



CITY OF LEBANON

ZONING ORDINANCE

Lebanon County, Pennsylvania

As Adopted by the City of Lebanon
Council on Monday, June 22, 2020.



This Ordinance was funded through an Early Intervention Program Grant, as administered by the Pennsylvania Department of Community & Economic Development.

This Ordinance is PART 13, TITLE ONE of the Codified Ordinances of the City of Lebanon.



Community Planning and Zoning Consultant
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TABLE OF CONTENTS

	<u>Page</u>
Article 1301 Title; Enactment; Severability	1
Article 1302 Establishment of Zoning Districts	3
Article 1303 Allowed Uses in Primarily Residential Districts	5
Article 1304 Allowed Uses in Primarily Non-Residential Districts	9
Article 1305 Dimensional Requirements in Each District	21
Article 1306 Additional Requirements for Specific Uses	33
Article 1307 Design Standards and Guidelines and Design Review	66
Article 1308 Historic Building Demolition Approval Process and Incentives	75
Article 1309 Floodplain Regulations (Overlay District)	78
Article 1310 Environmental Protection	105
Article 1311 Off-Street Parking and Loading	108
Article 1312 Signs	119
Article 1313 General Regulations	132
Article 1314 Administration	142
Article 1315 Definitions	154
Zoning Map	
Historic Overlay District Map	
Index	

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Review the **Zoning Map** at the end of this Zoning Ordinance or online to determine the Zoning District that includes your lot.
- Review Articles 1303 or 1304, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each Zoning District. A use is permitted in two ways:
 - a) by right, or
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 1314.16).
- Consult Article 1305, including the Table of Lot and Setback Requirements By Zoning District. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each Zoning District.
- Refer to the **Definitions** in Article 1315 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the Zoning District according to Articles 1303 or 1304, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 1313.05 regarding "Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 1306.02 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 1306.03. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 1306.03(d)(13).

If your lot may be flood-prone, see the **Floodplain regulations** in Article 1309 and the Federal Floodplain Maps (which can be viewed at the City Zoning Office or at www.fema.gov).

Turn to the following articles and sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Article 1311 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 1312 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 1313.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the City **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the City for legal advertisements and other costs. See Section 1314, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the City's **Subdivision and Land Development Ordinance (SALDO)** will also apply.
- For Stormwater Management, see the Subdivision and Land Development Ordinance.
- If there will be disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the **Zoning Officer**. The Zoning Officer also administers applications for zoning permits.

A separate Construction Official handles applications for building and other construction permits.

TITLE ONE
ARTICLE 1301
CITY OF LEBANON ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY
Ordinance No. ____

- 1301.01 **Title.** A New Zoning Ordinance: a) dividing the City of Lebanon, Lebanon County, Pennsylvania into zoning districts with varying regulations; b) permitting, prohibiting and regulating: the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, expansion, razing, removal and use of structures, the areas and dimensions of land and water to be occupied by uses and structures, as well as open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code (MPC) as amended, including provisions for special exception uses and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
- 1301.02 **Short Title.** This Ordinance shall be known and be cited as the "City of Lebanon Zoning Ordinance" of 2020.
- 1301.03 **Severability.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the City of Lebanon Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for the City of Lebanon.
- 1301.04 **Procedural Defects in Enactment.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.
- 1301.05 **Repealer.** The pre-existing City of Lebanon Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other subsections of City ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.

1301.06 **Enactment.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the City Council of the City of Lebanon hereby enacts and ordains into an Ordinance the attached document this date of June 22, 2020. This Ordinance shall become effective on June 22, 2020.

