	P	Day care center, child	P
Community center or library	P	Day care home, family	P
Community garden	P	Day care home, group	P
Emergency services	P	Dwelling: accessory ADU)	P
Municipal/government facility or use	P	Electric vehicle charging station	P
Park, private	P	Essential services	P
Park, public	P	Forestry	P
Place of worship/assembly	P	Off-street parking/loading accessory to residential uses	P
School, private	P	Other accessory uses customarily incidental to principal use	P
School, public	P	Satellite dish/antenna	SE
Trails	P		
Forestry	P		
Nature preserve	P		
Recreation facility, private	SE		
Recreation facility, public	SE		
Abused person shelter	P		
Group home	P		

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	2,500 sf	YARD SETBACK		
LOT WIDTH		<div><div>PRINCIPAL STRUCTURE</div><div>ACCESSORY STRUCTURE</div></div>	<div><div>A</div>Front Yard, on Local/Collector Street</div>	10 ft
at Building Setback Line			<div><div>A</div>Front Yard, on Arterial Street</div>	10 ft
at Street Line			<div><div>B</div>Side Yard</div>	4 ft
HEIGHT			<div><div>C</div>Rear Yard</div>	25 ft
Principal Structure			<div><div>D</div>Front Yard</div>	N/A
Accessory Structure			<div><div>E</div>Side Yard</div>	5 ft
COVERAGE			<div><div>F</div>Rear Yard</div>	5 ft
Building				
Impervious Surface				



### PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





## 9 Town Mixed Residential



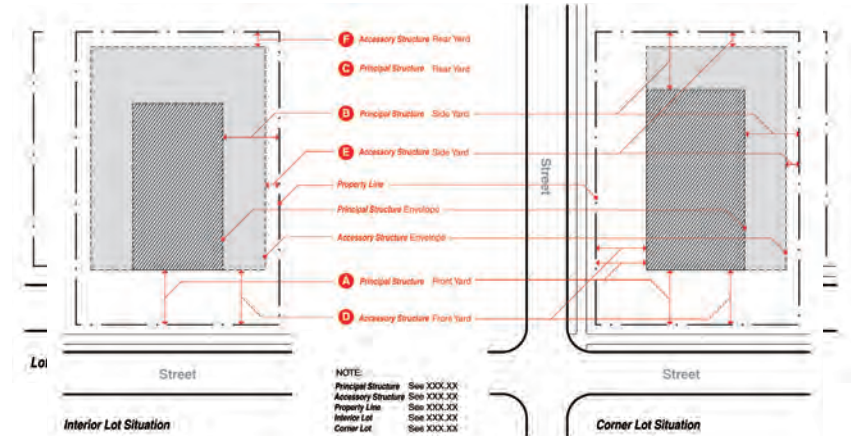
### PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Dwelling: apartment building	P	Carport, garage, or shed	P
Dwelling: conversion apartment	SE	Home based business, no impact	P
Dwelling: single-family detached	P	Short term rental	SE
Dwelling: townhouse	P	Cemetery	SE
Dwelling: two-family	P	Community garden	P
Traditional neighborhood development	SE	Crematorium	SE
Essential services	P	Day care center, adult	P
Community center or library	P	Day care center, child	P
Community garden	P	Day care home, family	P
Emergency services	P	Day care home, group	P
Municipal/government facility or use	P	Dwelling: accessory (ADU)	P
Park, private	P	Electric vehicle charging station	P
Park, public	P	Essential services	P
Place or worship/assembly	P	Forestry	P
School, private	P	Mausoleum	SE
School, public	P	Off-street parking/loading accessory to residential uses	P
Trails	P	Other accessory uses customarily incidental to principal use	P
Forestry	P	Satellite dish/antenna	SE
Nature preserve	P		
Recreation facility, private	SE		
Recreation facility, public	SE		
Abused person shelter	P		
Group home	P		

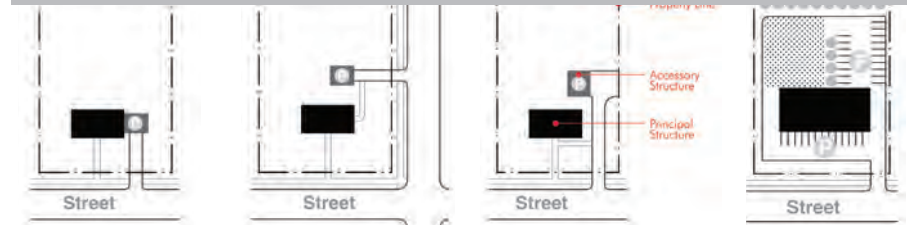
P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	4,000 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	40 ft		
at Street Line			
HEIGHT			
Principal Structure	35		
Accessory Structure	25		
COVERAGE			
Building			
Impervious Surface	60%		



### PREFERRED LOT CONFIGURATIONS



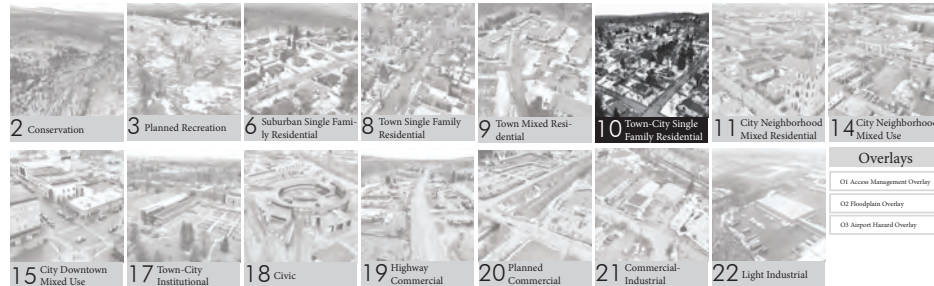


**PUBLIC REALM CHARACTER**





# 10 Town-City Single Family Residential



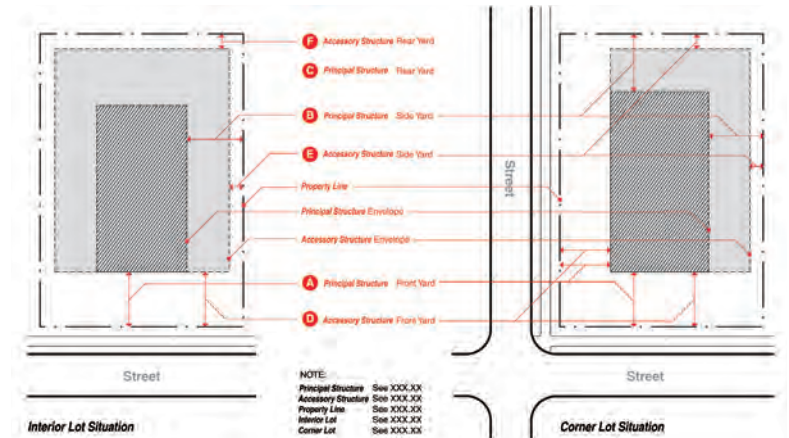
## PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Dwelling: single-family detached	P	Carport, garage, or shed	P
Dwelling: two-family	P	Home based business, no impact	P
Dwelling: townhouse	P	Short term rental	SE
Traditional neighborhood development	SE	Cemetery	SE
Office, business or professional	SE	Community garden	P
Personal service establishment	SE	Crematorium	SE
Essential services	P	Day care center, adult	P
Community center or library	P	Day care center, child	P
Community garden	P	Day care home, family	P
Emergency services	P	Dwelling: accessory (ADU)	P
Municipal/government facility or use	P	Electric vehicle charging station	P
Park, private	P	Day care home, group	P
Park, public	P	Essential services	P
Place of worship/assembly	P	Forestry	P
School, private	P	Mausoleum	SE
School, public	P	Off-street parking/loading accessory to residential uses	P
Trails	P	Other accessory uses customarily incidental to principal use	P
Cemetery	SE	Satellite dish/antenna	SE
Forestry	P		
Nature preserve	P		
Recreation facility, private	SE		
Recreation facility, public	SE		
Day care center, child	SE		
Group home	P		

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	2,000 sf	YARD SETBACK		
LOT WIDTH		PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	15 ft
at Building Setback Line			A Front Yard, on Arterial Street	15 ft
at Street Line			B Side Yard	0 ft
HEIGHT			C Rear Yard	25 ft
Principal Structure		ACCESSORY STRUCTURE	D Front Yard	N/A
Accessory Structure			E Side Yard	0 ft
COVERAGE			F Rear Yard	5 ft
Building				
Impervious Surface		75%		



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





# 11 City Neighborhood Mixed Residential



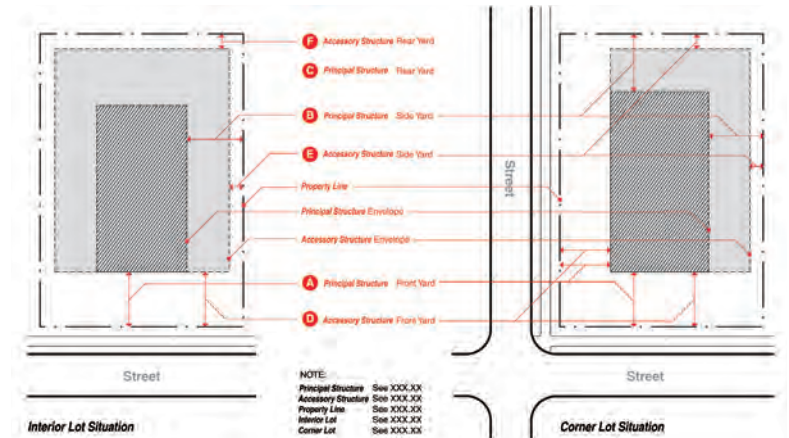
## PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
		Retail establishment	P
		Short term rental	P
Bed-and-breakfast	P	Small scale grocery	P
Dwelling: apartment building	P	Small scale retail	P
Dwelling: conversion apartment	P	Spa	P
Dwelling: single-family detached	P	Studio or school for special training	P
Dwelling: townhouse	P	Tasting rooms	P
Dwelling: two-family	P	Essential services	P
Traditional neighborhood development	SE	Community center or library	P
Bakery	P	Community garden	P
Bank or financial institution	SE	Cultural center or museum	SE
Bar or tavern	P	Emergency services	P
Commercial recreation facility, indoor	P	Municipal/government facility or use	P
Convenience store	SE	Park, private	P
Drug store/pharmacy	SE	Park, public	P
Funeral home	P	Place or worship/assembly	P
Galleries	P	School, private	P
Gasoline service station	SE	School, public	P
Health/fitness club	SE	Trails	P
Mixed use structure (retail and apartments)	P	Forestry	P
Office, business or professional	P	Nature preserve	P
Office, medical or dental	P	Recreation facility, private	SE
Personal service establishment	P	Recreation facility, public	SE
Restaurant, sit down	P	Group home	P
Restaurant, café	P		
Restaurant, carryout	P		

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	4,000 sf	YARD SETBACK		
LOT WIDTH		PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	10 ft
at Building Setback Line	20 ft		A Front Yard, on Arterial Street	10 ft
at Street Line			B Side Yard	0 ft
			C Rear Yard	15 ft
HEIGHT		ACCESSORY STRUCTURE	D Front Yard	N/A
Principal Structure	40		E Side Yard	0 ft
Accessory Structure	25		F Rear Yard	5 ft
COVERAGE				
Building				
Impervious Surface	75%			



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**

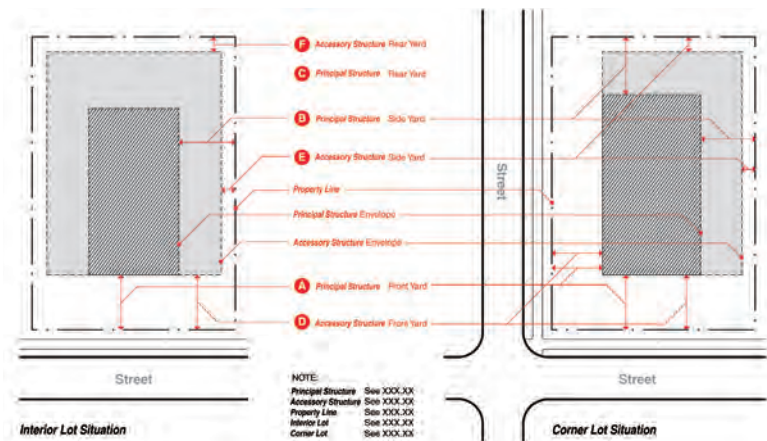




PRINCIPAL USES		Mixed use structure (retail and apartments)	P	Medical marijuana, dispensary	P	Day care home, group	P
Bed-and-breakfast	P	Motel	P	Municipal/government facility or use	P	Drive-thru facility	SE
Dwelling: apartment building	P	Office, business or professional	P	Park, private	P	Dwelling: accessory (ADU)	P
Dwelling: conversion apartment	SE	Office, medical or dental	P	Park, public	P	Electric vehicle charging station	P
Dwelling: single-family detached	SE	Personal service establishment	P	Place of worship/assembly	P	Emergency services	SE
Dwelling: townhouse	P	Radio/television studio	P	School, private	P	Essential services	P
Dwelling: two-family	P	Restaurant, sit down	P	School, public	P	Forestry	P
Traditional neighborhood development	SE	Restaurant, café	P	Trails	P	Galleries	P
Animal hospital or veterinary clinic	P	Restaurant, carryout	P	Forestry	P	Off-street parking/loading accessory non-residential uses	P
Bakery	P	Retail establishment	P	Nature preserve	P	Off-street parking/loading accessory to residential uses	P
Bank or financial institution	P	Short term rental	P	Recreation facility, private	P	Other accessory uses customarily incidental to principal use	P
Bar or tavern	P	Small scale grocery	P	Recreation facility, public	P	Satellite dish/antenna	SE
Brew pub	P	Small scale retail	P	Day care center, adult	P	Wineries/tasting facilities	SE
Business service establishment	P	Spa	P	Day care center, child	P		
		Studio or school for special training	P	Group home	P		
		Tasting rooms	P	Nursing home	P		

Home based business, no impact	P
Home based business, Other	P
Community center or library	P
Community garden	P
Day care center, adult	P
Day care center, child	P
Day care home, family	P

LOT SIZE	1,000 sf
LOT WIDTH	
at Building Setback Line	50 ft
at Street Line	
HEIGHT	
Principal Structure	40
Accessory Structure	
COVERAGE	
Building	
Impervious Surface	70%



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





# 15 City Downtown Mixed Use



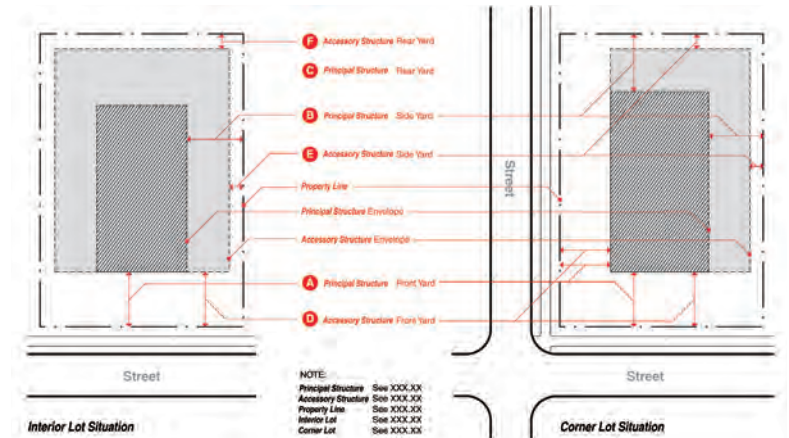
## PERMITTED USES

PRINCIPAL USES			
Bed-and-breakfast	P	Health/fitness club	P
Dwelling: apartment building	P	Hotel	P
Dwelling: conversion apartment	P	Mixed use structure (retail and apartments)	P
Dwelling: townhouse	P	Motel	P
Planned residential development	SE	Nightclub	P
Traditional neighborhood development	SE	Office, business or professional	P
Animal hospital or veterinary clinic	P	Office, medical or dental	P
Bakery	P	Personal service establishment	P
Bank or financial institution	P	Radio/television studio	P
Bar or tavern	P	Restaurant, sit down	P
Betting use	SE	Restaurant, café	P
Brew pub	P	Restaurant, carryout	P
Business service establishment	P	Retail establishment	P
BYOB club	SE	Short term rental	P
Commercial recreation facility, indoor	P	Small scale grocery	P
Commercial recreation facility, outdoor	P	Small scale retail	P
Conference center	P	Spa	P
Convenience store	SE	Studio or school for special training	P
Craftsman-artisan workshop	P	Tasting rooms	P
Drug store/pharmacy	SE	Tattoo parlor	P
Galleries	P	Theater	P
		Bus terminal	P
		Essential services	P
		College or university	P
		Community center or library	P
		Community garden	P
		Day care center, adult	P
		Cultural center or museum	P
		Emergency services	P
		Membership club, fraternity, or sorority	P
		Medical marijuana, dispensary	P
		Municipal/government facility or use	P
		Park, private	P
		Park, public	P
		Place or worship/assembly	P
		School, private	P
		School, public	P
		Trails	P
		Forestry	P
		Recreation facility, private	P
		Recreation facility, public	P
		Day care center, adult	P
		Day care center, child	P
		Group home	P
		Nursing home	P
		Home based business, no impact	P
		Home based business, other	P
		Community center or library	SE
		Community garden	P
		Day care center, adult	P
		Day care center, child	P
		Day care home, family	P
		Day care home, group	P
		Electric vehicle charging station	P
		Emergency services	SE
		Essential services	P
		Forestry	P
		Galleries	P
		Off-street parking/loading accessory non-residential uses	SE
		Other accessory uses customarily incidental to principal use	P
		Park, private	P
		Park, public	P
		Satellite dish/antenna	SE
		Sawmill	P
		School, private	SE
		School, public	SE
		Wineries/tasting facilities	P

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	750 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	8 ft		
at Street Line			
HEIGHT			
Principal Structure	180		
Accessory Structure			
COVERAGE			
Building			
Impervious Surface	100%		



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





# 17 Town-City Institutional



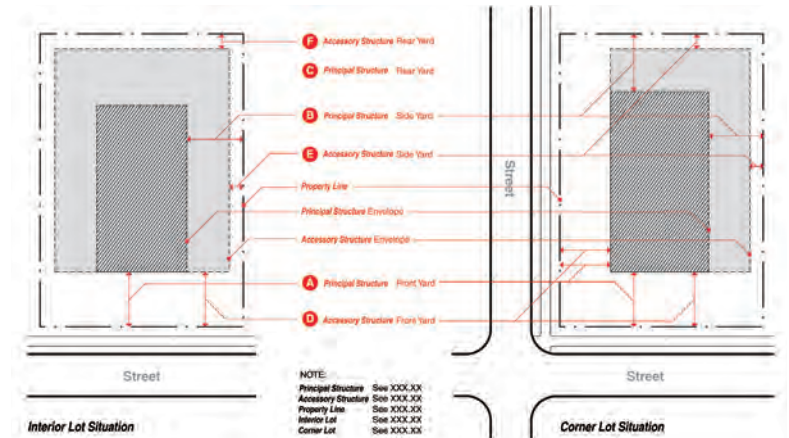
## PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
		Place or worship/assembly	P
		School, private	P
Boarding or lodging house	SE	School, public	P
Dwelling: apartment building	P	Trails	P
Dwelling: conversion apartment	SE	Forestry	P
Dwelling: single-family detached	P	Nature preserve	P
Dwelling: townhouse	P	Recreation facility, private	P
Dwelling: two-family	P	Recreation facility, public	P
Business service establishment	P	Day care center, adult	P
Commercial recreation facility, indoor	P	Day care center, child	P
Mixed use structure (retail and apartments)	P	Nursing home	P
Office, business or professional	P		
Office, medical or dental	P		
Urban agriculture	P		
Essential services	P		
College or university	P	Carport, garage, or shed	P
Community center or library	P	Dwelling: accessory (ADU)	C
Community garden	P	Home based business, no impact	P
Cultural center or museum	P	Cemetery	SE
Dormitory	P	Community center or library	P
Emergency services	P	Community garden	P
Hospital	SE	Crematorium	SE
Membership club, fraternity, or sorority	P	Day care center, adult	P
Municipal/government facility or use	P	Day care center, child	P
Park, Private	P	Day care home, family	P
Park, Public	P	Day care home, group	P
		Dormitory	P
		Electric vehicle charging station	P
		Emergency services	SE
		Essential services	P
		Forestry	P
		Mausoleum	SE
		Off-street parking/loading accessory non-residential uses	P
		Other accessory uses customarily incidental to principal use	P
		Park, private	P
		Park, public	P
		Satellite dish/antenna	SE
		Sawmill	P
		School, private	P
		School, public	P
		Stables	P
		Urban agriculture	P

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	40,000 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	100 ft		
at Street Line			
HEIGHT			
Principal Structure	45		
Accessory Structure			
COVERAGE			
Building	%		
Impervious Surface	90%		



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





# 18 Civic



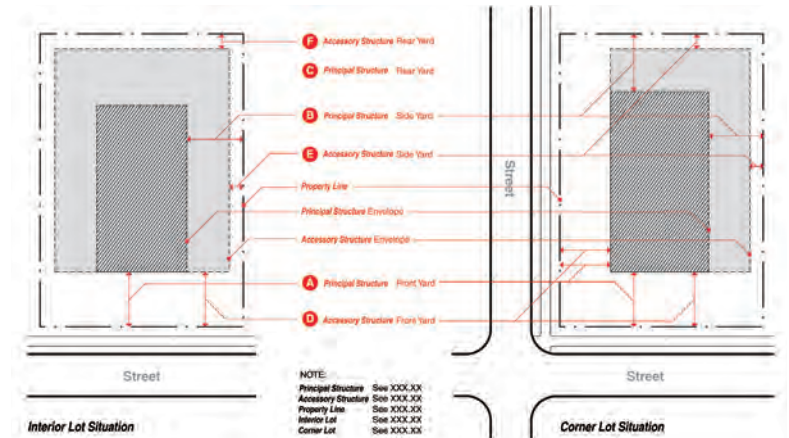
## PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Mixed use structure (retail and apartments)	P	Carport, garage, or shed	P
Office, medical or dental	P	Dwelling: accessory (ADU)	SE
Essential services	P	Home based business, no impact	P
Heliport	SE	Cemetery	SE
Community garden	P	Community center or library	P
Cultural center or museum	P	Community garden	P
Emergency services	P	Crematorium	SE
Hospital	P	Day care center, adult	P
Municipal/government facility or use	P	Day care center, child	P
Park, private	P	Day care home, family	P
Park, public	P	Day care home, group	P
Place of worship/assembly	P	Dormitory	P
School, private	P	Electric vehicle charging station	P
School, public	P	Emergency services	SE
Trails	P	Essential services	P
Forestry	P	Forestry	P
Nature preserve	P	Heliport	SE
Assisted living facility	P	Mausoleum	SE
Day care center, adult	P	Off-street parking/loading accessory non-residential uses	P
Day care center, child	P	Other accessory uses customarily incidental to principal use	P
Nursing home	P	Park, private	P
Personal care home	P	Park, public	P
Treatment center	SE	Satellite dish/antenna	SE