Chairman of City Council

Attest, City Clerk

Mayor, City of Lebanon

ARTICLE 1302
ESTABLISHMENT OF ZONING DISTRICTS

1302.01 **Establishment and Purposes of Districts.** The City of Lebanon is hereby divided into Zoning Districts of different types to carry out the objectives of this Ordinance. Each parcel of land and every structure in the City, except as otherwise provided by law or by this Ordinance, shall be subject to the regulations specified for the District in which it is located. The City is divided into the following Zoning Districts, with the following abbreviations and that serve the following purposes, in addition to the overall purposes of this Ordinance:

- (a) RLD Low Density Residential District – To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.
- (b) RMLD Medium Low Residential District – To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached and semi-detached dwellings.
- (c) RMD Medium Density Residential District – To provide for medium density neighborhoods with a mix of housing types, in a manner that respects and continues traditional forms of development.
- (d) RHD High Density Residential District – To provide for a neighborhood with a mix of housing types, in a manner that respects and continues traditional forms of development.
- (e) OI Office Institutional District – To provide for a mix of housing types and selected types of less intensive types of commercial uses in areas that include many existing homes. The intent is to avoid uses that are most likely to generate nuisances or hazards for nearby residents, such as 24 hour operations.
- (f) CBD Central Business District – To provide for an orderly coordinated development of varied commercial business, arts, cultural, institutional and residential development in the downtown. To promote pedestrian-friendly uses, as opposed to uses that are auto dependent.
- (g) CN Neighborhood Commercial District – To provide for less intense types of commercial uses in areas surrounded by residential development.
- (h) CG General Commercial District – To provide for a wide variety of commercial uses, including more intensive commercial uses, in areas that include fewer existing homes. To manage traffic to avoid congestion and safety hazards, particularly in regards to access to major streets.
- (i) LIC Light Industrial/Commercial District – To provide for a variety of industrial development, while not allowing for heavy industrial uses that are likely to result in hazards or nuisances.
- (j) GIC General Industrial/Commercial District – To provide suitable areas for a wide variety of industrial uses and selected commercial uses, including intensive uses that must be allowed under State law.
- (k) MR Municipal Recreation – To provide for larger public recreation uses.

- 1302.02 **Zoning Map.** The City of Lebanon Zoning Map shall consist of one or more map(s) accurately showing the boundaries of various Zoning Districts. The zoning map information may be maintained and updated using digital and/or paper versions. At least one paper copy of the official map shall be maintained and available in the office of the Zoning Officer. The zoning map and all notes and measurements shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described in this text.
- 1302.03 **District Boundaries.** Where uncertainty exists with respect to the boundaries between Districts as shown on the Zoning Map, the following rules shall apply.
- (a) Where District boundaries are indicated as approximately coinciding with streets, alleys, waterways, or railroad rights-of-way, the center line of such features shall be construed to be such boundaries, unless otherwise indicated on the Map. The Zoning District boundaries shall extend to the City border, even if a border is not accurately portrayed on the Zoning Map.
 - (b) Where District boundaries are indicated as approximately coinciding with lot lines that existed at the time of the adoption of the Zoning Map, they shall be construed as following such lot lines.
 - (c) Where District boundaries do not coincide with a physical feature or lot line, and are not fixed by dimensions on the Zoning Map or notes, the boundary shall be determined using a scale.
 - (d) Whenever any street, alley, or other public right-of-way is vacated, the Zoning District adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.
- 1302.04 **Floodplain District.** For the regulations pertaining to the Floodplain District, which is an overlay to the regular Zoning Districts, see Article 1309.
- 1302.05. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right or as a Special Exception Use or a Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
- (a) the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District,
 - (b) the proposed use would be closely similar in impacts and character to uses allowed in that District,
 - (c) the use would meet the standards that would apply under Section 1314.16(c) to a Special Exception Use, and
 - (d) the use is not specifically prohibited in that District.

ARTICLE 1303
ALLOWED USES IN PRIMARILY RESIDENTIAL DISTRICTS.