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	40,000 sf	YARD SETBACK	
LOT WIDTH		<b>A</b> Front Yard, on Local/Collector Street	10 ft
at Building Setback Line	100 ft	<b>A</b> Front Yard, on Arterial Street	10 ft
at Street Line		<b>B</b> Side Yard	10 ft
HEIGHT		<b>C</b> Rear Yard	10 ft
Principal Structure	100		
Accessory Structure			
COVERAGE			
Building	%		
Impervious Surface	90%		



## PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





# 19 Highway Commercial



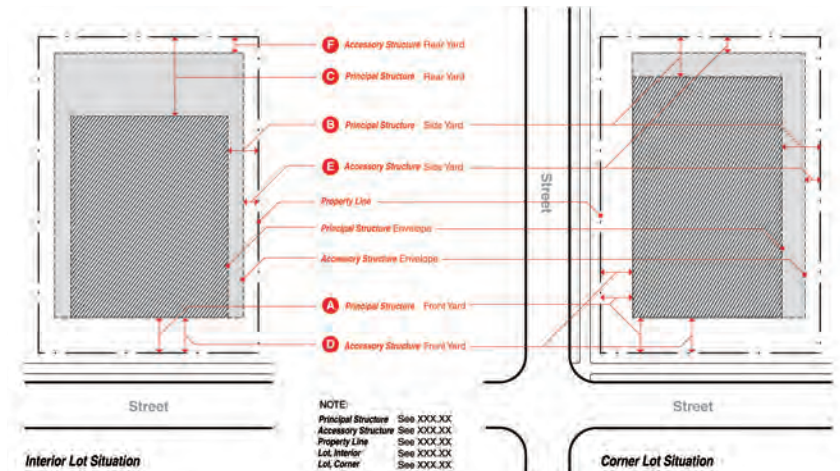
## PERMITTED USES

PRINCIPAL USES					
Hotel	P	Manufacturing, light	SE	Group care facility	P
Bed-and-breakfast	P	Kennel	SE	Medical marijuana, dispensary	P
Dwelling: single-family detached	SE	Landscape/nursery, retail	P	Recycling, small scale	SE
Animal hospital or veterinary clinic	P	Laundromat/dry cleaners	P	Research and development facility	P
Bakery	P	Mixed use structure (retail and apartments)	P	Warehouse	P
Bank or financial institution	P	Motel	P	Wholesale establishment	P
Bar or tavern	P	Nightclub	SE	Essential services	P
Betting use	P	Office, business or professional	P	Wireless communications facility	SE
Brew Pub	P	Office, medical or dental	P	College or university	SE
Building, contracting, or related business	P	Personal service establishment	P	Community center or library	P
Business service establishment	P	Radio/television studio	P	Community garden	P
BYOB club	P	Restaurant, sit down	P	Cultural center or museum	P
Car or truck wash	P	Restaurant, café	P	Emergency services	P
Commercial recreation facility, indoor	P	Restaurant, carryout	P	Membership club, fraternity, or sorority	P
Commercial recreation facility, large-scale/intensive	P	Restaurant, drive through/drive-in	P	Municipal/government facility or use	P
Commercial recreation facility, outdoor	P	Retail establishment	P	Park, private	P
Conference center	P	School, commercial	P	Park, public	P
Convenience store	P	Shooting/archery range, indoor	P	Place of worship/assembly	P
Craftsman-artisan workshop	P	Shopping center or mall	P	School, private	P
Crematorium	P	Short term rental	P	School, public	P
Drug store/pharmacy	P	Small scale grocery	P	Trails	P
Flea market	P	Small scale retail	P	Forestry	P
Funeral home	P	Spa	P	Golf, miniature	P
Galleries	P	Studio or school for special training	P	Nature preserve	P
Gasoline service station	P	Tasting rooms	P	Recreation facility, private	P
Grocery store	P	Tattoo parlor	P	Recreation facility, public	P
Hardware Store	P	Theater	P	Assisted living facility	P
Health/fitness club	P	Vehicle or equipment sales	SE	Day care center, adult	P
		Vehicle repair garage	SE	Day care center, child	P

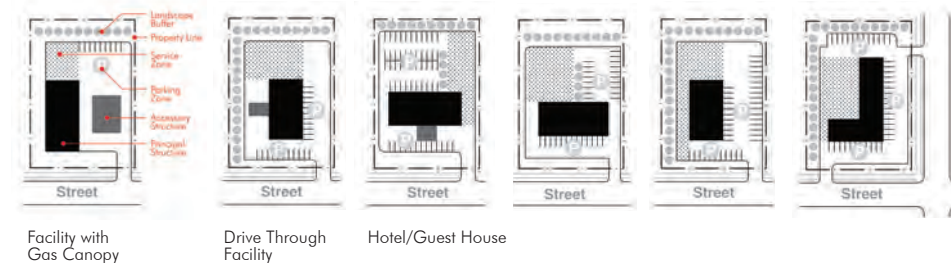
P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

## LOT DIMENSIONS STANDARDS

LOT SIZE	5,000 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	50 ft	<b>A</b> Front Yard, on Local/Collector Street	10 ft
at Street Line		<b>A</b> Front Yard, on Arterial Street	10 ft
HEIGHT		<b>B</b> Side Yard	5 ft
Principal Structure	50	<b>C</b> Rear Yard	10 ft
Accessory Structure			
COVERAGE			
Building			
Impervious Surface	60%		

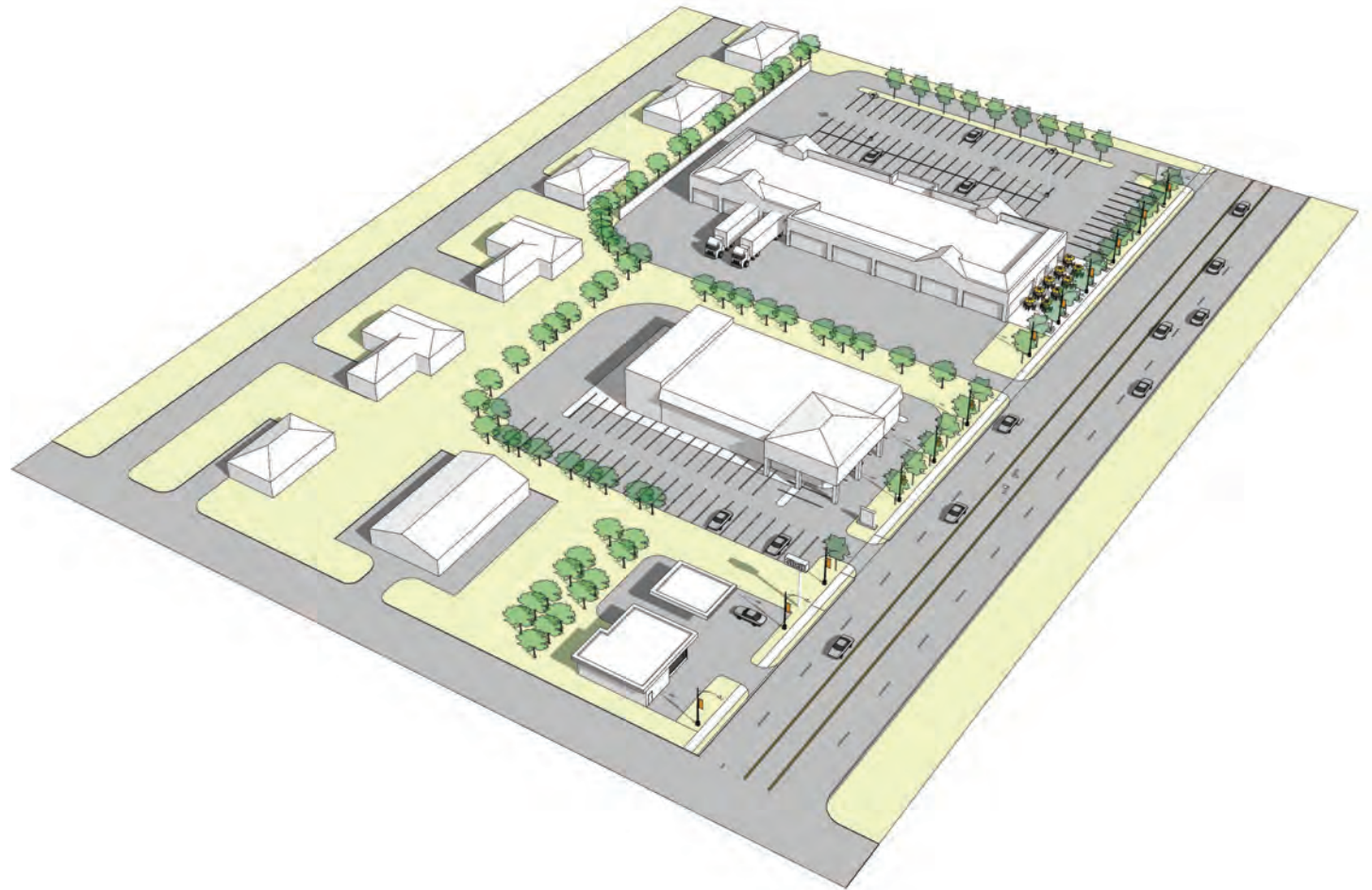


## PREFERRED LOT CONFIGURATIONS





**PUBLIC REALM STANDARDS**





## 20 Planned Commercial



### PERMITTED USES

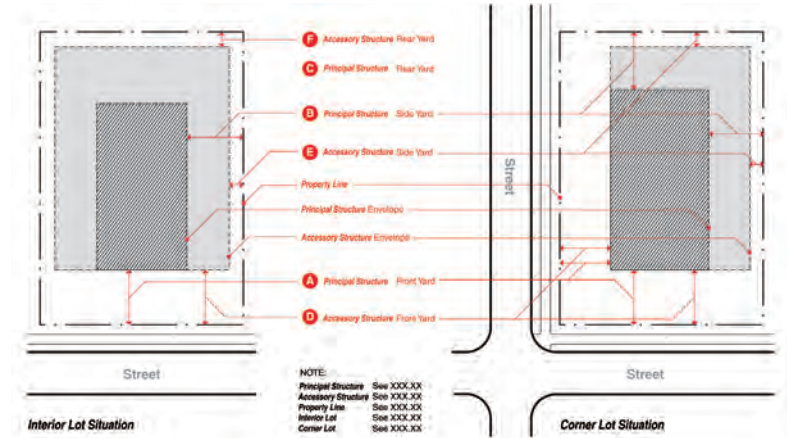
PRINCIPAL USES		ACCESSORY USES	
Business service establishment	P	Accessory food operations	P
Hotel	P	Community center or library	P
Office, business or professional	P	Day care center, adult	P
Office, medical or dental	P	Day care center, child	P
Personal service establishment	P	Day care home, family	P
Radio/television studio	P	Day care home, group	P
Restaurant, sit down	P	Drive-thru facility	SE
Restaurant, drive through/drive-in	P	Electric vehicle charging station	P
Research and development facility	P	Emergency services	P
Essential services	P	Essential services	P
Wireless communications facility	SE	Forestry	P
Community center or library	P	Greenhouse/nursery	P
Community garden	P	Off-street parking/loading accessory non-residential uses	P
Emergency services	P	Other accessory uses customarily incidental to principal use	P
Municipal/government facility or use	P	Satellite dish/antenna	SE
Park, private	P	Silos	P
Park, public	P	Wineries/tasting facilities	SE
Place of worship/assembly	P		
School, private	P		
School, public	P		
Trails	P		
Forestry	P		
Nature preserve	P		
Day care center, child	P		

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	10,000 sf	YARD SETBACK	
LOT WIDTH	at Building Setback Line	100 ft	
	at Street Line		
HEIGHT			
Principal Structure		50	
Accessory Structure			
COVERAGE			
Building			
Impervious Surface		60%	

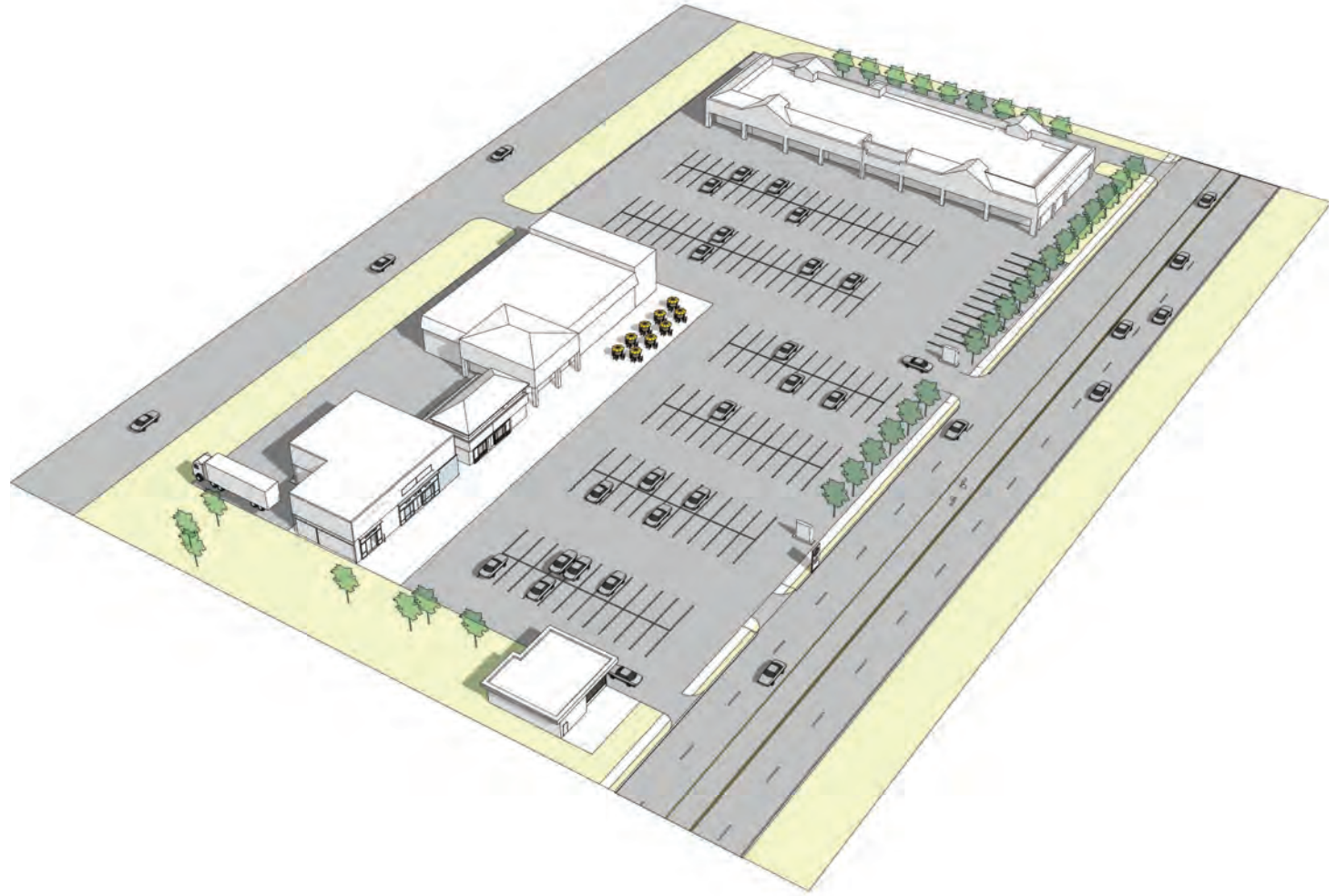
PRINCIPAL STRUCTURE	A	Front Yard, on Local/Collector Street	10 ft
	A	Front Yard, on Arterial Street	10 ft
	B	Side Yard	5 ft
	C	Rear Yard	10 ft



### PREFERRED LOT CONFIGURATIONS



**PUBLIC REALM CHARACTER**





## 21 Commercial Industrial



### PERMITTED USES

PRINCIPAL USES					
Animal hospital or veterinary clinic	P	Office, business or professional	P	Riding academy and stables	P
Bank or financial institution	P	Office, medical or dental	P	Airport	SE
Bar or tavern	P	Personal service establishment	P	Essential services	P
Betting use	P	Radio/television studio	P	Truck/freight terminal	SE
Billboard, on its own lot	SE	Restaurant, sit down	P	Wastewater treatment plant	SE
Building, contracting, or related business	P	Restaurant, café	P	Wireless communications facility	SE
Business service establishment	P	Restaurant, carryout	P	College or university	P
BYOB club	P	Self-storage facility	P	Community center or library	P
Car or truck wash	P	Shooting/archery range, indoor	P	Community garden	P
Commercial recreation facility, indoor	P	Shooting/archery range, outdoor	P	Cultural center or museum	P
Commercial recreation facility, large-scale/intensive	P	Tattoo parlor	P	Emergency services	P
Commercial recreation facility, outdoor	P	Vehicle or equipment sales	P	Membership club, fraternity, or sorority	P
Conference center	P	Vehicle repair garage	P	Municipal/government facility or use	P
Craftsman-artisan workshop	P	Bulk fuel storage facility	SE	Park, private	P
Crematorium	P	Distribution center	P	Park, public	P
Drug store/pharmacy	P	Lumberyard	P	Place or worship/assembly	P
Flea market	P	Manufacturing, light	P	School, private	P
Funeral home	P	Medical Marijuana, dispensary	P	School, public	P
Gasoline service station	P	Recycling, small scale	P	Trails	P
Hotel	P	Research and development facility	P	Campground or recreational vehicle park	P
Kennel	P	Warehouse	P	Forestry	P
Motel	P	Wholesale establishment	P	Golf, miniature	P
Nightclub	P	Crop farming	P	Nature preserve	P
		Raising of livestock, small-scale	SE	Recreation facility, private	P
				Recreation facility, public	P
				Day care center, adult	P
				Nursing home	P

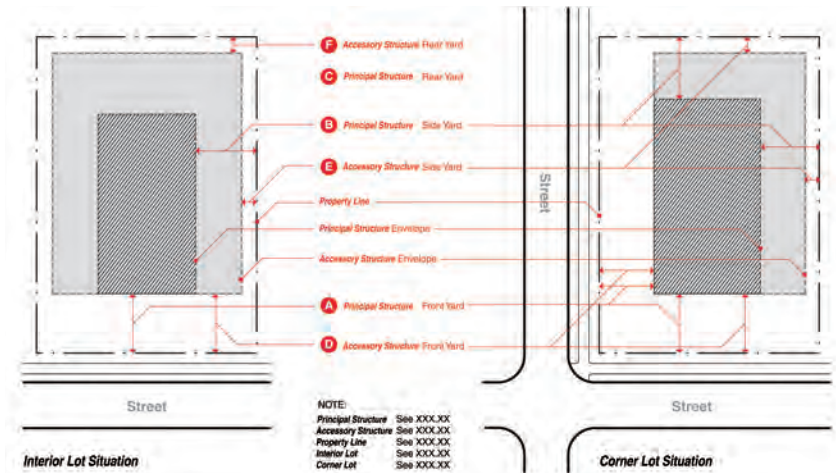
P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

### ACCESSORY USES

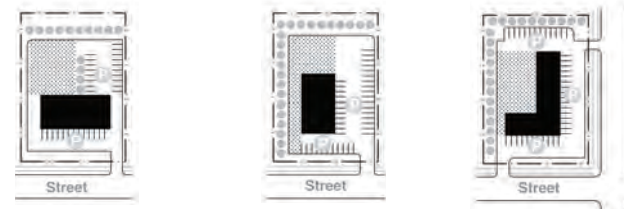
Accessory food operations	P
Car or truck wash	P
Craftsman-artisan workshop	P
Day care center, adult	P
Day care center, child	P
Day care home, family	P
Day care home, group	P
Drive-thru facility	P
Dwelling: accessory (ADU)	P
Electric vehicle charging station	P
Essential services	P
Forestry	P
Greenhouse/nursery	P
Off-street parking/loading accessory non-residential uses	P
Other accessory uses customarily incidental to principal use	P
Outdoor storage of goods	P
Satellite dish/antenna	P
Silos	P
Wineries/tasting facilities	SE

### LOT DIMENSIONS STANDARDS

LOT SIZE	20,000 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	75 ft		
at Street Line			
HEIGHT			
Principal Structure	100		
Accessory Structure			
COVERAGE			
Building			
Impervious Surface	60%		

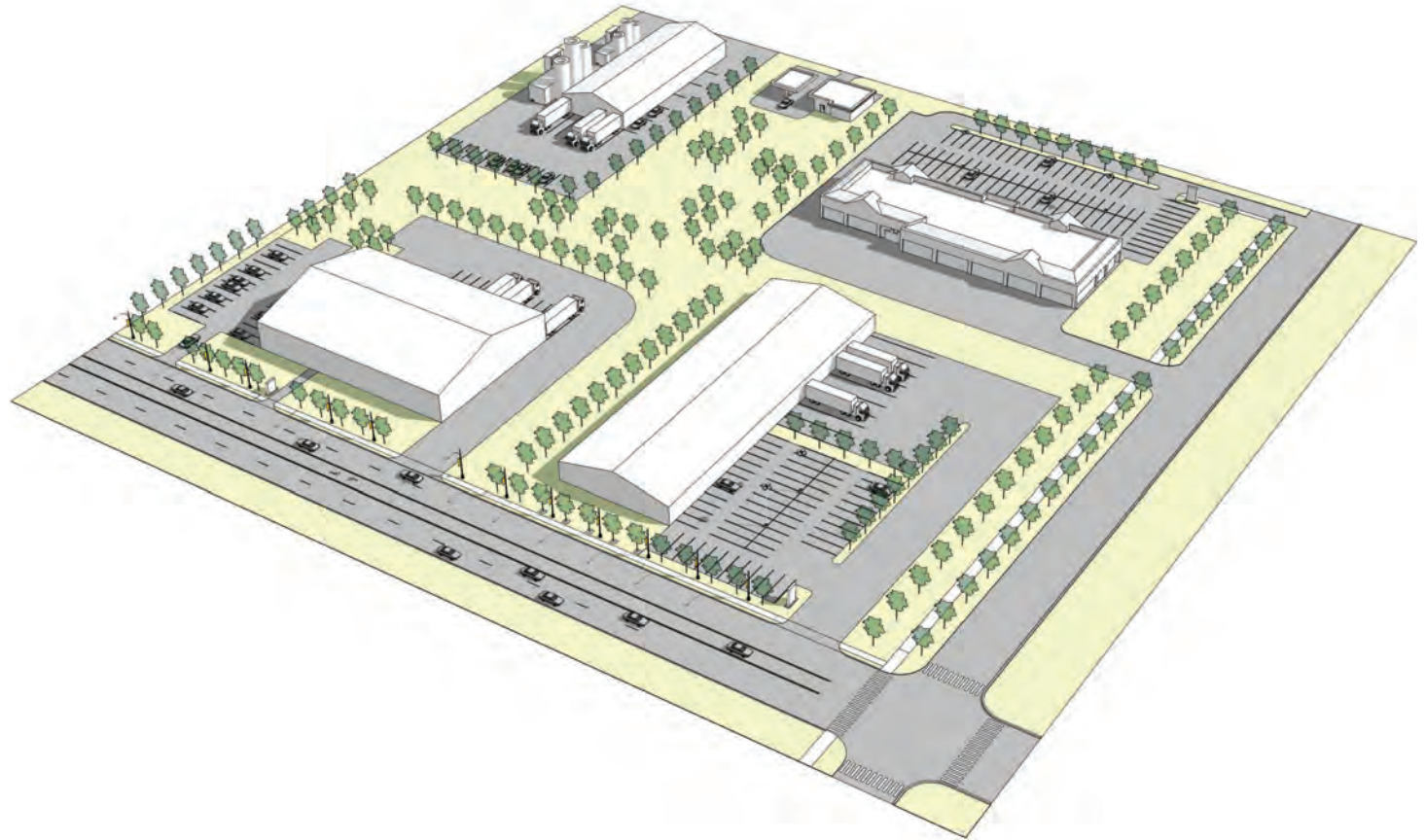


### PREFERRED LOT CONFIGURATIONS





## PUBLIC REALM STANDARDS





## 22 Light Industrial



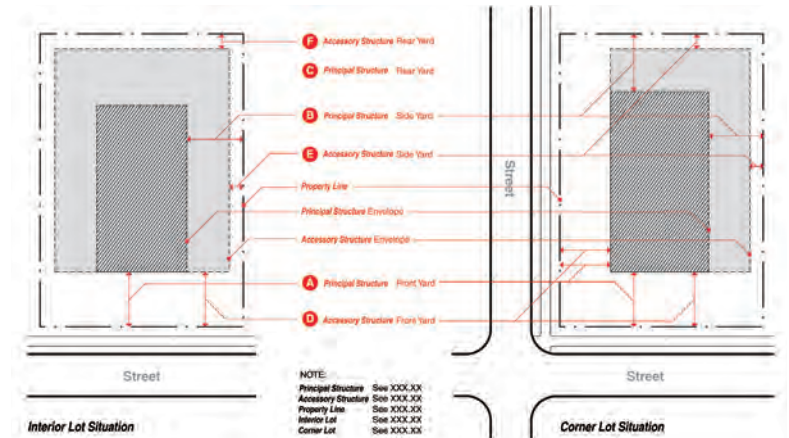
### PERMITTED USES

PRINCIPAL USES		School, commercial	P	ACCESSORY USES	
Animal hospital or veterinary clinic	P	Self-storage facility	P	Accessory food operations	P
Bakery	P	Shooting/archery range, indoor	P	Car or truck wash	P
Billboard, on its own lot	SE	Vehicle or equipment sales	P	Craftsman-artisan workshop	P
Brewery	P	Vehicle repair garage	P	Day care center, adult	P
Building, contracting, or related business	P	Distribution center	P	Day care center, child	P
Business service establishment	P	Industrial park	P	Day care home, family	P
Car or truck wash	P	Junkyard	SE	Day care home, group	P
Commercial recreation facility, indoor	P	Lumberyard	P	Dwelling: accessory (ADU)	P
Commercial recreation facility, large-scale/intensive	P	Manufacturing, light	P	Electric vehicle charging station	P
Commercial recreation facility, outdoor	P	Medical marijuana, grower	P	Essential services	P
Convenience store	P	Recycling, small scale	P	Forestry	P
Craftsman-artisan workshop	P	Research and development facility	P	Greenhouse/bursery	P
Crematorium	P	Warehouse	P	Heliport	SE
Farmers market	P	Wholesale establishment	P	Off-street parking/loading accessory non-residential uses	P
Flea market	P	Bus terminal	P	Other accessory uses customarily incidental to principal use	P
Funeral home	P	Essential services	P	Outdoor storage of goods	P
Gasoline service station	P	Truck/freight terminal	P	Satellite dish/antenna	P
Kennel	P	Wireless communications facility	P	Silos	P
Landscape/nursery, retail	P	Group care facility	P	Urban agriculture	P
Laundromat/dry cleaners	P	Emergency services	P	Waste-to-energy facility	C
Office, business or professional	P	Municipal/government facility or use	P		
Office, medical or dental	P	Park, private	P		
Personal service establishment	P	Park, public	P		
Radio/television studio	P	Place or worship/assembly	P		
		Trails	P		
		Forestry	P		
		Nature preserve	P		
		Community garden	P		

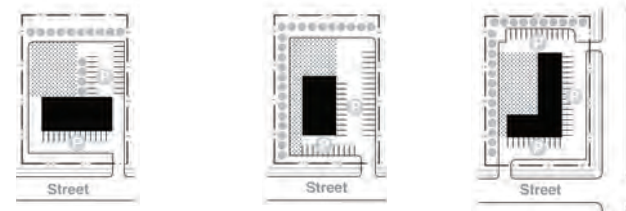
P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

### LOT DIMENSIONS STANDARDS

LOT SIZE	5,000 sf	YARD SETBACK	
LOT WIDTH			
at Building Setback Line	50 ft		
at Street Line			
HEIGHT			
Principal Structure	50		
Accessory Structure			
COVERAGE			
Building			
Impervious Surface	60%		

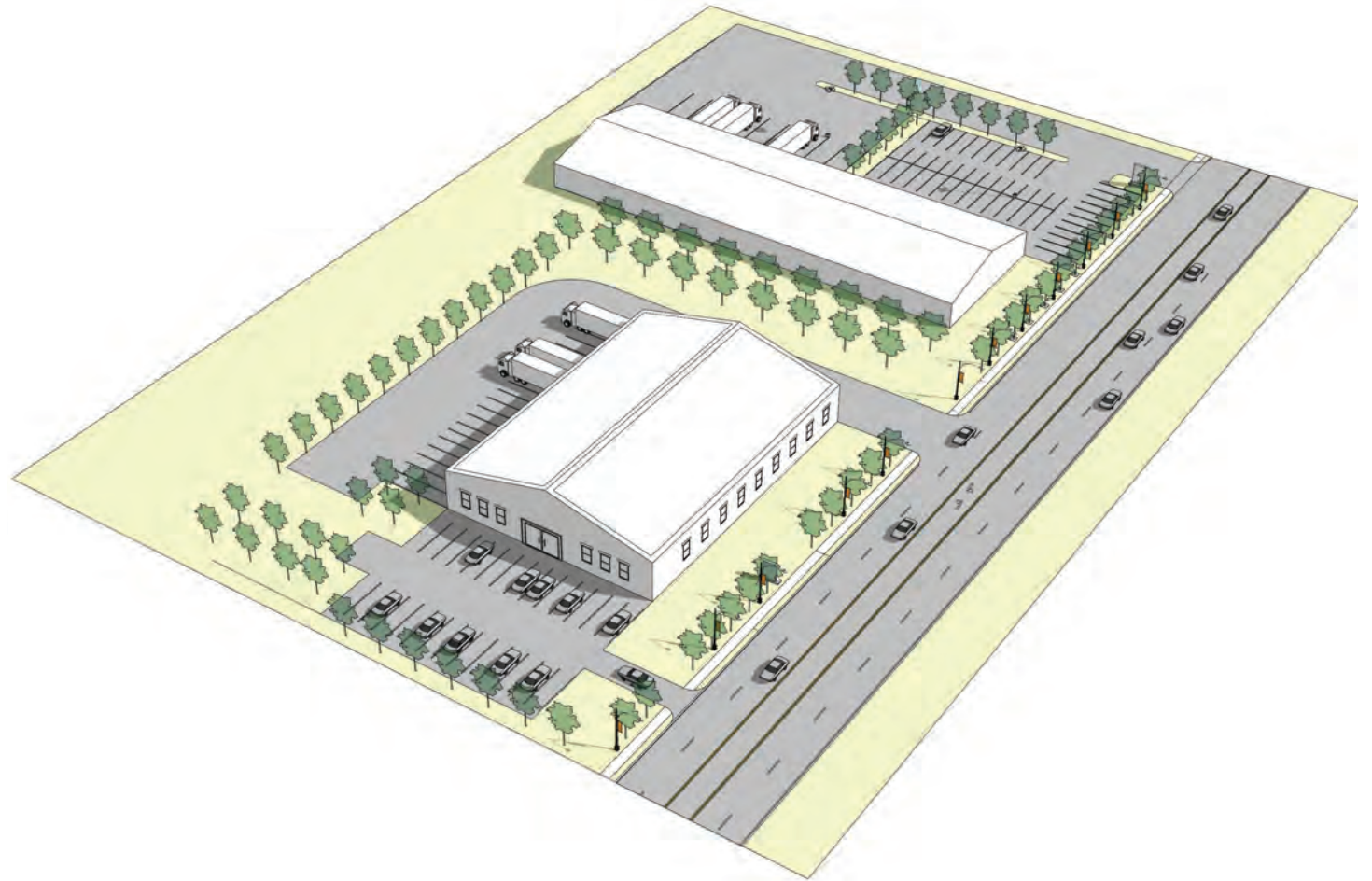


### PREFERRED LOT CONFIGURATIONS





## PUBLIC REALM STANDARDS





## ARTICLE 4 Overlay Regulations

### Section 4.1 – Access Management Overlay

#### A. Purpose.

The Access Management Overlay requirements are intended to provide land use and development controls along specified high-traffic corridors, including U.S. Route 6 and U.S. Route 11, as an overlay that is supplemental to the underlying zoning district regulations. If a conflict exists between the regulations of this Section and the underlying zoning district regulations, the more restrictive requirements shall apply. All land designated herein as part of the Access Management Overlay shall be subject to the requirements of this Section regardless of which underlying zoning district said land is located.

#### B. Provisions.

##### 1. Interconnection of Off-Street Parking Areas.

To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels, via internal access drives. The intent is to provide secondary points of access in a grid pattern in the Access Management Overlay. Where a parking area is constructed and is adjacent to an undeveloped nonresidential parcel, the access drive shall be extended to the lot line for connection by future uses.

##### 2. Reduction of Access Points.

- a. The use of shared access points is strongly recommended. Where possible, two adjacent lots may share ingress and egress points to serve both uses rather than solely the use on the lot where the ingress/egress point is located. This model will decrease the number of curb cuts and create safer and more efficient arterial streets within the Access Management Overlay.
- b. When adjacent lots are consolidated, only one (1) access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one retained shall be abandoned.
- c. The provision of joint access shall be subject to the creation of an easement with the deed allowing cross-access between the two lots. The joint access arrangements shall include a recorded joint agreement with the deed defining the maintenance responsibilities of each of the property owners served by the access road.

##### 3. Access to Different Types of Streets.

- a. Access to lots abutting collector and local streets shall be provided from those streets. Such lots shall not be permitted to have more than one (1) access point from and onto an arterial street per 500 feet of lot frontage.



- b. Each lot with less than 250 feet of frontage on an arterial street within the Access Management Overlay shall have not more than one (1) access point from and onto such street involving left-hand turns, and no lot with 250 or more feet of total frontage on an arterial street shall have more than two (2) access points from and onto such street involving left-hand turns. If a lot has more than one (1) access point, the separation distance between access points should be maximized and in no case shall be under 100 feet, where reasonable considering other traffic safety concerns.
  - c. The minimum distance to be provided between access points and a street intersection on the same and/or opposite side of the following types of streets (as measured from center line to center line) shall be provided as follows:
    - (1) From an intersection with an arterial street: 300 feet required;
    - (2) From an intersection with a collector street: 200 feet required; and
    - (3) From an intersection with a local street: 100 feet required.
4. Large-Scale Developments.
- Developments consisting of three (3) or more principal structures shall make use of a carefully coordinated interior street system, subject to the following provisions:
- a. Each principal building shall have its main vehicle access onto a common parking lot, access drive, service road, marginal access street, or other alternative method approved by the City, which shall then provide access to arterial or collector streets.
  - b. Vehicle access shall be provided to each use without causing congestion to, hazards upon or interference with traffic movement on public streets.
  - c. All access to outparcels of a development shall be provided using internal access drives. Separate access to outparcels from arterial streets shall be prohibited.

#### **Section 4.2 – Floodplain Overlay**

Regulations regarding floodplains as required by the Commonwealth of Pennsylvania and Lackawanna County shall apply to lands within the City. Refer to the any and all applicable ordinances as updated by the City, including but not limited to the City's flood plain management ordinance. (See File of Council #16, 2020, not intended to be repealed by this Ordinance)



### Section 4.3 – Airport Hazard Overlay

A. Purpose.

The purpose of the Airport Hazard Overlay is to designate an area that considers safety issues around Wilkes-Barre/Scranton International Airport and to address requirements of the Pennsylvania State Aviation Code and Federal Aviation Regulation No. 77 limiting building and structural height in “airport hazard areas.” These height restrictions are designed to prevent any encroaching that would interfere with or obstruct normal airplane approaches or airport operations. Such interference or obstruction would pose a threat to the health, safety, welfare, and convenience to residents of the City of Scranton as well as passengers aboard aircraft. The Airport Hazard Overlay is used to impose needed height restrictions as a zoning overlay, thereby enhancing public safety.

B. Extent of the Airport Hazard Overlay.

The land and airspace covered by the Airport Hazard Overlay are described in Subsection D.1 and shall directly correspond to such primary, approach, transitional, horizontal, and conical zones bound by the green lines depicted on the Part 77 Surface Overlay map for Wilkes-Barre/Scranton International Airport as attached to this Ordinance and also available from the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation. If any doubt exists as to the extent of the Airport Hazard Overlay over a particular lot or portion of a lot, the provisions of the Airport Hazard Overlay shall apply.

C. Relation to Other Activities and Zoning Districts.

The Airport Hazard Overlay is an overlay district that only regulates the height of buildings and structures. The underlying zoning district shall prescribe all other zoning-related standards and uses imposed upon any lands within the City of Scranton. In those instances where the Airport Hazard Overlay prescribes a maximum height limitation more restrictive than that specified elsewhere in this Ordinance, the more restrictive standard shall apply. The Airport Hazard Overlay shall not modify the boundaries of any underlying zoning district.

D. Use Regulations.

1. Maximum Height Permitted.

The maximum permitted height of a proposed building, structure, object, or alteration of land shall be equivalent to the vertical height from the ground surface to the slope of the relevant approach zone as calculated below, or the maximum permitted height in the underlying zoning district, whichever is lower.

- a. Visual Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. Nonprecision Instrument Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.



- c. Visual Larger-Than-Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- d. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum Greater than 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- e. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum As Low As 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- f. Precision Instrument Runway Approach Zone – slopes 50 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each one (1) foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- g. Heliport Approach Zone – slopes eight (8) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
- h. Transitional Zones – slopes seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation (961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport). In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
- i. Heliport Transitional Zones – slope two (2) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90-degree angles to the primary surface centerline and heliport approach zone centerline.
- j. Horizontal Zone – established at 150 feet above the airport elevation (961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport).
- k. Conical Zone – slopes 20 feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation



(961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport) and extending to a height of 350 feet above the airport elevation.

2. Other Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water in such a manner as to create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft.

E. Zoning Permit Requirements.

1. A zoning permit shall be required for the proposed erection, extension, or alteration of any structure or portion thereof or any object (natural or manmade), within the Airport Hazard Overlay.
2. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for the zoning permit to determine if all other necessary government permits required by state and federal laws have been obtained.
3. Prior to applying for a zoning permit and at least 30 days prior to commencing the permit action, the applicant shall notify the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal. The Bureau of Aviation's response must be included with the zoning permit application for it to be considered complete.
4. If the Bureau of Aviation returns a determination of penetration of airspace, the applicant may seek a variance from the regulations by filing an appeal, as prescribed in Subsection F.

F. Variances.

1. Variance requests shall be made on the forms provided by the City and shall be in accordance with § 910.2 of the Pennsylvania Municipalities Planning Code (MPC) and Section 10.3 of this Ordinance.
2. All requests for a variance shall include documentation in compliance with Federal Regulation Title 14 Part 77 Subpart B (FAA Form 7460-1, as amended or replaced).
3. Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In particular, the Zoning Hearing Board shall consider which of the following determination categories the FAA has placed the proposed erection, extension, or alteration in:



- a. No Objection – the subject construction/alteration is determined not (to) exceed obstruction standards and marking/lighting is not required to mitigate potential hazard;
    - b. Conditional Determination – the proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated; or
    - c. Objectionable – the proposed construction/alteration is determined to be a hazard and is thus objectionable.
  - 4. Any variance or zoning permit granted pursuant to the provisions of this Subsection may be conditioned, according to the process described herein, to require the owner of the building, structure, or natural growth in question or the person requesting the variance to install, operate, and maintain such marking or lighting as deemed necessary to assure both air and ground safety.
- G. Violations, Penalties, and Remedies.

Violations, penalties, and remedies shall be subject to the provisions of Section 11.4.



## ARTICLE 5

### Supplementary Regulations

#### Section 5.1 – Requirements for All Uses

##### A. Application of District Regulations.

1. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
2. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
3. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
4. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
5. 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.
6. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

##### B. Buffers and Setbacks Across Municipal Boundaries.

If a lot, use, or structure extends across municipal boundaries, the buffer yard and setback requirements of this Ordinance shall still apply.

##### C. Annexed Territory.

All territory which may hereafter be annexed by the City shall be automatically included in the district which most nearly corresponds to the zoning classification of the land at the time of annexation, unless otherwise specified in the ordinance of annexation.

#### Section 5.2 – Deviations from Dimensional Requirements

##### A. Lot Size Reduction.



No lot shall be reduced in size or otherwise altered so that any nonconformity with this Ordinance or any other applicable ordinances shall be created. This Section, however, shall not prohibit lot size reductions when such reduction is the result of conveying a portion of a lot to a government, government agency, or public utility for public purposes in an easement or a taking.

**B. Permitted Encroachments in Required Yard Areas.**

The following encroachments are permitted in required yard areas (excluding buffer areas), provided that they do not cause the maximum impervious surface area or lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district or are required by law for the purpose of public safety:

1. Light fixtures, other than lighting poles for recreational uses;
2. Sidewalks or walkways on grade;
3. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure or when required by law;
4. Handrails along sidewalk or walkway steps;
5. Access drives;
6. Except in required Front Yard, parking spaces for dwellings having three (3) or fewer dwelling units or for uses and/or districts otherwise exempted by this Ordinance;
7. Roof overhangs, egress window wells and doors, HVAC equipment, and emergency power generators, up to a maximum dimension of two (2) feet measured horizontally;
8. Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations specified in Subsection C;
9. Vegetation, including trees, landscaping, and vegetative buffering, provided that a clear sight triangle is maintained at intersections of public rights-of-way and/or public rights-of-way with private driveways;
10. Landscaping materials, excluding patios, decks, and porches not otherwise exempted by this Ordinance;
11. Outdoor seating areas may be permitted under other regulations of the City of Scranton;
12. Awnings and canopies specifically permitted under the provisions of this Ordinance;
13. Decorative lawn ornaments and walls not exceeding 32 inches in height;
14. Bird feeders;



15. Stormwater management facilities not designed to retain a permanent standing pool of water;
16. Traffic control devices required by a government or government agency;
17. Structures required for maintaining the safe passage of vehicular or pedestrian traffic;
18. Utility structures not exceeding seven (7) feet in height, including emergency call stations, other than wireless communication facilities;
19. Railroad sidings;
20. Public transit stops involving surface improvements and shelters;
21. Containers for the collection by municipal authorities of residential solid waste, recyclables, or compost;
22. Functional rain barrels holding less than 65 gallons that are connected to a roof downspout system of a building or structure; and
23. Public bicycle racks, benches, planters, and similar public street furniture.

**C. Maximum Height Exceptions.**

1. The following structures, when erected with a principal or accessory building roof, may exceed the permitted height of the associated building by 50%, provided that in no situation shall structures associated with buildings of 100 feet in height or taller extend 25 feet vertically beyond the roof of the associated building:
  - a. Chimneys;
  - b. Spires;
  - c. Belfries, steeples, minarets, and other similar structures associated with places of worship/assembly;
  - d. Cupolas and domes;
  - e. Silos associated with agricultural uses;
  - f. Flagpoles;
  - g. Utility poles, masts, and towers;
  - h. Antennas, other than satellite antennas and antennas associated with wireless communication facilities;
  - i. Skylights;
  - j. Tanks; and



- k. Penthouses for housing mechanical equipment.
- 2. The following freestanding structures are permitted to exceed the maximum height limitations specified in this Ordinance:
  - a. Utility poles, masts, and towers associated with a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, when found by the Zoning Hearing Board to not adversely affect public health, safety, and welfare or the use and value of adjacent lots and when the applicant can demonstrate a public need for such structures that cannot be accommodated if the structures were not constructed to exceed the maximum height limitations of the underlying zoning district; and
  - b. Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district by greater than 25 feet.

### **Section 5.3 – Stormwater Management**

All stormwater management regulations as required by the Commonwealth of Pennsylvania apply to lands within the City. Refer to the any and all applicable ordinances as updated by the City, including but not limited to the City's Subdivision & Land Development and stormwater management ordinances.

### **Section 5.4 – Grading and Erosion Control**

All grading and erosion control regulations as required by the Commonwealth of Pennsylvania apply to lands within the City. Refer to the any and all applicable ordinances as updated by the City, including but not limited to the City's Subdivision & Land Development and storm water management ordinances.

### **Section 5.5 – Slope Control**

All slope control regulations as required by the Commonwealth of Pennsylvania apply to lands within the City. Refer to the any and all applicable ordinances as updated by the City, including but not limited to the City's Subdivision & Land Development and storm water management ordinances.

### **Section 5.6 – Buffer Areas and Screening**

#### **A. Applicability.**

- 1. Nonresidential Uses Abutting Residential Uses or Districts.
  - a. When a nonresidential use is established which abuts a Residential District or a residential use, a landscaped buffer shall be established on the site of the nonresidential use immediately adjacent to and parallel to the residential use.



- b. The nature of the buffer area(s) permitted for the nonresidential use is specific to the zoning district of the use but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.
  - c. When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.
- 2. Parking Lots Abutting Public Streets.
  - a. When a parking lot containing five (5) or more parking spaces abuts a public street right-of-way, a landscaped Class C buffer area shall be established in the yard setback area between the parking lot and the public street.
  - b. When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.

**B. Buffer Area Classes.**

The following classes of buffer areas are hereby established and shall be applied as follows:

- 1. Class A Buffer Area: Required when an industrial, manufacturing, industrial-outdoor storage yard, junkyard, or loading dock for tractor-trailer use is involved.
  - a. The depth shall be dependent on the yard requirement for the zoning district but shall not be less than 25 feet.
  - b. The buffer area shall consist of an earthen berm between three (3) feet and seven (7) feet high, with slopes not greater than three (3) feet horizontal to one (1) foot vertical.
  - c. The buffer area shall include the following density of trees and shrubs located on the top or street side of such berm, per 100 linear feet of buffer area:
    - (1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and
    - (2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.
- 2. Class B Buffer Area: Required for all other uses when the yard requirement is more than five (5) feet.
  - a. The depth shall be dependent on the yard requirement of the zoning district but shall not be less than five (5) feet.
  - b. The buffer area shall the following density of trees and shrubs, per 100 linear feet of buffer area:
    - (1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and



- (2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.
    - c. In lieu of a buffer area with trees, an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8 and/or a decorative or retaining wall of up to four (4) feet in height may be utilized together with the shrub requirements found in Subsection B.
  - 3. Class C Buffer Area: Required for all other uses when the yard requirement is less than five (5) feet or for parking lots with five (5) or more vehicles.
    - a. This buffer area class shall apply to situations in which the minimum yard requirement of the zoning district is less than five (5) feet, if applicable.
    - b. The buffer area shall include an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8.
    - c. If 5 or more parking spaces face the buffer area, a continuous row of evergreen shrubs shall be planted alongside the fence to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of motor vehicles.
- C. Buffer Area Planting Requirements.
- 1. All plantings within buffer areas shall be adhere to the following measurements at the time of installation:
    - a. Deciduous shade trees shall have a minimum trunk diameter of two (2) inches, as measured six (6) inches above the ground.
    - b. Evergreen trees shall be at least six (6) feet tall.



- c. Shrubs shall be at least two (2) feet in height.
  - 2. Trees, shrubs, and groundcovers shall be planted in accordance with accepted conservation practices.
- D. Existing Trees in Buffer Areas.
- 1. Where trees of a minimum of two (2) inches in trunk diameter measured six (6) inches about the root collar already exist within a required buffer area, such trees shall remain undisturbed, except that diseased or dead material may be removed.
  - 2. Healthy existing trees retained within a buffer area may be credited toward buffer area requirements when such trees are shown on approved plans and are adequately protected during construction.
- E. Maintenance and Protection of Buffer Areas.
- 1. All required landscape buffer areas, including plantings and fences, shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops, or other features separating the buffer area from the areas improved for vehicle parking or circulation.
  - 2. It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace diseased or dead landscaping. Fences must also be continually maintained and replaced when damaged. Failure to replace required landscaping or fencing shall be a violation of this Ordinance and shall be subject to the enforcement provisions in Article 11 and in any other applicable ordinance.

## **Section 5.7 – Landscaping and Tree Preservation**

- A. Landscaping Requirements.
- 1. General Requirements.
    - a. Required buffer areas shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area, or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways, and pedestrian paths may also be located within required buffers.
    - b. Selected trees and shrubs shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).
    - c. All landscaping, trees, and planting materials adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of three (3) feet from any curb.



- d. Plant materials with seasonal diversity should be selected and distributed throughout the site where possible.
- e. No tree, shrub, fence, wall, or similar item shall be installed in the sight triangle of any corner, street intersection, or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

2. Landscaping Plan Requirements.

When a site or land development plan requires the installation of landscaping, a landscaping plan shall be submitted along with the site or land development plan, subject to the following requirements:

- a. The location of all buffer yards and planting areas shall be graphically depicted.
- b. The plan must graphically depict the distribution, mature height, and spread of all required plant materials.
- c. The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen, or other use. The table shall also identify the scientific and common name of each plant, the mature height and spread, and the symbol used for the plant.

3. Planting Standards.

All landscape material planted shall meet or exceed the following standards at the time of planting:

- a. All deciduous shade trees shall reach a height of at maturity of at least 30 feet with a spread of at least 30 feet and shall have a trunk diameter of at least two (2) inches at planting when measured six (6) inches above the ground. Deciduous shade trees are to be planted such that the majority of the canopy is located on the lot of the planting.
  - b. All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of six (6) feet tall at planting.
- 4. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a trunk diameter of 1.5 inches as measured six inches above the ground at planting. See the City's official plant list for a listing of permitted understory trees.
  - 5. All deciduous or evergreen shrubs used for screening purposes shall reach a minimum height of five (5) feet at maturity and shall be at least three (3) feet tall at planting.
  - 6. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of two (2) gallons at planting.
  - 7. Where plantings would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other factors, the following substitutions may be made:



- a. Two (2) understory trees meeting the requirements of Subsection 4 above may be substituted for one (1) deciduous shade tree.
  - b. Two (2) evergreen trees may be substituted for one (1) deciduous shade tree.
  - c. One (1) deciduous shade tree may be substituted for five (5) shrubs.
8. Maintenance Requirements.
- a. The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials and screening fences or walls to maintain conformance with landscaping requirements.
  - b. Any plant material that is 50% dead or more shall be considered dead and must be replaced.
  - c. Replacements shall be of the same size and type of plant as shown on the landscaping plan.
  - d. All landscaped areas shall be kept free of litter and trash.

B. Preservation of Existing Vegetation.

Preservation of existing trees or groves of three (3) or more trees with a trunk diameter (caliper) of at least four (4) inches when measured at breast height shall enable an applicant to obtain credit toward lot coverage requirements. For every additional tree beyond the three (3) trees preserved, the square footage of the critical root zone circumference of the grove of trees preserved may be used to determine credit toward impervious surface requirements, up to a 15% increase in additional impervious surface beyond the base requirement.

For instance, if a one (1) acre development (43,560 square feet) is located in a part of the City that permits a lot coverage of 30% impervious surface (13,068 square feet) and there are 50 trees of a four (4) inch caliper or greater, the following calculations would be performed to determine the minimum additional site area that may be impervious beyond the 30% base requirement:

Trunk diameter (caliper): 4 inches;

Critical root zone ratio: 1 inch of trunk diameter (caliper) for every 18 inches of critical root zone radius;

Critical root zone radius: 4 inches  $\times$  18 inches = 72 inches (6 feet);

Critical root zone (in square feet): 6 feet squared  $\times$   $\pi$  (pi) = 113 square feet;

Additional permitted impervious surface: 50 qualifying trees  $\times$  113 square feet = 5,655 square feet;

Total permitted impervious surface with credit: 13,068 square feet + 5,655 square feet = 18,723 square feet (43% impervious surface).



Note that this example development would not be able to go beyond 45% impervious surface even if there were a substantially higher number of qualifying trees preserved, as 45% is equivalent to 15% in additional impervious surface beyond the base 30% minimum requirement.

### **Section 5.8 – Fences and Walls**

#### **A. Fences in Residential Districts.**

Fences erected on lots in Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel in a front yard shall be four (4) feet.
2. The maximum height of a fence panel in a side or rear yard shall be six (6) feet, except when abutting alleys, where the maximum height shall be four (4) feet.
3. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
4. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
5. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of the City of Scranton.
6. Stockade fences shall not be permitted in front yards.
7. All fences shall comply with vision clearance distances as described herein. All fences must be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material(s) which are similar in durability. Unacceptable fence materials include cast-off, secondhand, and other items not originally intended to be fencing (examples include plywood, particle board, paper, visqueen plastic, plastic tarp and similar materials, razor wire and other dangerous materials, sheet metal, roll metal, and corrugated metal).
8. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.



B. Fences in All Other Districts.

Fences erected on lots in districts other than those classified as Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel shall be ten (10) feet, except when the lot is located next to a Residential District or an alley, in which cases the maximum height shall be six (6) feet.
2. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
3. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
4. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of the City of Scranton.
5. All fences shall comply with vision clearance distances as described herein. All fences must be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material(s) which are similar in durability. Unacceptable fence materials include cast-off, secondhand, and other items not originally intended to be fencing (examples include plywood, particle board, paper, visqueen plastic, plastic tarp and similar materials, razor wire and other dangerous materials, sheet metal, roll metal, and corrugated metal).
6. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

C. Retaining Walls.

Retaining walls necessary to support the geotechnical needs of a lot shall be permitted.

**Section 5.9 – Regulation of Nuisance Elements**

A. Noise Control.

1. No person shall operate or cause to be operated on public or private property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any 15-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use



group in the following table when measured at or within the property boundary of the receiving land use:

<b>Sound Level Limits and Permitted Hours by Receiving Land Use Group</b>		
<b>Land Use Group(s) Receiving Noise</b>	<b>Hours and Days</b>	<b>Maximum Permitted Sound Level (dBA)</b>
<ul style="list-style-type: none"> <li>– Residential</li> <li>– Care-Related</li> <li>– Institutional</li> <li>– Conservation</li> </ul>	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	62
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	52
<ul style="list-style-type: none"> <li>– Commercial</li> </ul>	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	67
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	62
<ul style="list-style-type: none"> <li>– Industrial</li> <li>– Infrastructure</li> </ul>	All times and days	70

2. The maximum permissible sound level limits set forth in Subsection A shall not apply to any of the following noise sources:
  - a. Uses falling under the Agricultural land use group;
  - b. The emission of sound for the purpose of alerting persons to the existence of an emergency;
  - c. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved;
  - d. Domestic power tools, between the hours of 7:00 a.m. and 10:00 p.m.;
  - e. Construction, including necessary blasting and explosives between the hours of 7:00 a.m. and 10:00 p.m., and street and utility repair operations;
  - f. Motor vehicles traveling on public streets, except as otherwise specified by law;
  - g. Public celebrations specifically authorized by the City of Scranton;
  - h. Railroads and airplanes; and
  - i. The unamplified human voice.
3. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time



in any 15-second interval), the sound level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use group.

**B. Vibration Control.**

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration (detectable without instruments) above the vibration perception threshold of an average person on private property beyond the lot lines of the use generating the vibration or on public property (including the public right-of-way) 50 feet or greater beyond the lot lines of the use generating the vibration. This restriction shall not apply to occasional non-routine blasting that may be necessary during construction or demolition of structures, streets, or utilities.

**C. Dust, Dirt, Smoke, Vapor, Gas, and Odor Control.**

1. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards set by the Pennsylvania Department of Environmental Protection (DEP), the Air Pollution Control Act of January 8, 1960 (and all amendments thereto), or any other applicable federal or state law or agency.
2. No use shall generate odors, smoke, vapors, or gases above the odor perception threshold of an average person on private or public property beyond the lot lines of the use generating the odors.
3. No use shall generate dust, dirt, smoke, vapors, or gases at any point for longer than five minutes in any hour of a visible color or shade darker than No. 3 on the Ringelmann Smoke Chart as distributed by the U.S. Department of the Interior, Bureau of Mines.

**Section 5.10 – Lighting and Glare**

**A. General Provisions.**

1. All uses shall direct, deflect, and shield lights and control the intensity of lights and illuminated signs to avoid nuisances and to prevent glare onto other properties and streets. Lights shall not shine directly into the normal line of sight of motorists.
2. Low-voltage and light-emitting diode (LED) lighting systems are encouraged.
3. All outdoor lighting shall be designed, installed, located, and maintained so that nuisance glare onto adjacent lots or streets shall be minimized and all direct illumination kept within the boundaries of the lot.
4. Lighting associated with any canopy structure shall be installed as internal illumination of the canopy only.

**B. Lighting Zones.**



The following lighting zones are hereby established for the zoning districts designated in Article 3, with the following maximum illumination provisions for each lighting zone:

<b>Lighting Zone 1</b> <b>Zoning Districts: CONSV, R-6, R-8, R-9, R-10, R-11</b>	
<b>Provision</b>	<b>Measurement</b>
Maximum illumination at lot lines	0.10 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	3 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1 foot-candle, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	5% of the lighting fixture's lumens

<b>Lighting Zone 2</b> <b>Zoning Districts: REC, N, D, INST, CIV, HC, PC, CI, LI</b>	
<b>Provision</b>	<b>Measurement</b>
Maximum illumination at lot lines	0.20 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	5 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1.5 foot-candles, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	10% of the lighting fixture's lumens

## **Section 5.11 – Outdoor Storage**

### **A. Outdoor Storage of Materials.**

All outdoor storage of fuel, raw materials, and products, except for finished products for retail sale to the public for a commercial or industrial use in any Mixed Use, Commercial, or Industrial district shall be completely screened from view from any public right-of-way and any residential use or Residential District by a sight-obscuring evergreen planting, fence, or wall at least six (6) feet in height.

### **B. Outdoor Storage of Garbage.**



1. All organic refuse or garbage stored outdoors shall be placed in watertight, vermin-proof containers, with the lid kept in place at all times.
2. All trash dumpsters, compactors, and other refuse storage containers, other than those for single-family or two-family dwellings and other curbside collection, must be completely screened from view on all sides. Solid waste collection and storage areas shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.
3. The screening to be installed must be sight-obscuring and shall be installed to at least the height of the dumpster, compactor, or refuse storage container. The permitted screening materials are as follows: solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slat, decorative masonry walls, or evergreen plantings in combination with deciduous shrubs. Plants installed for screening are required to be the height of the dumpster, compactor, or refuse storage container at the time of planting. Dumpsters, compactors, and refuse storage containers other than those for single-family or two-family dwellings and other curbside collection shall not be permitted in the front yard of any property and shall not be located closer than 25 feet to any front yard property line.
4. The locations of all dumpsters, other than those for single-family or two-family dwellings and other curbside collection, shall be shown on all site plans and land development plans.

**C. Outdoor Storage of Trailer, Mobile Homes, and Recreational Vehicles.**

1. The parking and storage of trailers, mobile homes, campers, and recreational vehicles shall be prohibited within the right-of-way of any public street.
2. At no time shall such parked or stored vehicle be occupied or used as a dwelling.
3. Trailers, mobile homes, motor homes, motor homes, campers, and recreational vehicles shall be parked entirely behind the front face of the principal building, unless completely screened from view by a sight-obscuring evergreen planting, fence, wall, or gate.

**Section 5.12 – Sewage Disposal**

- A. A sewage permit shall be a prerequisite to the issuance of a zoning permit.
- B. On-Lot Sewage Disposal.

On-lot sewage disposal shall not be permitted for new uses on lots of less than 0.5 acres, unless otherwise permitted by this Ordinance. Any on-lot system proposed shall meet the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.



**Section 5.13 – Accessory Structures/Uses**

- A. Accessory uses, buildings, and structures are permitted only in conjunction with an established principal use and must be located on the same lot as said principal use.
- B. No structure accessory to a principal use, other than signs and lighting fixtures, shall be located in the front yard setback.
- C. Setbacks for accessory structures shall comply with the requirements specified in each zoning district, unless otherwise regulated in this Ordinance.
- D. No object exceeding a height of three (3) feet, unless otherwise permitted by this Ordinance, shall be temporarily or permanently placed, erected, installed, or parked within the clear sight triangle required at the intersection of streets or the intersection of a driveway or private lane with a public street.
- E. Specific types of accessory structures named in this Ordinance shall be regulated by applicable sections in this Ordinance governing such accessory structures. It is the responsibility of the landowner to abide by any provisions for such structures as may be found in this Ordinance or any other ordinances of the City.
- F. Vehicle Repair, except as permitted by the district where the use is located, no vehicle repair shall take place in an accessory structure or yard area other than minor maintenance (oil or fluid change, windshield wiper replacement or brake pad replacement) conducted by the owner of the principle use on their own passenger vehicle.

**Section 5.14 – Keeping of Pets and Household Animals Other than Pets**

- A. General Provisions.
  - 1. Cats and Dogs: 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. The keeping of pets and household animals for private, noncommercial use and enjoyment may be permitted in all districts wherever it is demonstrated that the dimensional and density provisions and all other regulations in this Section can be met.
  - 3. No animals shall be allowed to stray so as to create any health or safety hazards. Animals shall be maintained as to be free from objectionable behavior. Noise shall not exceed the maximum permitted levels found in Section 5.9, Subsection A.
  - 4. All animal structures and roaming areas shall be maintained as to comply with the odor standards found in Section 5.9, Subsection C. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties, contaminating any stream, or otherwise having an adverse impact on the human and natural environment.



5. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with Section 5.8.
6. All animals shall be properly immunized.
7. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean and well-maintained and to avoid attracting vermin.
8. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Title 3, Chapter 23, Section 2352 of the Pennsylvania Code. Dead animals shall be disposed of within 48 hours after death.
9. Permitting Process.

Applicants proposing the keeping of animals other than pets covered by this Section must submit an application to the Zoning Officer identifying the following:

- a. A zoning permit application fee payable to the City in the amount of \$25.00 (this amount may be amended by resolution adopted by the Scranton City Council);
- b. Property address, name, and contact information of the applicant;
- c. Description of the proposed animals and activities on the property;
- d. Location, area, and height of the proposed shelter/enclosures;
- e. Distance between the proposed shelters/enclosures and neighboring lots; and
- f. Verification that the applicant is familiar with the requirements set forth in this Section.

**B. Chickens, Ducks, and Rabbits.**

1. A maximum total of (2) chickens, ducks, or rabbits can be raised or kept on lots measuring 20,000 square feet or less in size. For every additional 1,000 square feet of lot size, beyond 20,000 square feet, the household is permitted one (1) additional chicken, duck, or rabbit.
2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:
  - a. All shelters shall have a roof and at least three (3) enclosed sides.
  - b. Shelters must be located a minimum of 50 feet from any dwelling other than that of the owner of the animals. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
  - c. Shelters shall provide a minimum of eight (8) square feet per animal.



3. The keeping of roosters shall be prohibited.

**C. European Honeybees.**

1. Colonies shall be maintained in moveable frame hives, with hives being no closer than 25 feet to any property line and at least 50 feet from any dwelling located on an adjacent property.
2. All hives shall have access to an on-site water supply, whether it be a water-filled tank or natural water sources located on the property.
3. Swarm management techniques shall be employed to maintain gentle colonies.
4. Beekeeping practices must be consistent with the Pennsylvania Apiary Advisory Board's "Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania."
5. All hives shall have a solid fence or vegetative obstruction six (6) feet or more in height or be elevated so as to direct the flight path of the bees well above traffic and pedestrians.
6. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa. C.S.A. §§ 2101-2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.
7. Ownership, care, and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot or the individual listed on the state registration form.

**D. Other Animals.**

1. Animals other than chickens, ducks, rabbits, miniature goats, or European honeybees that do not meet the definition of a household pet may only be kept on lots greater than three (3) acres in size.
2. The total number of additional animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half (0.5) acre is required for each additional sheep.

<b>Additional Required Lot Area for Additional Animals</b>	
Equine	2.0 acres
Bovine	2.0 acres
Swine	1.5 acres
Sheep	0.5 acres



Poultry and fowl other than chickens and ducks (such as but not limited to geese, turkeys, ostriches, and pea fowl)	0.5 acres
---	-----------

3. Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

#### **Section 5.15 – Short-Term Rentals**

- A. The dwelling associated with a short-term rental must be the permanent address of the owner, and the owner must occupy the dwelling for at least six (6) months of the calendar year.
- B. All activity at the short-term rental shall be subject to enforcement of any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.
- C. If a house guest is convicted for any disturbance of the peace on the premises, the owner of the dwelling shall not be permitted to continue the use of the dwelling as a short-term rental.
- D. Guests occupying a short-term rental are limited to stays of seven (7) continuous days.

#### **Section 5.16 – Solar Energy Systems**

- A. Intent.  
It is the intent of this Section to promote the safe, effective, and efficient use of installed solar energy systems that reduce on-site consumption and demand of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and lots. This Section seeks to:
  1. Provide property owners and business owners/operators with flexibility in satisfying their energy needs;
  2. Reduce overall energy demands within the community and to promote energy efficiency; and
  3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing the quality of life of the community.
- B. Applicability.
  1. This Section applies to building-mounted and ground-mounted solar energy systems installed and constructed after the effective date of this Ordinance and shall be permitted in all zones, after demonstrating compliance with the standards set forth in this Section.
  2. Solar energy systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.
  3. Any upgrade, modification, or structural change that materially alters the size and placement of an existing solar energy system shall comply with the provisions of this Section.



4. This Section does not apply to principal solar energy systems (PSES), as defined in this Ordinance.

C. Location on a Property.

1. Building-mounted solar energy systems are permitted to face any front, rear, or side yard as defined in this Ordinance. Such systems may only be mounted on lawfully permitted principal and accessory buildings.
2. Ground-mounted solar energy systems are permitted based on the requirements for accessory uses and structures in the property's zoning district.

D. Design and Installation Standards.

1. Solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as administered by the Pennsylvania Department of Labor and Industry (DLI).
2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. For ground-mounted solar energy systems, all exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.

E. Dimensional Requirements.

1. Setback Requirements for Ground-Mounted Solar Energy Systems.

Ground-mounted solar energy systems are subject to the accessory use setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted solar energy system shall extend into the required setbacks, including in the case of tracking systems or other adjustments of related equipment or parts.

2. Height Requirements.

Notwithstanding the height limitations of the underlying zoning district:

- a. For a building-mounted solar energy system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- b. For a building-mounted solar energy system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance, as measured perpendicular to the roof, of 18 inches between the roof and the highest edge of or surface of the system.



- c. For a building-mounted solar energy system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- d. Ground-mounted solar energy systems may not exceed the permitted height of accessory structures in the zoning district where the system is to be installed.

F. Screening and Visibility.

- 1. Building-mounted solar energy systems installed on a sloped roof shall not be required to be screened.
- 2. Building-mounted solar energy systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the lot, exclusive of an alley, at a level of five (5) feet from the ground. Such systems shall be screened in a similar manner as other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the edge of the roof.

G. Impervious Lot Coverage Restrictions.

The surface area of any ground-mounted solar energy system, regardless of the mounted angle of any portion of the system, shall be considered an impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. However, if the ground-mounted solar energy system is mounted above an existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

H. Nonconformance.

1. Building-Mounted Solar Energy Systems.

- a. If a building-mounted solar energy system is to be installed on any building or structure that is nonconforming because its height exceeds the maximum height limitations of the zoning district in which it is located, the building-mounted system shall be permitted so long as the system does not extend above the highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.
- b. If a building-mounted solar energy system is to be installed on a building or structure on a nonconforming lot that does not meet the setback requirements or exceeds the lot coverage limits for the zoning district in which it is located, the building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this Section.

2. Ground-Mounted Solar Energy Systems.

- a. If a ground-mounted solar energy system is to be installed on a lot containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the required setback for the lot.



- b. If a ground-mounted solar energy system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation following the procedures found in Article 10.

I. Signage and/or Graphical Content.

No signage or graphical content may be displayed on the solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.

J. Performance Requirements.

All solar energy systems are subject to compliance with any applicable performance standards found elsewhere in this Ordinance.

K. Permit Requirements.

Before any construction or installation of any solar energy system shall commence, a permit issued by the Zoning Officer shall be obtained to document compliance with this Section.

L. Inspection, Safety, and Removal.

1. The City of Scranton reserves the right to inspect a solar energy system for fire or building code compliance and safety.
2. If upon inspection, the City determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the City may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
3. If the property owner fails to repair or remove a solar energy system as ordered and any appeal rights have been exhausted, the City may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the City's removal of a vacated, abandoned, or decommissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the City shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the City in connection with the removal work and filing of the municipal claim.



### **Section 5.17 – Principal Solar Energy System (PSES)**

**A. Regulations Applicable to All Principal Solar Energy Systems:**

1. PSES shall be permitted by Special Exception, after demonstrating compliance with the standards set forth in this Section, in the H-C and C-I Zoning District(s).
2. Exemptions.
  - a. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the City of Scranton and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
4. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
5. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
6. The owner of a PSES shall provide the city written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
7. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall



be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

8. Glare.
  - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
9. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45 dBA, as measured at the property line.
10. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
11. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the City. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
12. Decommissioning.
  - a. The PSES owner is required to notify the City immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
  - b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
  - c. At the time of issuance of the permit for the construction of the PSES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the City to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning



shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the City shall be adjusted upward or downward as necessary.

- d. The PSES owner shall, at the request of the City, provide information concerning the amount of energy generated by the PSES in the last 12 months.
13. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
- a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
  - b. The right to prohibit the development on or growth of any trees or vegetation on such property.
14. Solar Easements
- a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
  - b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
    - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
    - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
    - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
    - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.



- c. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

15. Permit Requirements.

- a. PSES shall comply with the City subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum lot size.

- a. One (1) acre.

2. Setbacks.

- a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
- b. All PSES shall be set back one hundred (100') feet from adjacent residential districts or occupied structures.
- c. The minimum side and rear yards specified above may be waived in the case of adjoining tracts of land within a single PSES, with landowners' mutual consent.

3. Height.

- a. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.

4. Impervious Coverage.

- a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.



- iii. Gravel or paved access roads servicing the PSES.
    - b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations. PSES owners shall also follow the current PA DEP guidelines for solar collectors as best management practices for Stormwater Management.
    - c. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
  - 5. Ground mounted PSES shall be screened from adjoining residential uses or zones.
  - 6. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
  - 7. Security.
    - a. All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
    - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
  - 8. Access.
    - a. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance, and there shall be sufficient access for maintenance vehicles and emergency management vehicles to access the PSES.
  - 9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
  - 10. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- C. Roof and Wall Mounted Principal Solar Energy Systems.
- 1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the city that the roof or wall is capable of holding the load imposed on the structure.



2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

### **Section 5.18 – Swimming Pools**

- A. All outdoor swimming pools and impoundments of water 18 inches in depth or greater with a surface area of 72 square feet or greater shall be properly fenced so as to not become a hazard to any person. The top of such fence or wall shall be at least four (4) feet above the ground. No opening in the fence or wall shall be larger than two (2) inches in width, and all gates shall close with self-catching latches.
- B. Swimming pools shall be designed and constructed to the applicable standards of the Pennsylvania Uniform Construction Code (UCC).
- C. No outdoor swimming pool may be located in any front yard setback area. No part of the pool shall be located within ten (10) feet of the side or rear lot line.

### **Section 5.19 – Temporary Uses, Buildings, and Structures**

- A. Temporary Construction Buildings or Trailers.

The parking of construction vehicles and temporary construction offices on a site that is necessary for construction that is actively underway on the same lot is permitted by right, provided that such vehicles or offices shall be removed immediately once the construction they relate to is completed or suspended.

- B. Temporary Real Estate Sales Offices.

A temporary real estate sales office may be established within a dwelling unit not occupied for residential purposes in a residential development having more than 10 dwelling units, if the real estate sales office is used only to market the real estate offered within the development. A temporary real estate office shall be removed within 14 days of the sale or lease of the last property in the development.

- C. Tents and Membrane Structures.

1. In addition to the special exception procedure provided for in this Ordinance, the Zoning Officer may allow the temporary erection of a tent, membrane, or similar temporary structure that is not totally enclosed for a maximum of seven (7) consecutive days in any four (4) month period for clearly routine customarily accessory uses such as a wedding in the rear yard of a dwelling, a festival by a place of worship, or a special sale within the lot of a lawful commercial use.
2. The Zoning Officer may allow the temporary erection of a tent, membrane structure, or similar temporary structure for a period of up to a maximum of 180 days in any given calendar year, for clearly routine customary accessory uses.
3. All tents, membrane structures, or similar temporary structures to be erected for a total of more than seven (7) consecutive days shall require the submission of a site plan



and an application for a zoning permit. The fee shall be established by resolution of the Scranton City Council.

**D. Other Temporary Uses.**

A temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses, other than those specifically listed in this Ordinance, subject to the following additional provisions:

**1. Duration.**

The Zoning Hearing Board shall establish a limit on the duration of the use. In most cases, a temporary approval should have a maximum term of no longer than two (2) years. In the case of a special event, except under special circumstances, this term should be a maximum of six (6) consecutive days in any sixty (60) day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

**2. Fee.**

Either the Zoning Hearing Board or the Scranton City Council may waive and/or return the required application fee if the applicant is a 501(c)(3) nonprofit corporation and if the applicant clearly shows that the proposed use is temporary and will be used to serve a charitable or public service purpose.

**3. Special Events.**

For a new special event (not including annual reoccurrences of a previously held event) that will attract significant numbers of the public, the Zoning Hearing Board shall deny the use if it determines that the following will not be generally appropriate for the provision of the temporary use: sanitary and water service, traffic control, off-street parking, and protection of public health, safety, and welfare.

**Section 5.20 – Wind Energy Systems**

- A. Only one wind energy system shall be permitted as an accessory structure on any lot.
- B. The lowest part of the rotor blade must be a minimum of 30 feet higher than the surrounding structures and/or obstructions.
- C. Setbacks from all lot lines, utility lines, and structures shall be 1.5 times the total height of the wind energy system.
- D. Permitting Requirements.

In addition to a zoning permit, applications to construct a wind energy conversion system shall be accompanied by a plot plan package that includes the following:

- 1. Property lines and physical dimensions of the lot;



2. Location of the wind energy system tower on the lot;
  3. Location, dimensions, and types of existing principal and accessory structures on the lot;
  4. The right-of-way delineation of public streets adjacent to the lot;
  5. The presence of any overhead utility lines;
  6. Any easements;
  7. A map of the 200-foot area surrounding the slot showing all affected lands and structures at a legible scale;
  8. Specifications of the wind energy system, including manufacturer and model, rotor diameter, tower height, and tower type (e.g., freestanding or guyed);
  9. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base, and the footings, stamped, and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania;
  10. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer;
  11. A site-specific wind resource assessment by a qualified professional; and
  12. Drawings, plans, and/or narratives demonstrating that the wind energy conservation system is equipped with manual braking and meets all building and electrical codes.
- E. When an application is made for approval of a wind energy system, all property owners within 200 feet of the lot on which the system is to be constructed shall be notified in written form.
- F. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use and shall provide evidence that he or she has notified the incumbent utility provider of his or her desire to install an interconnected wind energy system.
- G. Artificial lighting is not permitted, whether directly or indirectly, except as required by the Federal Aviation Administration.
- H. The owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and to described proposed mitigation measures when called upon, including but not limited to, a change in siting of the wind energy system, a change in the operation of the wind energy system, or grading or landscaping mitigation measures.
- I. Noise levels for the wind energy system shall not exceed the permitted decibel levels for the underlying zoning district prescribed in Section 5.9.



- J. The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.
- K. The wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects.
- L. The wind energy system shall have an automatic overspeed control to render the system interoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- M. All ground-mounted electrical and control equipment shall be labelled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground elevation. Safety fencing is required if the wind energy system has climbing features below 12 feet.
- N. All electrical wires associated with a wind energy system shall be located underground when practicable. All wires not located underground, including but not limited to wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be contained within an appropriate conduit suitable for the same.
- O. A wind energy system is considered abandoned if it is inoperable or unsafe or unattended for a period of 12 months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider. Wind energy systems must be immediately removed at the expense of the property owner if deemed abandoned.
- P. Wind energy systems cannot be used to support signage, satellite dishes, or antennas.
- Q. Inspection, Safety, and Removal.
  - 1. The City of Scranton reserves the right to inspect a wind energy system for fire or building code compliance and safety.
  - 2. If upon inspection, the City determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the City may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
  - 3. If the property owner fails to repair or remove a wind energy system as ordered and any appeal rights have been exhausted, the City may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
  - 4. In addition to any other available remedies, any unpaid costs resulting from the City's removal of a vacated, abandoned, or decommissioned wind energy system shall constitute a lien upon the property against which the costs were charged. Legal



counsel of the City shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the City in connection with the removal work and filing of the municipal claim.

## **Section 5.21 – Wireless Communication Facilities**

### **A. Purposes.**

The purposes of this Section include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal, and replacement of wireless communication facilities (WCFs) in the City of Scranton, in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. Moreover, the City desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communication needs of the City's residents, businesses, and emergency service providers. While the City recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the City also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

### **B. Zoning District Regulations.**

1. Tower-based WCFs are permitted on all municipally owned property regardless of zoning district. Otherwise, the use provisions of Section 3.4 shall apply.
2. Non-tower WCFs are permitted by right subject to application requirements stated herein in all districts, except that no non-tower WCF shall be located, in any zoning district, on a single-family or two-family dwelling.
3. Eligible facilities requests that do not substantially change the tower, base station, or wireless support structure are permitted by right in all zoning districts.

### **C. Area and Bulk Requirements.**

The following table shall reflect the height, lot size, setback, and locational requirements for tower-based and non-tower WCFs:



<b>TOWER-BASED WCFs</b>	<b>Outside of ROW</b>	<b>Within ROW</b>
<b>Height</b>	<p>Shall be designed to minimum functional height but not to exceed 100 feet. Applicants must submit documentation justifying the total height.</p> <p>Equipment buildings, cabinets and accessory structures shall not exceed 15 feet in height.</p>	<p>Shall be designed to minimum functional height, not to exceed 55 feet in non-residential districts. Applicants must submit documentation justifying the total height.</p>
<b>Lot Size</b>	<p>Subject to underlying zoning district. Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting must not extend outside the lot.</p>	Not applicable
<b>Setback – Towers</b>	<p>Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.</p>	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	<p>Subject to applicable minimum building setback in the underlying zoning district.</p>	Not applicable
<b>Location</b>	<p>Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.</p>	Not applicable



<b>NON-TOWER WCFs</b>	<b>Outside of ROW</b>	<b>Within ROW</b>
<b>Height – On a Building or Similar Structure</b>	Shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.	Not applicable
<b>Height – On Electrical Transmission Towers, Streetlights, Utility Poles, Traffic Signals, Signs, and Similar structures</b>	Shall not exceed a height of 5 feet above the electrical transmission tower, streetlight, utility pole, traffic signal, sign, and similar structure, unless the WCF applicant obtains a variance.	WCFs located above the surface grade shall consist of equipment components designed at the minimum functional height.
<b>Setback – Mounted Antennas</b>	Not applicable	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	Shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not applicable
<b>Lot Size</b>	Subject to applicable minimum lot size in the underlying zoning district.	Not applicable
<b>Setback – Towers</b>	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	Subject to applicable minimum building setback in the underlying zoning district.	Not applicable
<b>Location</b>	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not applicable



D. Permit Application Requirements.

1. Collocation Analysis.

An application for a new tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall not be approved unless the applicant demonstrates that the wireless communication equipment planned for the proposed WCF cannot be collocated on an existing structure or building within a 0.25-mile radius of the proposed WCF location to achieve the coverage or capacity objectives of the applicant.

2. Gap in Coverage or Lack of Adequate Capacity.

An applicant for a tower-based WCF more than 40 feet in height must demonstrate that a significant gap in wireless coverage exists or a lack of adequate capacity at the proposed location is likely to exist within one (1) year of the filing of its application.

3. Authorization.

An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and to maintain the proposed WCF on the subject lot.

4. Licensing and Applicable Regulations.

If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions.

The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the FCC governing human exposure to electromagnetic emissions.

6. Insurance.

The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

7. Application Fees.

- a. The City may assess appropriate and reasonable permit application fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.
- b. The City may assess, in addition to application fees, appropriate and reasonable review fees directly related to the costs incurred by the City, including but not limited to professional/consultant fees to review the WCF application.
- c. For special exception applications, the City's regular special exception application fees shall apply.



8. Review Timeframes.

The following table prescribes the timeframes for City review of applications for WCFs:

	<b>City shall notify the applicant in writing of any information that may be required to complete application:</b>	<b>City shall approve or deny the application, unless a shorter time period is applicable under the PA MPC:</b>
<b>Tower-Based WCFs</b>	Within 30 calendar days of the date the application was filed with the City.	Within 150 days* of submission of a complete application for a WCF.
<b>WCFs on Existing Structures</b>	Within 30 calendar days of the date the application was filed with the City.	Within 90 days* of submission of a complete application for a WCF.
<b>Eligible Facilities Requests** (as defined)</b>	Within 30 calendar days of the date the application was filed with the City.	Within 60 days* of submission of a complete application for a WCF.

\*The time period may be tolled by mutual agreement or in cases where the City informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission but may be tolled again if the City provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.

\*\*The City shall only require the applicant to provide documentation that is reasonably related to determining whether the request is an Eligible Facility Request.

B. Design, Construction, and Operations.

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed, and replaced in strict compliance with all current applicable federal and state technical and safety codes.
2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio, or other communications services.
4. Collocation.

All tower-based WCFs where the wireless communication tower will be more than 40 feet in height shall be designed to accommodate both the applicant's antennas and comparable antennas for future users. As a condition of approval for all tower-based WCFs where the tower will be more than 40 feet in height, the applicant shall agree to



allow other service providers to collocate antennas on the tower where technically and economically feasible.

5. Signage.

- a. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name, and phone number in the event of an emergency and FCC registration number (if applicable). Such signage shall not include commercial advertising, shall not protrude from the tower or WCF, and is subject to approval by the City.
- b. For tower-based WCFs outside of the right-of-way, the posted sign shall not exceed two (2) square feet in area.
- c. For all other WCFs, the sign shall be limited to the maximum necessary size to provide the required information in a readable manner.

6. Lighting.

WCFs shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect to surrounding properties as is permissible while still meeting state or federal requirements.

7. Noise.

All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established in Section 5.9 of this Ordinance. The use of a backup generator is prohibited except that in emergency situations and for periodic maintenance and testing by the wireless communications provider's technicians, such use shall be permitted, where such noise standards may be exceeded on a temporary basis.

8. Vehicular Access.

- a. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all tower-based WCFs located outside of the right-of-way.
- b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
- c. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
- d. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
- e. An applicant shall present documentation to the City that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.



- f. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
    - g. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
- 9. Fencing.

A security fence, which may include barbed wire, with a minimum height of eight (8) feet may be required to surround any tower-based WCF located outside the right-of-way, where the wireless communication tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. All or any of the requirements herein for a security fence may be waived by the Zoning Hearing Board when the fence would not be appropriate or feasible.
- 10. Safety in Rights-of-Way.
  - a. Schedule of Operations.

The City shall determine the time, place, and manner of siting, design, construction, maintenance, repair, modification, removal, and/or replacement of all WCFs located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the requirements of the Pennsylvania Public Utility Code or other applicable ordinances or laws.
  - b. Alteration of a WCF.

Within 60 days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under any one of the following circumstances:

    - (1) The construction, repair, maintenance, or installation of any municipal or other public improvement located in the right-of-way;
    - (2) The operations of any governmental entity in the right-of-way;
    - (3) Vacation of a street or the release of a utility easement; or
    - (4) An emergency as determined by the City.



No permit is required for such removal, relocation, change, or alteration ordered by the City.

c. Visual Obstruction.

All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, to create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the City. In no case shall ground-mounted equipment, walls, screening, or landscaping be located within 18 inches of the face of the curb or, in an area in which there are no curbs, within (3) feet of the edge of cartway.

11. Maintenance.

An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs, and equipment needs, and the traffic, safety, and noise impacts of such maintenance.

12. Soil Report.

An applicant for a tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a soil report complying with the ANSI/EIA-222-G standards for geotechnical investigations to the City Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.

13. Aviation Safety.

All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

14. Inspections.

Inspections are required for all WCFs where the new wireless communication tower will be more than 40 feet in height. Copies of all inspection reports shall be provided to the City following the inspection. Any repairs advised by the report shall be completed by the WCF owner within 60 calendar days after the report is filed with the City.

15. Equipment Storage.

The storage of unused equipment or supplies is prohibited on any WCF site.

16. Historic Sites.

No WCF may be located on a building or structure that is listed on either the National Register of Historic Places, county or state lists, or any City-maintained historic resources inventory. This prohibition may be waived by the Zoning Hearing Board.

C. Visibility, Landscaping, and Screening.



1. Stealth Technology.

- a. All WCFs shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
- b. In the case of a tower-based WCF, compliance with this Subsection may be evidenced by the following:
  - (1) The tower shall have a galvanized finish or be painted silver above the top of surrounding trees and green below treetop level.
  - (2) The tower shall comply with FAA and PennDOT Bureau of Aviation lighting standards and shall not be artificially lighted unless required by those agencies.

2. Landscaping and Screening.

An applicant for tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a landscaping and screening design complying with the following:

- a. The applicant shall ensure that the existing vegetation, trees, and shrubs located within close proximity of the WCF support structure shall be preserved to the maximum extent possible.
- b. Ground mounted equipment must be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the City. Where the site abuts a Residential district, public property, or street, a buffer area shall be provided along the perimeter abutting the affected district, property, or street to include at minimum two (2) staggered rows of evergreen trees a minimum of six (6) feet in height, which trees shall be replaced with trees of equivalent height when dead or damaged.

D. Replacement, Collocation, and Modification of Existing Wireless Support Structures.

- 1. Notwithstanding the requirements for all WCFs, as set forth herein, an application for replacement, collocation, or modification of a previously approved wireless support structure shall be reviewed for conformance with the City's building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change to the structure.
- 2. Replacement of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the City.



3. Any substantial change to an existing WCF shall require approval of the City in accordance with the terms of this Section.

**E. Discontinuation, Abandonment, and Removal.**

In the event that use of a WCF is planned to be discontinued, the owner/operator shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City.
2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City. The City's costs in connection with removal, including professional or consultant fees and the cost of removal work and site remediation, may be assessed against the owner of the WCF or the lot upon which the WCF was located.

**F. Reimbursement for Use of the Right-of-Way.**

In addition to permit application fees, every WCF in the right-of-way is subject to the City's right to impose annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such annual fee shall be directly related to the City's costs of owning, maintaining, and managing the right-of-way and to the loss of use to the City of that portion of the right-of-way consumed by the WCF.

**G. Special Exception Criteria and Procedures.**

An application for approval by special exception for any tower-based WCF shall, in addition to meeting other applicable requirements in this Ordinance, meet the following criteria:

1. The applicant shall provide to the City, prior to issuance of a zoning permit for construction, financial security to guarantee the removal of any tower-based WCF. Such financial security shall be in an amount determined by the City Engineer based upon industry standards for removal and shall be acceptable in form and content to the City Engineer.
2. No tower-based WCF shall be located or within 100 feet of an area in which all utilities are located underground.
3. The applicant shall provide a propagation study evidencing the need for the proposed WCF, a description of the type and manufacturer of the proposed transmission and receiving equipment, the frequency range assigned to the WCF applicant, the power in watts at which the WCF will transmit, and the results of any relevant tests conducted by the applicant to determine the need for the proposed WCF.
4. The applicant shall supply documentation demonstrating that the proposed WCF complies with all state and federal requirements regarding aviation safety.



5. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an appropriate lease or easement for the WCF and for access to the WCF.
6. The special exception procedures and criteria in sections 6.3 and 10.4 shall apply and be satisfied by the applicant. In addition, the applicant shall, at his or her expense, mail written notice of the scheduled public hearing for the WCF to all owners of record of property located within 500 feet of the proposed WCF. Such notice shall be mailed at least 14 days prior to the scheduled public hearing, and the applicant shall provide a copy of such notice and proof of such mailing to the City prior to the hearing.

## **Section 5.22 – Essential Services**

### **A. Essential Services.**

1. An ambient sound level study has been provided and the ambient sound level at all points along the boundary line of the property upon which the essential service is located shall be no more than 55 decibels (dBA).
2. All items used for essential service shall be stored within the essential service structure or a separate storage building. This restriction does not include items necessary for the operation of the plant which includes, but it not limited to, emergency generators, fuel tanks, drying beds, sedimentation basins, etc.
3. Odor control mitigation shall be implemented for sanitary sewer applications.
4. A land development plan shall be prepared in accordance with the City's Subdivision and Land Development Ordinance.
5. An elevation drawing of any structure to be constructed on the premises shall be provided.
6. A landscape buffer in accordance with this Ordinance shall be provided between any on-site buildings and the property line. The adjacent buffer is to screen on-site buildings from adjacent properties. A landscaping plan shall be submitted and approved by the City Council as a condition of its approval.
7. A minimum four-hundred-foot setback zone from all adjacent property lines shall be provided on the lot where a potable water well is located. The minimum four-hundred-foot setback zone shall be measured from the nearest well head to the adjacent property line. Parkland, state game lands and state forest may be included within the four-hundred-foot setback zone as a conditional use approved by the City Council. In the case of state- owned property, approval of the appropriate state agency shall be required.
8. An erosion and sediment control plan shall be prepared and approved.
9. A plan describing the method to be used to handle the water runoff from well pumping testing shall be submitted to the City for review. The City may engage the services of a consultant to review the plan and fees charged by said consultant for review shall be paid for by the applicant.
10. City council may also consider placing limitations on signage, access, parking,



- lighting, and structure height.
11. Any other conditions the City Council may desire to consider.
  12. The minimum lot size shall be 1/2 acre
  13. Minimum yard setbacks shall be as follows:
    - a. Rear yard setback - 25 feet
    - b. Front yard setback - 25
    - c. Side yard setback - 25 feet
  14. Maximum building coverage: 50%
  15. Maximum impervious coverage: 75%



**ARTICLE 6**  
**Specific Criteria, Conditional Uses, and Special Exceptions**

**Section 6.1 – Process for Uses Permitted by Right**

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by right (notated with the letter 'P') shall comply with all applicable performance standards and supplementary regulations in this Ordinance. Applications for a zoning permit, a certificate of use and occupancy, and a building permit must be submitted to the Zoning Officer following the provisions and procedures found in Section 11.1.

**Section 6.2 – Process for Conditional Uses**

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific conditional use have been met.

B. Procedure.

1. An application form prescribed by the City shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Scranton City Council.
2. The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the City. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
  - a. That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
  - b. That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
  - c. That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;



- d. That the proposed conditional use is in general conformity with the Scranton-Abingtons Planning Association Comprehensive Plan; and
  - e. That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Scranton City Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 3. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
- 4. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the City approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other City ordinance.
- 5. The Scranton City Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Scranton-Abingtons Planning Association Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- 6. Public Hearings.
  - a. Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the City of Scranton Planning Commission. The Planning Commission and City Engineer shall be given an opportunity to provide written recommendation to City Elected Body concerning whether to approve, conditionally approve, or deny the application.
  - b. A minimum of one (1) public hearing shall be held by the City Elected Body at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
  - c. Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing and shall be conspicuously posted by the City at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
  - d. If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.



- e. The City Elected Body shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.
  - f. If the City Elected Body denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.
- C. Duration of Conditional Use Permit.
- 1. If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the City Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.
  - 2. If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the City Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

### **Section 6.3 – Process for Uses by Special Exception**

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific use by special exception have been met.

B. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in Section 10.6 of this Ordinance.

C. Conditions for Approval.

- 1. In addition to the minimum conditions contained in Section 6.4 for each use by special exception, the use shall meet the following additional requirements:
  - a. The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.



- b. The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.
  - c. The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.
  - d. The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Scranton-Abingtons Planning Association Comprehensive Plan.
  - e. The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
2. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

#### **Section 6.4 – Specific Regulations for Conditional Uses and Uses by Special Exception**

**B. Airport.**

1. Maximum Height Permitted.

The maximum permitted height of a proposed building, structure, object, or alteration of land shall be equivalent to the vertical height from the ground surface to the slope of the relevant approach zone as calculated below, or the maximum permitted height in the underlying zoning district, whichever is lower.

2. Visual Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Nonprecision Instrument Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Visual Larger-Than-Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
5. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum Greater than 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.



6. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum As Low As 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
7. Precision Instrument Runway Approach Zone – slopes 50 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each one (1) foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
8. Heliport Approach Zone – slopes eight (8) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
9. Transitional Zones – slopes seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation (961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport). In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
10. Heliport Transitional Zones – slope two (2) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90-degree angles to the primary surface centerline and heliport approach zone centerline.
11. Horizontal Zone – established at 150 feet above the airport elevation (961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport).
12. Conical Zone – slopes 20 feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (961.7 feet above mean sea level, in the case of Wilkes-Barre/Scranton International Airport) and extending to a height of 350 feet above the airport elevation.
13. Other Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water in such a manner as to create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft.



C. Amusement Park.

1. A minimum of 15% of the parking lot consisting of more than 50 parking spaces shall be maintained as a landscaped area, with at least one canopy tree measuring two-inch caliper at six inches above the root collar provided for each eight parking spaces or portion thereof.
2. Landscaped front, side, and rear (when adjacent to a street or alley) yard areas within 10 feet of the parking lot may be included in this calculation so long as a minimum of 8% of the landscape area is located in the interior of the parking lot. Canopy trees along the perimeter shall be spaced evenly to the greatest extent possible, however, canopy trees must be included in the interior landscaping as well.
3. Access drives which fall within the minimum yard area must be landscaped in accordance with the following:
4. The landscape planting shall be placed so that at maturity it shall not be closer than three feet from any public street or property line.
5. The landscape planting shall consist of a mix annual and perennial materials.
6. The landscaping may be a combination of earth berms, vegetation, and fencing.
7. New parking lot landscaping shall consist of peripheral landscaping having a minimum width of eight feet along a minimum of 50% of the periphery of the parking lot, which shall contain vegetative screening, including trees planted in number which would equal one tree per 100 feet, but not necessarily placed 100 feet on center, shrubs, perennials, grasses, ground cover, and annuals. Vegetation planted in this landscaping zone shall be chosen to grow to a height of not less than 2 1/2 feet.

D. Bank Or Financial Institution.

1. The City shall require the landowner and/or developer to prepare and submit a traffic impact analysis of the proposed development.
2. The ground of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
3. Side and rear buffer areas shall be maintained in accordance with this Ordinance.
4. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the bank. Should any traffic congestion occur in the public right-of-way, it shall be the responsibility of the owner to direct traffic away from the facility by posting a "Temporarily Closed" sign or other means. The City may require any traffic studies and associated improvements as a condition of approval.
5. Financial Institution with Drive-Thru.



- a. No drive-thru window, customer automated teller machine (ATM), or the like shall be located in a front yard.
- b. The drive-thru shall have direct access to a public right-of-way.
- c. A minimum of three (3) stacking spaces shall be provided for each drive-thru lane.
- d. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of way.

E. Betting Use.

1. Shall be located abutting an arterial or collector street, as defined by the Official Street Classification Map, on file at the city offices.
2. Minimum lot area - 30,000 square feet.
3. Minimum building setback from any residential lot line or any lot line of a place of worship - 150 feet.

F. Billboards.

See Section 8.12

G. Boarding House.

1. Minimum lot area- 10,000 square feet
2. Minimum setbacks: 15 feet each side yard and 40 feet rear yard
3. Minimum lot width- 80 feet
4. Each sleeping room shall be limited to 2 adults each, with a maximum of 3 persons of any age per sleeping room.
5. A 10 feet wide buffer yard with screening complying with this Ordinance shall be provided between any boarding house and any abutting single-family detached dwelling that is within 100 feet of the boarding house building.
6. 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.
7. Maximum number of residents: 40 in an INST district and 80 In any other permitted district.
8. Signs shall be limited to 1 wall sign with a maximum of 2 square feet per side and a maximum height of 6 feet.
9. Rooms shall be rented for a minimum period of 5 consecutive days.
10. A minimum of 1 full bathroom shall be provided for every 4 rental units.

H. Brew Pub.



1. A pub shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control Board (PA LCB).
2. The owner(s) and operator(s) of a tavern/bar/pub shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the patrons.

I. BYOB.

1. Shall not be located within 500 feet of a Place of Worship, Primary or Secondary School, Day Care, Nursery School, Public Park, or other business catering primarily to persons under 18 years of age.
2. No BYOB shall operate between the hours of 2:00 AM to 8:00 AM prevailing time.

J. Bulk Fuel Storage Facility.

1. An Emergency Response Plan should be submitted annually for approval by the Fire Chief.

K. Cemetery.

1. 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.
2. A crematorium, where permitted, shall be setback a minimum of 250 feet from all residential lot lines. Such use shall require special exception approval.
3. 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.
4. No grave sites shall be located within the 100-year floodplain.
5. 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

L. Cluster Residential Development.

1. The overall site shall be a minimum of 10 acres.
2. There shall be 50% of the site reserved for Open Space.
3. If any environmentally sensitive areas exist on the site, the use shall be considered Conservation Residential. Refer to Conservation Residential for specific conditions.
4. Open Space may contain both passive and active recreation.
5. All housing units shall be single family detached with a minimum lot size of one (1) acre.
6. All dwelling units shall be provided common access to Open Space.



7. A master plan and traffic study shall be submitted along with the application.
8. All facilities shall be connected to public sewer.
9. A stormwater management plan shall be submitted along with the application.

**M. College or university.**

1. Residents shall be limited to students, faculty, or staff of an accredited college, university, trade school, nursing school, medical training program or teaching hospital.
2. The building shall be 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.

**N. Commercial Recreation Facility, Indoor and Outdoor.**

1. To protect the surrounding uses from detrimental noise, dust and other disturbances, screening and buffering of parking areas and outdoor common spaces equivalent to 120% of the base zoning standard must be provided along any respective lot line shared with a residential use.
2. If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:
  - a. An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
    - i. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
    - ii. A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.
3. Any activity not included within a fully enclosed structure shall have hours of operation limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.
4. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.

**O. Commercial Recreation Facility, Large-Scale/Intensive.**

1. Primary or accessory uses that are not enclosed shall have hours of operation limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.
2. Impervious coverage limited to 30%.
  - a. Use of pervious material for parking is encouraged. Material must be approved



by the City Engineer.

- b. The design of permanent stormwater facilities to allow for recreational activities must be approved by the City Engineer.
3. Buffering of any accessory use within the boundary of the site shall not be required; however, landscaping shall be used to delineate the boundaries of the site from adjacent uses in separate ownership and all landscaping required within parking areas shall be provided.
4. All signs, other than directional signage shall be located on site. The use of temporary event signage must be approved by the Zoning Administrator:
  - a. Any requests for on-site signage beyond that which identifies the principal use of the site or any that is approved as part of the land development plan shall be considered for approval at the sole discretion of City Council. Such consideration may include a review of size, location, material, and illumination.
5. Any other conditions that the Board determines are necessary to address the impacts associated with the specific use or the specific site.

P. Community Center or Library.

1. A traffic study shall complete to affirm the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.

Q. Convenience Store.

1. If gasoline/fuel and/or energy recharge units are provided, they shall be located to the side and or rear to the principal structure on the lot.

R. Conservation Residential.

1. The overall site shall be a minimum of 10 acres.
2. There shall be 50% of the site reserved for conservation.
3. If any of the following environmentally sensitive natural resources exist on the site, they must be incorporated within the above percentage of conserved land.
  - a. Steep slopes (25% or greater)
  - b. Floodplains and floodways
  - c. Springs
  - d. Vernal pools
  - e. Wetlands
  - f. Hydric soils
  - g. Natural drainageways
  - h. Lakes/water bodies
  - i. Sensitive soils
4. Applicants are responsible for contacting or referencing all sources, listed below or



- otherwise, to obtain information related to the assessment of existing natural and cultural resources.
- a. Commonwealth of Pennsylvania Natural Diversity Inventory (PNDI);
  - b. Bureau of Topographic and Geologic Survey;
  - c. Pennsylvania Department of Environmental Protection, Northeast Regional Offices;
  - d. Pennsylvania Historical and Museum Commission; and
  - e. National Wetland Inventory.
5. Conserved areas may contain passive recreation, with construction limited to unpaved pedestrian paths and bridges.
  6. All housing units shall be single family detached with a minimum lot size of one (1) acre.
  7. A master plan and traffic study shall be submitted along with the application.
  8. All facilities shall be connected to public sewer.
  9. A stormwater management plan shall be submitted along with the application.

**S. Conversion Residential**

1. All parking spaces provided on the lot shall be paved in asphalt, concrete or decorative paving block and shall meet the parking requirements provided in the Ordinance. 1 new space shall be required for each new dwelling unit created in addition to any existing parking spaces.
2. Each dwelling unit shall have a minimum floor area with rooms that meet or exceeds the IRC International Building Code 2018 minimum room standards and contains at least one room of 120 SF and one bathroom of at least 70 SF.
  - j. 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,
  - k. All such floor area shall be heated and completely enclosed,
  - l. A minimum of 50% of the floor surface of such required floor area shall be located above the average surrounding ground level.
3. Each dwelling unit shall have at least 1 window that opens to the outside.
4. The use shall comply with the Pennsylvania Sewage Facilities Act, as amended and State and local fire safety regulations.
5. A total maximum over the lifetime of the property of no more than 1 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.
6. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
  - a. 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.

7. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
8. Off-street parking lots with 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of this Ordinance.

**T. Craftsman-Artisan Workshop.**

1. Hours of operation shall be limited to 8 a.m. to 10 p.m.
2. Retail of products made on site shall be permitted as an accessory use.

**U. Cultural Center or Museum.**

1. A traffic study shall be completed to affirm the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.

**V. Day Care Center, Child.**

1. 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.
2. Convenient parking spaces in accordance with this Ordinance shall be provided for persons delivering and waiting for children.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.

**W. Drug Store/Pharmacy.**

1. No drive-through window or the like shall be located in a front yard. No drive-through windows are permitted in the City Downtown Mixed Use District.
2. The drive-through shall have direct access to a public right-of-way.
3. A minimum of five stacking spaces shall be provided for each drive-through lane.



**Article 6**  
**Specific Criteria, Conditional Uses, and Special Exceptions**

City of Scranton  
Zoning Ordinance

4. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of-way.
- X. Dwelling: Accessory Structure.
1. In addition to off-street parking requirements for the principal use, each accessory dwelling unit will require 1 off-street parking space.
- Y. Dwelling: Single-Family Detached.
1. The use shall only occur within a structure existing on a lot prior to the date of the submission of the special exception application for H-C Districts.
- Z. Emergency Services.
1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
  2. Ingress and egress from the site shall be designed so as to maximize sight distance along the adjacent public streets and enhance safety for vehicles exiting the site, as well as those traveling on the streets.
  3. Buildings shall be located so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow on or blocking any public street.
  4. If a fire service building includes a rental hall or banquet facilities, the following criteria shall be met:
    - a. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
    - b. Off-street parking for the facility or rental hall shall be provided in accordance with the requirements of this Ordinance for eating and drinking establishments.
    - c. Activities on the site and within the building shall comply with the noise standards specified in this Ordinance.
    - d. If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.
    - e. Parking areas adjoining residential lots shall be screened as described in the Ordinance.
- AA. Equestrian Farm.
1. There shall be no other activities or events other than the keeping and training of horses.
  2. The facility shall be a minimum of ten (10) acres and shall be subject to the City's standard Land Development application.
  3. All areas used for exercise shall be securely fenced.
  4. All structures with the purpose of housing animals shall be a minimum of one hundred and fifty (150) feet from any property line.
  5. Animals shall be permitted to exercise daily between the hours of 8 a.m. – 8 p.m. All



outdoor exercise areas shall be two hundred (200) feet from any property line and screened.

6. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
7. Evidence of adequate water supply and wastewater disposal must be provided by the applicant

**BB. Farm Café.**

1. Circulation and lot access shall be designed to minimize conflict with typical traffic conditions of adjacent right-of-way.
2. The total gross floor area specific to the farm café use shall not exceed 2,500 square feet. This provision shall apply to the entirety of the farm café in the case of a freestanding structure or, in the case of an attached structure, the portion of the structure that shall be used for the farm café.
3. The minimum lot size shall be the same as the minimum lot size for the principal use of the property with the exception of nonconforming lots. In the case of nonconforming lots, the minimum lot size shall be the size of the lot, provided the other requirements of this section can be met.
4. No structure within the facility shall exceed 40 feet in height.
5. To reduce traffic impacts, only on-site and take-out is permitted. No drive-through service is permitted.
6. Outdoor lighting shall be permitted in accordance with this Ordinance.
  - a. No event lighting or loudspeaker system is permitted to be installed or used on the site.
7. Front, side, and rear setbacks shall be a minimum of 50 feet.
8. Signage shall be permitted in accordance with this Ordinance.
9. Adequate parking to accommodate the use shall be provided on-site according to the parking standards for eating and drinking establishments. A parking study submitted for review by the City may suffice as justification for a number of parking spaces smaller than the City's Ordinance requirements.
  - a. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved.
  - b. Handicapped parking spaces shall comply with ADA standards.
10. Retail sales shall be limited to agricultural products produced in whole or in part within Region 3 as defined by the Pennsylvania Department of Agriculture including, but not limited to, canned or jarred fruits and vegetables and frozen meats. Retail sales shall only be permitted under this section in conjunction with an eating establishment that is provided in accordance with the definition of farm café.



11. The farm associated with the farm café must be an active agriculture operation, as defined by this ordinance, as the purpose of the farm café is to serve primarily local and regional foods in support of sustaining local agriculture.
12. The farm café special exception need not be subordinate to the agriculture operation in terms utilized.
13. All sites with an on-site septic system must be inspected to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended.
14. All applications for a farm café special exception shall be accompanied by a land development plan prepared in accordance with the provisions of the City's Subdivision and Land Development Ordinance.

**CC. Farm Stand.**

1. A minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.
2. The stand shall be open no more than 12 hours per day.

**DD. Galleries.**

1. Off-Street Parking shall be provided in addition to the principal use at a rate of 1 space per 200 square feet gross floor area.

**EE. Gasoline Service Station .**

1. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
2. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
3. One additional tree per fuel pump/recharge unit shall be planted on the lot.
4. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
5. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
6. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
7. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
8. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
9. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.



10. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes

**FF. Group Home.**

1. 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.
2. 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.
3. 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.
4. Counseling. Any medical or counselling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.
5. 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 this Ordinance.
6. 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.
7. The following maximum number of persons shall reside in a group home, including the maximum number of employees/ supervisors and/or care providers routinely in the group home at any point in time:
  - a. 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.
  - b. Any other lawful dwelling unit: 6 total persons.
8. 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.

**GG. Health/Fitness Club.**

1. Gross floor area shall be limited to less than 10,000 square feet.



HH. Heliport.

1. Minimum lot area shall be three (3) acres for heliports and helistops.
  - a. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation related to the use of airports, heliports, or helistops.
  - b. No part of the take-off/landing strip and/or pad shall be located within three hundred feet (300') from any property line.
  - c. All facilities shall not be detrimental to the health, welfare and safety of City residents and their property.
2. In addition to the requirements in this Ordinance, heliports and helistops shall meet the requirements stated below.
  - a. The landing pad shall be at least eighty (80') feet square or a circle with an eighty (80') foot diameter. This pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
  - b. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000') feet; and shall have a glide angle slope of eight (8) degrees to one (1) degree measured from the outer edge of the pad.
  - c. An application for a helistop or heliport on a roof or similar above ground structure shall be accompanied by a registered engineer certification that the loads imposed by a helicopter will be supported by the structure.
  - d. The helistop and heliports shall be used only for personal or executive use by a firm or individual.
  - e. No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.
  - f. The application shall include at a minimum, the following:
    - i. A copy of the Federal Aviation Administration Form 7480-1, "Notice of Land Area Proposal";
    - ii. A copy of the letter of "No Objections" from the Federal Aviation Administration;
    - iii. A copy of the Commonwealth of Pennsylvania Application for Approval of a Land Site, AV-4, and necessary supplemental information or equivalent



and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation; and

- iv. An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals two hundred (200) feet, indicating the approach and departure routes, the location of all residents, schools, churches, hospitals, and areas used for the open assembly of people, as well as other noise sensitive areas within the radius of one-half ( $\frac{1}{2}$ ) mile of the proposed helistop or heliport sites.
3. In addition to the requirements in this Ordinance, heliports shall meet the requirements stated below.
- a. Heliports shall be located a minimum of one thousand (1,000) feet from any dwelling unit.
  - b. The applicant shall submit a land development plan for review and approval by the City.
  - c. Heliports shall meet all requirements of the Zoning Ordinance for the district of its proposed location.
  - d. The proposed site shall be fenced with a minimum height of four (4') feet with at least two openings, except those located on the rooftops. The fence shall be located so as not to obstruct the glide angle of the helicopter using the heliport.
  - e. The proposed heliport shall not adversely affect the health and safety of the citizens both in and surrounding Scranton City.
  - f. The applicant shall be and remain in full compliance with those guidelines and regulations for helistops and heliports or similar facilities as outlined in the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation, Title 67, regulations relating to Pennsylvania Aviation, as amended.
4. In reviewing any application for an airport, heliport or helistop, the Zoning Hearing Board may impose the following conditions on such uses:
- a. Hours of operation;
  - b. Lighting;
  - c. Noise level;
  - d. Flight altitude over residential areas;
  - e. Number of takeoffs and landings; and

Other requirements as may be reasonable and appropriate to protect the health, welfare and safety of City residents and their property

II. Hospital.

1. Minimum total area of all lots- 30,000 square feet.



2. 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.
3. 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.
4. This use may also include any of the following additional principal or accessory uses:
  - a. medical research facilities and training/education facilities for health care professions,
  - b. short and long-term medical care,
  - c. management and administrative offices for health care organizations,
  - d. hospice facilities,
  - e. medical testing facilities,
  - f. operating rooms and emergency facilities,
  - g. medical and dental offices and clinics for treatment,
  - h. a nursing home or personal care center and/or
  - i. ambulatory Surgery center.

**JJ. Junkyard.**

1. Storage of garbage or biodegradable waste is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
2. Outdoor storage of junk shall be a minimum of:
  - a. 100 feet from any residential lot line for any junkyard or portion thereof approved after the adoption of this Ordinance,
  - b. 60 feet from any residential lot line for any portion of a junkyard existing or approved prior to the adoption of this Ordinance and
  - c. 30 feet from any other lot line or from the existing right-of-way of any public street.
3. 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.



4. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10-foot-wide buffer yard which complies with this Ordinance, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 4 feet.
5. Fencing.
  - a. 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. And shall meet any and fencing requirements found elsewhere in this ordinance.
  - b. Fencing shall be placed inside of any evergreen screening.
  - c. 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.
  - d. 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 Ordinance within 24 months of the adoption of this Ordinance.
6. Burning or incineration of vehicles or junk is prohibited. The use shall not include the outdoor storage of explosive or flammable materials. The use shall fully comply with the City Fire Protection Code.
7. 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.
8. Lot area - 2 acres minimum; 20 acres maximum.
9. 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.
10. 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.

**KK. Kennels.**

1. 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.



2. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
3. 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.
4. See State law regulating kennels.
5. A kennel may be used for breeding.
6. Minimum lot area - 1 acre.
7. An evergreen screen meeting the requirements of this Ordinance shall be required between any outdoor animal runs and any residential lot line.
8. 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.

**LL. Manufacturing, Light.**

1. All materials and equipment shall be stored within a completely enclosed building.
2. The use shall comply with all performance standards specified in this Ordinance.
3. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
4. Any outdoor storage conducted on the lot shall comply with City standards.
5. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
6. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases, or solids stored and/or used on site shall be available upon request.

**MM. Nightclub.**

1. Nightclubs shall cease operations between the hours of 2:00 a.m. and 5:00 a.m.
2. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
3. All operations shall be conducted within a completely enclosed building, and doors and windows shall remain closed during hours when entertainment is presented.
4. The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy allowed by the City building or Fire Codes for the nightclub exceeds 100 persons.
5. Any nightclub that proposes a maximum permitted occupancy allowed by the building



or Fire Codes of 200 or more persons shall be located at least 500 feet from any property line that adjoins a residential zoning classification.

**NN. Office, Business or Professional.**

1. Off-street parking shall be provided in accordance with the provisions of this Ordinance.
2. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
3. A Delivery Zone Plan acceptable to the City Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing City development and circulation patterns.

**OO. Personal Service Establishment.**

1. There shall not be any outdoor storage.

**PP. Public Parking.**

- a. The parking lot shall not be used for parking of heavy construction equipment, for vehicle repairs or for sales.
- b. Public Parking surface lots and off-street parking spaces are not permitted in the City Downtown Mixed Use Zone. Parking garages are an allowed use in the D District.
- c. All lighting and glare standards shall meet the requirements set forth in this Ordinance.
- d. All buffer yard and planting strip shall meet the requirements set forth in this Ordinance.
- e. 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 a.m. and 6 a.m.

**QQ. Raising of Livestock, Small-Scale.**

1. Lot Size and Density Restrictions
  - a. Minimum lot size of 5 acres
  - b. Up to one (1) Animal Equivalent Unit for each acre or a portion thereof dedicated to the use shall be calculated using standard weight (pounds). Round up to the nearest whole animal.
  - c. Changes in animal types must still adhere to Animal Unit Densities.
2. Manure Management:
  - a. Keeping of Livestock must comply with the Pennsylvania Nutrient Management Regulations, Pa. Code Title 25, Chapter 83, as required by the Department of Environmental Protection.<sup>18</sup>



3. Animal Care:

- a. All Keeping of Livestock must comply with minimum standards of animal care as required by Pennsylvania law, Pa. Code Title 18, regarding animal cruelty provisions.
- b. An animal housing facility shall be provided as a shelter for the animal(s). The structure shall incorporate no less than three walls and a sufficient roof area to provide a weather proof shelter.
- c. Animal housing facilities shall be of sufficient size to enable the animal to comfortably stand, turn around and lay down.
- d. Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.

4. General Requirements

- a. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Pa. Code Title 3, Chapter 23, subsection 2352. Dead animals shall be disposed of within 48 hours after death.

5. Beekeeping

Honeybee apiaries are permitted by right as an accessory use in CONS Districts when in compliance with the Pennsylvania Bee Law (3 Pa. C.S.A. § 2101-§ 2117) and, subject to the following regulations:

- a. Best Management Practices: Beekeeping facilities must be consistent with the Pennsylvania Department of Agriculture “Best Management Practices for Maintaining European Honey Bee colonies in the Commonwealth of Pennsylvania”.
- b. Registration: The apiary must be properly registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, pursuant to applicable Pennsylvania state laws;
- c. Ownership and Care: Ownership, care and control of the honey bees shall be responsibility of a resident of the dwelling on the lot or the individual listed on the registration;

6. Permitting Process

Applicants proposing the non-commercial keeping of livestock and/or beekeeping must submit a zoning permit application identifying the following:

- a. An application fee payable to the City in the amount posted on the fee schedule. This amount may be amended by resolution adopted by a majority of City Council.
- b. Property address, name and contact information of applicant.



- c. Description of the proposed animals and activities on the property.
- d. Location and area of proposed livestock enclosures.
- e. Location and height of proposed livestock structures including sheds, containers, animal housing, coops, hives, apiaries, flyway barriers, manure storage facilities, landscaping, and fencing.
- f. Distance between structures/activities and neighboring properties.
- g. Verification that the applicant is familiar with the requirements set forth in this ordinance.

**RR. Recreation Facility, Public and Private.**

- 1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Ordinance.
- 2. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.
- 3. The facility area and lot boundaries shall be landscaped as required by the City to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- 4. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
- 5. All facilities shall have a paved parking area in accordance with this Ordinance; and it shall not be closer than twenty-five (25) feet to any residential lot line.
- 6. All facilities shall abut a public road and have a permanent access thereto.
- 7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and juke boxes shall be prohibited on the premises.
- 8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- 9. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- 10. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
- 11. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
- 12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- 13. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.



14. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The City may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

**SS. Recycling, Small Scale.**

1. The use shall be conducted within a completely enclosed building.
2. Recycling storage containers shall be completely enclosed.
3. Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible.
4. Vehicular drop-off areas shall be located a minimum of sixty (60) feet from any intersection or driveway and shall not conflict with residential parking.
5. Council shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

**TT. Resort.**

1. A Master Plan must be presented illustrating the placement of buildings, outdoor facilities, and internal vehicle/pedestrian circulation networks.
2. The application must also include a plan for phasing, traffic impact, and vehicle access.

**UU. Restaurant, Drive Through/Drive-In.**

1. No drive-thru window or the like shall be located in a front yard.
2. No drive-thru windows are allowed in the City Downtown Mixed Use Zone.
3. The drive-thru shall have direct access to a public right-of-way.
4. A minimum of three (3) stacking spaces shall be provided for each drive-thru lane.
5. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of way.

**X. Restaurant, Sit Down.**

1. 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.
2. 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.



WW. Riding Academy and Stables.

1. All applications for a riding stable and/or academy conditional use permit shall be accompanied by a land development plan.
2. The maximum impervious cover, exclusive of access, shall be 100,000 square feet or 10% of the lot size - whichever is less.
3. All required off street parking spaces and aisles shall consist of six inches of crushed and compacted stone.
4. Front, side, and rear setbacks shall be a minimum of 50 feet.
5. No outdoor activity or event lighting or loudspeaker system is permitted to be installed or used on the site. Security lighting is permitted; however, all lighting must conform to the standards of this Ordinance.
6. Maximum building height shall be 40 feet.

XX. School, Public and Private.

1. All height, area, setback, and coverage standards within the underlying district shall apply.
2. No part of a public/non-public school property shall be located within 1,000 ft. of a property containing an adult business. All off-street parking shall be set back at least twenty-five feet (25') and screened from adjoining property lines.
3. An outdoor play area shall be provided at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
4. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
5. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site. The drop-off and pick-up lanes shall also be arranged to prevent backup onto public streets.
6. The minimum lot area for public/non-public schools will comply with the requirements of the zoning district.
7. A traffic study is required.
8. The subject property shall have frontage along a public street as defined in the Zoning Ordinance, as amended.

YY. Shooting Range, Indoor.



1. Indoor gun ranges shall not sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the Indoor Gun Range at any time.
2. Provide documentation that the Indoor Gun Range will conform to the following criteria:
  - a. 7:00 AM – 6:00 PM decibel Levels shall be less than 55 dB measured at the lot line.
  - b. 6:00 PM – 7:00 AM decibel levels shall be less than 45 dB measured at the lot line.
3. The design and construction of the Indoor Gun Range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the gun range shall be performed by a registered engineer in the Commonwealth of Pennsylvania. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.
4. No ammunition shall be used in the Indoor Gun Range that exceeds the certified design and construction specifications of the gun range.
5. Each range shall have a clear and concise safety plan. A copy of the safety plan shall be filed with an application for a conditional use permit.
6. The applicant shall provide and maintain proof of liability insurance which shall require the insurer notify the Zoning Administrator in writing of cancellation of the policy, a change in the limit of the policy, and/or a change in policy ownership. Said policy shall be executed and provided to the Planning Department prior to issuance of a zoning certificate and shall be available for inspection by the Zoning Administrator and/or his/her assigns at all times.
7. An outside security plan for the general grounds shall be submitted to the city for review and approval.
8. Signs shall be posted in the entry of the structure, and within the range space that specify that minors must be accompanied by an adult at all times. This includes in a firearm safety class which must be supervised by an adult instructor.
9. Retail sales and rental may be permitted as an accessory use and shall be limited to gun -related material and equipment, with a maximum display area of 20 percent of the floor area.
10. Applicant shall provide documentation that all Backstop and Bullet Traps shall be made of steel that conforms to The General Services Administration (GSA) specifications for target backstops steel published in the bulletin GSA-PBS Indoor Firing Range Design, Operations and Maintenance Criteria, April 2012, Appendix B and found in the NRA Range Source Book: A guide to Planning and Construction Article 3, Section 3, Table 1 Examples of Acceptable Ammunition, Muzzle Velocities and Minimum Steel Plate thickness for Metal Backstops, Deflector Plates (Baffles), and Bullet Traps.
11. Applicant shall acknowledge that an Indoor Gun Range shall conform with all Federal,



State and Local requirements related to the use, sale, rental, and transport of firearms.

**ZZ. Shooting Range, Outdoor.**

1. Skeet, rifle, or archery ranges shall be directed away from residential areas and adequate backstopping shall be provided to protect surrounding areas from stray bullets or arrows.
2. Outdoor firearm shooting hours shall be limited from 10:00 a.m. to one (1) hour before sunset.
3. No hunting shall be permitted on the grounds within specified safety zones of on-site or off-site buildings and dwellings.
4. Provide documentation that the Indoor Gun Range will conform to the following criteria:
  - a. 10:00 AM – 6:00 PM decibel Levels shall be less than 55 dB measured at the lot line.
  - b. 6:00 PM – Sunset decibel levels shall be less than 45 dB measured at the lot line.

**AAA. Short Term Rental.**

1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six (6) months of the calendar year.
2. All activity at the short-term rental shall be subject to enforcement of the City's noise, nuisance, and property maintenance-related ordinances including but not limited to Performance Standards and Property Maintenance.
3. Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals.
4. The short-term rental shall provide one off-street parking space per bedroom available for rental.

**BBB. Traditional Neighborhood Development.**

1. By the authority granted by the PA MCP, the City reserves the right to develop an application process specifying provisions regarding Traditional Neighborhood Development, in coordination with the City's Subdivision and Land Development Ordinance.

**CCC. Treatment Center.**

1. The applicant shall prove to the satisfaction of City Council that the use will involve adequate on-site supervision and security measures to protect public safety.
2. City Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
3. Any such use shall not be located or operated within 500 feet of an existing school, public playground, public park, residential housing district, child-care facility, church, meeting house or other actual place of regularly stated religious worship established



prior to the proposed treatment center and shall be located a minimum of 600 feet from any existing treatment center.

4. No treatment center shall be permitted unless it is certified by and meets all regulations of the appropriate local, County, State and/or Federal agencies.

**DDD. Truck/Freight Terminal.**

1. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
2. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by this Chapter to protect the surrounding neighborhood from in appropriate light and other disturbances.
3. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Ordinance.
4. A distribution center, cargo facility, warehousing area or freight terminal shall have one (1) point of ingress and egress to an arterial or collector street. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on Arterial and/or Collector streets.
5. Hours of operation and activities must be appropriately scheduled to protect the operation of the Wilkes-Barre Scranton International Airport from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
6. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted.
7. The owner(s) and operator(s) of such facilities shall be responsible for the conduct and safety of employees or visitors and shall be available to respond to inquiries and promptly quell any disturbances caused by employees and visitors
8. The height of proposed buildings and structures that are for non-aviation uses shall be subject to the requirements of the Lackawanna County Airport Zoning Regulations and approval by the Federal Aviation Administration (FAA).

**EEE. Vehicle or Equipment Sales.**

1. Automobile repair and sales shall have direct access to an arterial road.
2. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
3. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty (50) percent luminosity after 11:00 P.M.
4. Automobile repair and automobile sales and service (dealership) may be provided so long as any area not within a building which is used for the display of automobiles shall be bordered by curbing or barrier.



5. All lights used to illuminate automobile sales area shall be so arranged as to reflect the light away from adjoining properties and roadways.
6. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust, and other disturbances. Where an automobile display area abuts a residential use, it shall be bordered by a fence or hedge not less than four (4) feet in height.
7. Landscaping requirements:
  - a. One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.
  - b. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
  - c. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.
8. A Delivery Zone Plan acceptable to the City Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing City development and circulation patterns.
9. The maximum lot area for an automobile repair and sales station shall be twenty thousand (20,000) square feet.
10. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
11. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
12. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
13. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

**FFF. Vehicle Repair Services.**

1. Minimum Setbacks from Street Right-of-ways lines:
  - a. Building: fifty feet (50')
  - b. Canopies: twenty feet (20')
2. Driveways shall be located as provided in this Ordinance.
3. All service equipment shall be set back not less than twenty-five feet (25') from any lot line and so located that vehicles stopped for service will not extend over the property line.
4. Access drives:
  - a. Minimum offset from intersection of street right-of-way lines: forty feet (40');



- b. Side lot line offset: 10 feet (10')
  - c. Minimum width: twelve feet (12')
  - d. Maximum width: thirty-five feet (35')
  - e. Minimum separation of drives on same lot: twenty-five feet (25')
- 5. Motor vehicles shall not be permitted to be repaired, parked or to stand on sidewalk areas.
  - 6. Except along access drives, a concrete curb eight inches (8") in height must be placed along all street right-of-way lines.
  - 7. All signs shall be in accordance with this Ordinance.
  - 8. All merchandise shall be displayed within a building. Vending machines shall be maintained in a semi- enclosed structure or within the building.
  - 9. No outdoor stockpiling of tires, auto parts, or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is permitted. No materials may be stored so as to create a fire hazard.
  - 10. All lights must be diverted inward and downward.
  - 11. The outdoor storage of unlicensed vehicles is prohibited.
  - 12. All vehicles shall be serviced and removed from the premises within thirty (30) days.
  - 13. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.
  - 14. One kiosk is permitted on the gasoline service island, no larger than 10' by 10' and within the pump setbacks.
  - 15. All service and/or repair activities shall be conducted within a wholly enclosed building.
  - 16. No outdoor storage of parts, equipment, lubricants, fuel, or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.
  - 17. All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially used lots and roads.
  - 18. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.
  - 19. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially zoned or used property and conform to all outside agency requirements.

**G.G.G. Waste-to-Energy Facility.**

- 1. 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 staff persons 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.
2. 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.
  3. 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.
  4. 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.
  5. Traffic.
    - a. The applicant shall describe in detail the proposed method of transportation of materials to the site.
    - b. 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.
    - c. 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.
  6. The applicant shall provide a detailed description of the types of materials intended to be processed and/or incinerated on the site.
  7. The applicant shall 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.
  8. The applicant shall provide a detailed description of proposed methods to monitor hazards and emissions from the facility.
  9. 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.



10. 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.
11. Lot Area. A waste-to-energy plant 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.
12. 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.
13. 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.
14. 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.
15. 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.

HHH. Wireless Communications Tower (See Section 5.20 Wireless Communications Facilities)



## ARTICLE 7

### Off-Street Parking and Loading

#### Section 7.1 – General Regulations for Parking Facilities

##### A. Availability of Facilities.

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

##### B. Lighting.

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

##### C. Public Right-of-Ways.

Parking, loading, and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with City parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

##### D. Off-Street Parking in the D – City Downtown Mixed Use District.

Uses in the D District shall not require off street parking as required by §7.1E. In the D District no lands shall be converted to the principal use of public parking lots.

##### E. Number of Spaces To Be Provided.

1. Any structure or building not exempted by §7.1D and which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in this Article, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
2. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.



3. Additional parking for the handicapped shall be provided in accord with §7.1L.
4. Should the applicant provide evidence that the number of parking spaces required by this Article §7 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 7 and the applicant shall agree in writing to install the parking at the direction of the City Council. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction

**F. Parking and Loading Area Buffers.**

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional, or mixed use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than three (3) feet in width unless adjoining uses share parking in accord with §7.1I. In the case of adjoining Residential Districts, the buffer shall be increased to ten (10) feet. Buffers shall be improved in accord with §7.2.

1. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
  - a. Paving except for approved driveway crossings
  - b. Fences
  - c. Parking, storage or display of vehicles
  - d. Items for sale or rent
3. Uses Permitted - The buffer **area** may include the following:
  - a. Permitted freestanding signs
  - b. Pervious storm water facilities
  - c. Approved driveway/access way crossings
4. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking lot.
5. Clear Sight Triangles - All required clear sight triangles at intersections shall be maintained.

**G. Surfacing.**

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface of concrete or



bituminous concrete surface constructed in accord with accepted standards to assure durability.

H. Off-Lot Parking.

A principal use located within four hundred (400) feet of another use, within the same Zoning District, that has excess of available parking spaces due to the principal use operating at different time(s) or for any other reason, the principal use seeking the shared parking arrangement may, as a special exception, seek approval of a shared parking arrangement.

I. Joint Use Parking.

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §7.1F. The standards in §7.1E for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10 percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

J. Existing Parking Areas.

Except in the D District where higher use development is encouraged for existing surface parking lots, no existing parking area or any off-street parking shall be eliminated, reduced in size, or otherwise altered so that any use is served by less parking than is required by this Ordinance.

K. Parking for Residential Use.

Off-street parking shall be provided in accord with this §7 for all residential uses in all Districts except the D District.

L. Handicapped Parking.

1. Number of Spaces - Any lot including four (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 established under the Federal Americans With Disabilities Act {ADA}.



<b>Total # of Required Spaces on Parking Lot</b>	<b>Required Minimum # of Handicapped Parking Spaces</b>
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 access to the use is via the shortest reasonable accessible distance. 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 nine (9) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. In order to provide for van accessibility, one (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.
4. Slope - In accord with ADA requirements, handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions.
5. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.



*Subsection 7.1.1 – Table of Off-Street Parking Requirements*

USE	PARKING SPACES REQUIRED
A. Dwellings	1 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group homes, halfway houses, and similar uses	1 per on duty employee on duty plus 2 per residents capable of driving a vehicle.
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise, and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance, banks, service establishments, and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise, and equipment	1 per 600 SFGFA
G. Educational, cultural, religious, social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFG FA open to the public
3. Places of worship	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs, and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement, and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums, and similar uses with seating accommodations	1 per every 4 seats



USE	PARKING SPACES REQUIRED
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Health related facilities	
1. Hospitals, clinics, and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
2. Nursing homes, personal care homes	1 per five resident beds at maximum capacity
J. Restaurants, bars, taverns, and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFG FA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car or truck wash	1 per employee plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
4. Truck terminals	1 per 200 SFGFA devoted to office use plus 2 per company vehicle using the facility
5. Bus terminals	1 per 200 SFGFA devoted to office use plus 0.75 per seat of the total capacity of buses serving riders who travel round-trip during the peak twelve-hour period of the day
L. Warehousing and storage	1 per 2,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA
2. Nursery schools and day care	1 per staff member plus 1 per 5 clients at maximum capacity
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Post office	1 per 200 SFGFA open to the public
6. Recycling centers	1 per employee with a minimum of 2
7. Kennels	1 per 400 SFGFA with a minimum of 4
8. Institutional uses	1 per employee plus 1 per 25 inmates/residents



USE	PARKING SPACES REQUIRED
<p>Note: SFGFA means "square feet of gross floor <b>area</b>". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	

For uses not specifically provided above, the Zoning Officer is authorized to determine the required number of spaces based upon the similarity of the proposed use to the uses provided. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

## Section 7.2 – Design Standards for Parking Facilities

### A. Size and Design of Parking Spaces.

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

- B. Distance From Intersections • At a minimum, the following distance shall be maintained between the centerline of any driveway/access way and the centerline of any street intersecting the same street as the driveway/access way:

Type of Street	Minimum Separation Distance
State	75 feet
City	50 feet

- C. Highway Occupancy Permit - A City or State highway occupancy permit, as applicable, shall be required for any new access or access proposed for increased average daily traffic to any public street or any other regulated activity within the right-of-way.

### D. Landscaping.

All improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

1. Buffer Areas - The buffer area required by §7.1F shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum



of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage.

2. **Parking Lot Interiors** - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
3. **Plants** - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the City. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
4. **Plan** - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the City.

### **Section 7.3 – Parking of Unregistered Vehicles, Commercial Vehicles and Junk Vehicles**

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.

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

1. **Definitions** - For the purposes of this §7.3 and §7.4, the following terms shall have the following meanings:
  - a. **Commercial Vehicle** - A motor vehicle that has a gross vehicle weight of greater than six thousand (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 three (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 or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expired less than 90 days prior) and no motor home, recreational vehicle, camper, bus, or ambulance shall be parked or stored in any way that is visible from a public street or an adjacent dwelling.
- 3. Non-Residential District - Within a non-residential district, no motor vehicle or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no "abandoned or junk vehicle" (as defined by Article III), shall be parked or stored in any way that is visible from a public street or an adjacent structure. This §7.3 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. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
  - c. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation, or utilities in the immediate area
  - d. 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.
- 5. Commercial Vehicles in a Residential District
  - a. In a residential district, a maximum of two (2) "vehicles" which are commercial in nature (having a business name painted on it and/or other advertising on it) may be parked for more than eight (8) hours in any forty-



eight (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 eight thousand (8,000) pounds if parked outside of an enclosed building.

- b. In a residential district, the engine of a tractor of 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 tractor-trailer shall be parked, stored, maintained, or kept in a residential district for more than 8 hours in any forty-eight (48) hour period.
- d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

#### **Section 7.4 – Off-Street Loading**

##### **A. Loading and Unloading Areas.**

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district. for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital, or other non-residential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide, to the satisfaction of the Zoning Officer, City Council or Zoning Hearing Board, as the case may be, documentation of the that the use will have sufficient numbers and sizes of loading facilities.

<b>Largest Type of Truck Service</b>	<b>Minimum Width (feet)</b>	<b>Minimum Length (feet)</b>
Tractor trailer	12	55 with 12 ft clear height
Trucks other than tractor trailers, pick-ups, or vans	10	25
Pick-up truck or van	9	18

##### **B. Access To Off-Street Parking and Loading Areas.**

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:



1. Width - Unless otherwise required by PennDOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows:

<b>WIDTH</b>	<b>1-Way Use</b>	<b>2-Way Use</b>
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

2. Controlled Access • Each entrance and exit shall be clearly defined with curbing, fencing, landscaping, or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
3. Distance Between Non-residential Driveways • In no case shall one entrance or exit be located within fifty (50) feet of any other on the same property or adjoining property along the same public right-of-way.



**ARTICLE 8  
Signs**

**Section 8.1 – Applicability**

- 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.
- B. Permit Required. A permit under this Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 8.3 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.
- 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.

**Section 8.2 – Existing Non-Conforming Signs**

- A. Signs lawfully existing at the time 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.
- 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.
- 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 shall no longer be valid.

### Section 8.3 – Miscellaneous Signs Not Requiring Permits

- A. 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 An OTHER LOT	D. OTHER REQUIREMENTS
<b><u>Agricultural Products Sign</u></b> - 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.
<b><u>Charitable Event Sign</u></b> - 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 30days prior to event and removed a max. of 10 days after event.
<b><u>Contractor's Sign</u></b> - 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.



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 AN OTHER LOT	D. OTHER REQUIREMENTS
<b><u>Directional Sign</u></b> - 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.
<b><u>Flag, Commercial</u></b> - a banner or pennant 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.
<b><u>Open House Sign</u></b> - 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.
<b><u>Parking Area Sign</u></b> - 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.
<b><u>Physically Carried Sign</u></b> - physically carried by a person.				Not regulated by this Ordinance.
<b><u>Political Sign</u></b> - 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.  Persons posting political signs should maintain a written list of locations of such signs, to aid in their removal.	5	20	40	Shall be placed a max. of 65 days prior to election, vote or referendum and removed <b>a max.</b> 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."



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 AN OTHER LOT	D. OTHER REQUIREMENTS
<b><u>Proposed Development Sign</u></b> - 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.
<b><u>Public Services or Hospital Sign</u></b> – 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.
<b><u>Real Estate Sign</u></b> - 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.
<b><u>Required Sign</u></b> - only includes information required to be posted outdoors by a government agency or the City.				Not regulated by this Ordinance.
<b><u>Right-of-Way Sign</u></b> - posted within the existing right-of-way of a public street and officially authorized by the City or PennDOT.				Not regulated by this Ordinance.
<b><u>Service Organization/ Place of Worship Sign</u></b> - 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.



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 AN OTHER LOT	D. OTHER REQUIREMENTS
<b>Time and Temperature Sign</b> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	40	
<b>Trespassing Sign</b> - 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	
<b>Very Small Sign</b> - 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.

#### Section 8.4 – Freestanding, Wall, and Window Signs

- 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 8.3. See definitions of the types of signs in Section 8.11.

ZONING DISTRICT OR TYPE OF USE	MAXIMUM HEIGHT OF FREE- STANDING SIGNS** (See Section 8.11.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	8 feet	<b>Max.</b> 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.	<b>Max.</b> of 5% of the area of the building side on which the window sign(s) are located	<b>Max.</b> of 2 signs on each street which the use abuts, with a max. total sign area per street of 32sq. 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.



<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>MAXIMUM HEIGHT OF FREE-STANDING SIGNS**</b> (See Section 8.11.A.3)	<b>MAX. SIGN AREA OF WALL AND ROOF SIGNS</b> (Permitted on a max. of two sides of a principal building or an attached structure unless otherwise specified)	<b>MAX. SIGN AREA OF WINDOW SIGNS</b> (Which shall not be illuminated and shall not be permanent)	<b>MAX. SIGN AREA (each of 2 sides) AND NUMBER OF FREE-STANDING SIGNS PER LOT</b>
b) for development of more than 20 retail dwelling units				See "Signs Not Requiring a Permit" in Section 8.3.
2. In a Residential District- other than uses listed in part "I." above	Not permitted, except for signs permitted by Section 8.3	Not permitted, except for signs permitted by Section 8.3 (such as political signs)	Not permitted except for signs, permitted by Section 8.3(such as political signs)	Not permitted, except for signs permitted by Section 8.3 (such as political signs)
3. In a Commercial District other than D or in an Industrial District	35 feet	Max. total of 10% of the area of the building side on which each sign(s) is 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 D District	10 feet, except as provided in note *** below	<b>Max.</b> total of 10% of the area of the building side on which each sign(s) is located, on up to 3 sides of a building.  No maximum shall apply on the number of wall signs.	<b>Max.</b> 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 8.11.

\*\*\* 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 accommodating 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.



- 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.
- C. **Special Sale Displays and Banners.** Banners totaling over 30 square feet in area (other than banners meeting the requirements for a permitted sign), balloons 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.
- 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 CI or 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.
- E. **Projecting Signs.** In addition to the signs permitted by this Article, each lot in the D or 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 marque 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.

#### **Section 8.5 – Abandoned or Outdated Signs**

- A. 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.



**Section 8.6 – Location of Signs**

- A. Public Rights-of-Ways and Sign Setbacks from Streets.
1. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs 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;
    - b. except as may specifically be permitted by another City Ordinance;
    - c. except as permitted by Section 8.4.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.
  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 N and 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.
- B. Sight Distance. No sign shall be so located or arranged that it interferes with sight distance requirements or safe sight distances for vehicles within a lot.
- 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.
- D. Setbacks. An illuminated freestanding sign for a commercial or industrial business shall not be located within 25 feet of a “residential lot”. A sign is not required to meet setback requirements for principal or accessory structures.
- 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.
- F. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility.



**Section 8.7 – Illumination of Signs**

- A. See Section 5.10, "Light, Glare and Heat Control.11
- 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.
- C. Permitted signs may include an electrically changing message, except for those signs prohibited by Section 8.9 below.

**Section 8.8 – 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.

**Section 8.9 – Prohibited Signs**

- 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.
- 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 8.3.
- C. Signs which emit smoke, visible vapors or particles, sound, or odor.
- 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.
- 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").
- F. Signs that use reflective materials to give the appearance of flashing, blinking, or twinkling.
- 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.
- H. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes.
- I. Floodlights and Lasers



### **Section 8.10 – 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.

### **Section 8.11 – Measurement and Major Types of Signs**

- 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 illuminated from within by man-made 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 Section 8.12
  6. Roof Sign. A sign attached to a building and that extends above the top of the roof of the building.
  7. When a distance or setback is specified, the measurement is from the closest portion of the sign structure to the closest lot line or closest portion of the structure being measured to.
  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.



**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 both sides. 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 regard to signs are maximum sizes.

**Section 8.12 – Off-Premise Signs (Including Billboards)**

- A. Purposes.** Off-premise signs are controlled by this Ordinance for the following purposes:
1. To ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks;
  2. To 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;
  3. To prevent glare on adjacent property and streets;
  4. To protect the open space and natural character of areas of the City planned to remain conservation areas;
  5. To 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;
  6. To 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;
  7. To recognize that this Ordinance allows every landowner a reasonable use for their land;
  8. To 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;
  9. To carry out the purposes listed in Section 8.1.
- 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.



- 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.
- 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.
- E. Political Signs. See Section 8.3.
- 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 8.3.
  - 1. District. An off-premise sign is only permitted in:
    - a. the CI and LI Districts, and
    - b. the 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) CI or LI 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 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 1000 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 8.11.



6. Off-premise signs shall have a maximum of 2 sign faces attached to each other, except as stated above.
7. Lighting and Glare. See standards in Section 5.10.
8. Setbacks. In place of the setback requirements of Article III, an off-premise sign shall meet the following minimum setback requirements:
  - a. 250 feet from a “residential lot” line 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.
  - d. 1000 feet from any existing off-premise sign.

**Section 8.13 – Sign Area Bonuses**

- A. Intent. To encourage designs of signs that will be highly compatible with nearby residences and other attractive natural features and areas.
- B. Applicability. These bonuses may apply to on-premise signs in a commercial, industrial, or institutional district.
- 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.

**Section 8.14 – Signs Identifying Major Residential or Business Developments**

- 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.
- 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 up to a maximum of 3 signs at 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.

- C. Durability. Such signs shall be designed to be of a durable construction requiring little maintenance.
- 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.
- E. Landscaping. Such signs shall be attractively landscaped, with plants and shrubs requiring minimal maintenance.
- F. Location. Such signs and structures shall be located outside of the existing and future street rights-of-way lines and shall satisfy sight distance requirements.
- 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.
- H. Illumination. Such signs in a residential district shall not be illuminated.
- 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 9  
Nonconformities**

**Section 9.1 – Intent and Applicability**

- A. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
- B. 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 and subject to the following criteria and standards:
  - 1. The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
  - 2. The alteration or extension does not constitute the addition of a new nonconforming use or structure.
  - 3. The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
  - 4. The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

**Section 9.2 – Nonconforming Uses**

- A. Expansion of Nonconforming Residential Uses.

An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:

- 1. The number of dwelling units is not increased;
  - 2. The expansion meets all applicable setbacks;
  - 3. No new types of nonconformities are created; and
  - 4. A nonconformity is not made more severe (including the building area within the required setback area).
- B. Expansion of Nonconforming Nonresidential Uses.



A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1. An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 10.
2. 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.
3. The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
4. 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.

**C. Abandonment of Nonconforming Uses.**

If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

**D. Nonconforming Outdoor Storage Activities.**

If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.

**E. Change from One Nonconforming Use to Another.**

1. Once changed to a conforming use, such use shall not revert to a nonconforming use.
2. A nonconforming use may be changed to another 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 than the pre-existing nonconforming use with regard to:
  - a. Traffic generation (especially truck traffic);
  - b. Noise, dust, fumes, vapors, 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; and
  - e. Compatibility with the character of the surrounding area.

**F. Nonconformities Due to Zoning Changes.**

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.



**Section 9.3 – Nonconforming Structures**

**A. Reconstruction or Expansion of Nonconforming Structures.**

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
  - a. Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and
  - b. Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.
2. 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.

**B. Damaged or Destroyed Nonconforming Structures.**

1. A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.
2. 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.
3. Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

**C. Abandonment of Nonconforming Structures.**

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

**D. New Construction and Building Permits.**

**1. New Construction.**

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



construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit

**Section 9.4 – Nonconforming Lots of Record**

A. In any district in which single-family detached dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1. Has a minimum width of 40 feet measured at the minimum building setback line;
2. Has a minimum lot area of 3,000 SF;
3. Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and
4. Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger, or can meet the setbacks of the district in which it is located.

B. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of the City of Scranton.

**Section 9.5 – Registration of Nonconformities**

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.



**ARTICLE 10**  
**Zoning Hearing Board**

**Section 10.1 – Organization and Procedure**

**A. Organization.**

1. The City of Scranton Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Subsection E.
2. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the City of Scranton and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of the City of Scranton. The Zoning Hearing Board shall submit reports of its activities to the Scranton City Council when requested.

**B. Membership, Terms, and Vacancies.**

The membership of the Zoning Hearing Board shall consist of five (5) residents of the City of Scranton appointed by the Scranton City Council by resolution. Their terms of office shall be five (5) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Scranton City Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the City of Scranton.

**C. Removal of Members.**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by majority vote of the Scranton City Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**D. Appeals and Applications to the Zoning Hearing Board.**

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1. The name and address of the applicant;
2. The name and address of the owner of the real estate involved in the appeal;



3. A brief description and location of the real estate involved in the appeal;
4. A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;
5. Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;
6. An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;
7. A plot plan of the involved real estate as required to accompany applications for permits; and
8. An application fee, in an amount as established from time to time by resolution of the Scranton City Council, payable to the City of Scranton.

**E. Conduct of Hearings.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

**F. Expenditures for Services.**

Within the limits of funds appropriated by the Scranton City Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Scranton City Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Scranton City Council.

**Section 10.2 – Zoning Hearing Board Functions**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Scranton City Council;
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
- C. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;



- D. Appeals from a determination by the City Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- E. Applications for variances from the terms of this Ordinance;
- F. Applications for uses by special exception under the terms of this Ordinance;
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;
- H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- I. Appeals from any determination of the City Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

### **Section 10.3 – Variances**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot 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 lot is located;
  - 2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
  - 3. That such unnecessary hardship has not been created by the appellant;
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
  - 5. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.



- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
- C. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

#### **Section 10.4 – Uses by Special Exception**

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Scranton-Abingtons Planning Association Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Section 6.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

#### **Section 10.5 – Parties Appellant Before the Board**

Appeals under Section 10.2, subsections A, B, C, D, G, H, and I, may be filed in writing with the Zoning Hearing Board by:

- A. The landowner affected;
- B. Any officer or agency of the City; or
- C. Any person aggrieved.

#### **Section 10.6 – Hearings and Decisions**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

- A. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.



- B. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.
- C. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
- F. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time.
- G. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
- H. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
- I. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.
- J. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the City, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- K. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.



- L. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
- M. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- N. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.
- O. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.
- P. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.
- Q. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

#### **Section 10.7 – Mediation**

- A. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party.



Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The City, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation;
  2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
  3. Completing mediation, including time limits for such completion;
  4. Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the City, if either is not a party to the mediation;
  5. Identifying all parties and affording them the opportunity to participate;
  6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
  7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

### **Section 10.8 – Time Limitations**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.



**Section 10.9 – Appeals to Court and Other Administrative Proceedings**

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).



**ARTICLE 11**  
**Administration and Enforcement**

**Section 11.1 – Permits and Certificates**

**A. Applications for Zoning Permits, Certificates of Use and Occupancy, and Building Permits.**

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the City to review said applications for full compliance with the provisions of this and other applicable ordinances. The City reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

**B. Permits.**

**1. Zoning Permits.**

**a. A zoning permit shall be required prior to:**

- (1) A change in use of land or structure;
- (2) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay and the Airport Hazard Overlay, regardless of cost;
- (3) The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- (4) The alteration or development of any improved or unimproved real estate; and
- (5) The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

**b. No zoning permit shall be required for the following: (although a building permit may be required)**

- (1) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay and the Airport Hazard Overlay, regardless of cost;
- (2) Ordinary repair to existing structures, except signs;



- (3) Light fixtures for single-family and two-family dwellings complying with the provisions of Section 5.10;
  - (4) Sidewalks or walkways on grade;
  - (5) Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
  - (6) Handrails along sidewalk or walkway steps;
  - (7) Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
  - (8) Vegetation, including trees, landscaping, and vegetative buffering;
  - (9) Landscaping materials, excluding patios, decks, and porches;
  - (10) Decorative lawn ornaments and walls not exceeding 32 inches in height;
  - (11) Children's play yards, trampolines, treehouses, and swing sets placed in the rear or side of a lot containing a dwelling;
  - (12) Stormwater management facilities;
  - (13) Traffic control devices located within a public right-of-way or governmental easement;
  - (14) Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
  - (15) Railroad sidings;
  - (16) Public transit stops involving surface improvements only;
  - (17) Signs specifically exempted from permit; and
  - (18) Temporary construction buildings or trailers as permitted in Section 5.19, Subsection A.
- c. A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:
- (1) All applicable regulations of this Ordinance;
  - (2) Any conditions imposed upon the site by the City of Scranton Zoning Hearing Board or the Scranton City Council; and



- (3) Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of the City of Scranton.
- d. Application Procedures.
  - (1) Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
  - (2) An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.
  - (3) The Zoning Officer may consult with or call upon other City staff and/or City-appointed consultants in the review of submitted materials for applications.
  - (4) Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the City Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
  - (5) The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
  - (6) No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Scranton City Council, is paid to the City of Scranton. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Scranton City Council shall be doubled to reflect the additional expense incurred by the City of Scranton resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with



all requirements of this Ordinance or any other applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- (7) In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
- (8) An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
- (9) The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
- (10) The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
- (11) All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

e. General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- (1) The actual dimensions and shape of the lot to be developed;
- (2) The exact location and dimensions of any structures to be erected, constructed, and/or altered;



- (3) Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
- (4) The location and number of off-street parking and loading spaces;
- (5) Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
- (6) Alteration or development of any improved or unimproved real estate;
- (7) Two (2) copies of any approved highway occupancy or driveway permits;
- (8) Any supplementary information required as a condition for use or development in the Floodplain Overlay and the Airport Hazard Overlay as detailed in Article 4;
- (9) Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
- (10) Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

f. Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- (1) A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- (2) A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- (3) A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;
- (4) Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
- (5) The proposed number of shifts to be worked and the maximum number of employees on each shift; and



- (6) Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

2. Certificates of Use and Occupancy.

- a. It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.
- b. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.
- c. The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.
- d. The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.
- e. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.
- f. A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the City or which abuts upon a street which has been paved with a base wearing course.
- g. The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
- h. If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.

3. Building Permits.



- a. Building permit administration shall be governed by provisions of the current building code adopted by the City of Scranton; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
- b. The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
- c. The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

### **Section 11.2 – Zoning Officer**

#### **A. Appointment and Powers of the Zoning Officer.**

It shall be the duty of the Zoning Officer to:

1. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 9;
2. Initiate enforcement proceedings;
3. Receive all fees to the City as required by this Ordinance and to post a schedule of fees in the Scranton Municipal Building;
4. Receive complaints and notify persons of violations of the provisions of this Ordinance;
5. Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;
6. Present to the Scranton City Council, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;
7. Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the Scranton City Council and other the City of Scranton officials;
8. Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and



9. To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Scranton City Council.

### **Section 11.3 – Fees**

- A. The Scranton City Council shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
- B. The schedule of fees shall be available in the Scranton Municipal Building.
- C. All such fees shall be payable to the City of Scranton.
- D. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.

### **Section 11.4 – Violations, Penalties, and Remedies**

- A. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Scranton City Council or an officer of the City, with the approval of the Scranton City Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon City at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Scranton City Council. No such action may be instituted until such notice has been given.

- B. Enforcement Notices.

1. If it appears to the City that a violation of this Ordinance has occurred, the City shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall be in writing and shall state at least the following:
  - a. The name of the owner of record and any other person against whom the City intends to take action;
  - b. The location of the property in violation;



- c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
    - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
    - e. A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
    - f. A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
  - 4. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.
  - 5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- C. Penalties and Remedies.
- 1. District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.
  - 2. 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 therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
  - 3. The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
  - 4. Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Ordinance.



### **Section 11.5 – Planning Commission**

The City of Scranton Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Scranton City Council in the administration of this Ordinance and the adopted subdivision and land development regulations of the City of Scranton.

**A. Membership.**

1. The membership of the Planning Commission shall consist of seven (7) members, all of whom shall be residents of City. At least three (3) of the seven (7) members shall be citizen members and shall not be officers or employees of the City.
2. The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
3. When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Scranton City Council, upon which a member of the Scranton City Council shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

**B. Duties.**

The Planning Commission shall, at the request of the Scranton City Council, have the power and shall be required to, at the request of the Scranton City Council:

1. Represent the City in the development of the Scranton-Abingtons Planning Association Comprehensive Plan and any future comprehensive plan;
2. Maintain and keep records of its actions, which shall be in the possession of the Scranton City Council;
3. Make recommendations to the Scranton City Council concerning adoption or amendment of an official map;
4. Prepare and present to the Scranton City Council a zoning ordinance and make recommendations to the Scranton City Council on proposed amendments to it; and
5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

### **Section 11.6 – Amendments**

**A. Publication, Advertisement, and Availability of Ordinances and Amendments.**

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).



**B. Zoning Map Amendments (Rezoning).**

**1. Purpose of Rezoning.**

Rezoning can be initiated to protect the safety, capacity, and efficiency of the City's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Scranton-Abingtons Planning Association Comprehensive Plan.

**2. Rezoning Applications.**

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- a. Statement of existing and proposed base and overlay zoning districts;
- b. Conceptual site development plan;
- c. Topographic survey;
- d. Site conditions report;
- e. Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
- f. Off-street parking projections (number of parking spaces) available on site;
- g. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
- h. Other related studies that the City may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:
  - (1) Traffic impact study;
  - (2) Fiscal impact analysis;
  - (3) Density comparison between existing and proposed zoning districts; and/or
  - (4) Geotechnical/stormwater analysis.

**3. Review of Rezoning Applications.**

**a. The Zoning Officer will:**

- (1) Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the



applicant. A completed application and packet will be forwarded to the City and Lackawanna County planning commissions for review;

- (2) Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
  - (3) Submit a written recommendation to the Planning Commission and the Scranton City Council, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Scranton-Abingtons Planning Association Comprehensive Plan;
- b. As part of the rezoning approval process, the Scranton City Council and Planning Commission can consider the motivation and implications of each plan, analysis, and report.
  - c. The Planning Commission will:
    - (1) Consider any projected beneficial and/or detrimental effects on the City and hold a public hearing on the application, if deemed applicable; and
    - (2) Forward to the Scranton City Council a recommendation for the nature of action regarding rezoning.
  - d. The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Scranton City Council and Planning Commission.
  - e. The Scranton City Council will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

**C. Zoning Ordinance Amendments.**

The Scranton City Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

**D. Curative Amendments.**

**1. Landowner Curative Amendments.**

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to the City of Scranton a curative amendment, any fees established by resolution of the City, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC).



The Scranton City Council shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

2. Municipal Curative Amendments.

If the Scranton City Council determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).