1303.01 **Allowed Uses in Primarily Residential Districts.**

- (a) For the purposes of Articles 1303 and 1304, the following abbreviations shall have the following meanings:

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by the Zoning Hearing Board)
N	=	Not Permitted
(See 1306.02)	=	See Additional Requirements in Section 1306.02
(See 1306.03)	=	See Additional Requirements in Section 1306.03

- (b) Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 1302.05), any land or structure shall only be used or occupied for a use specifically listed in these Articles 1303 or 1304 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

USES (See definitions in Article 1315)	ZONING DISTRICTS			
	RLD & RMLD	RMD	RHD	MR
(1) RESIDENTIAL USES				
Boarding House (includes Rooming House)	N	N	N	N
Conversion of an Existing One Family Dwelling into Additional Dwelling Units (See 1306.02)	N	SE*	SE*	N
Cottage Neighborhood Development (See 1306.02)	N	P	P	N
Dormitories Occupied by 5 or more Students of a College or University (Note: Students may also occupy other allowed housing unit types, within the standards for a “family”)	N	N	N	N
Group Home within a lawful existing dwelling unit (See 1306.02), not including a Treatment Center	P	P	P	N
Multi-Family (Apartment) Dwellings, other than conversion of an existing one family dwelling into 2 or more dwellings (See 1306.02)	N	N	P	N
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of See 1306.02)	P	P	P	N
Single-Family Semi-Detached Dwelling (Side-by-Side Twin)	N in RLD; P in RMLD	P	P	N
Two-Family Dwelling (Typically One Unit Above Another Unit)	N	P	P	N
Townhouses (also known as Single-Family Attached Dwellings or Rowhouses) (See 1306.02)	N	P	P	N
Transitional Housing (See 1306.02)	N	N	N	N
(2) COMMERCIAL USES (See accessory uses on the next page.)				
Bed and Breakfast Inn (See 1306.03)	SE	SE	SE	N
Conversion of an Existing Principal Place of Worship, School or Similar Institutional Building or Principal Industrial Building into a Commercial Use and/or Multi-Family Dwellings (See 1306.02)	SE	SE	SE	N
Temporary Commercial Uses - See Section 1306.02				
(3) INSTITUTIONAL / SEMI-PUBLIC USES				
Cemetery (not including Crematorium) (See 1306.02)	N	N	N	N
Community Recreation Center, Cultural Center or Museum	N	SE	SE	P
Day Care Center, Adult (See 1306.02)	N	N	N	P
Day Care Center, Child (See 1306.02)(See also as accessory use)	N	N	N	P
Emergency Shelter – limited to an accessory use to a place of worship that operates a maximum of 30 days in a 90-day period	P	P	P	P
Membership Club (See 1306.02)	N	N	N	N
Nursing Home, Personal Care Home / Assisted Living Facility or Hospice (See 1306.02)	N	SE	SE	N
Place of Worship (See 1306.02) (includes Church)	SE	P	P	N
School, Public or Private, Primary or Secondary (See 1306.02)	SE	SE	SE	N
* =	Limited to a pre-existing building that includes more than 3,000 square feet of heated habitable indoor floor area. Basement or attic space shall only count towards this square footage if the space would be considered habitable under the Construction Code, including meeting the minimum ceiling height.			
** =	Limited to housing that meets the Age-Qualified provisions of Section 1304.06.			
P =	Permitted By Right			
N =	Not Permitted			
SE =	Permitted By Special Exception (Zoning Hearing Board Approval)			
(See 1306.02 or 1306.03) =	See Additional Requirements in Sections 1306.02 or 1306.03			

USES (See definitions in Article 1315)	ZONING DISTRICTS			
	RLD & RMLD	RMD	RHD	MR
Outdoor Recreation, other than Publicly-Owned or Publicly-Operated Recreation Park (See 1306.02)	N	N	N	P
(4) PUBLIC/SEMI-PUBLIC				
City Government Uses	P	P	P	P
Government Facility, other than uses listed separately in Articles 1303 and 1304	SE	SE	SE	SE
Publicly Owned or Operated Recreation Park	P	P	P	P
Public Utility Facility (See also Section 1314.14) other than uses listed separately in Articles 1303 and 1304	SE	SE	SE	SE
Swimming Pool, Non-household (Indoor or outdoor) (See 1306.02)	P	P	P	P
(5) ACCESSORY USES				
Bus Passenger Shelter without any advertising sign (See 1306.03)	P	P	P	P
Communications Antennae meeting Section 1306.02 pertaining to accessory antenna placed on certain existing structures (See 1306.02)	P	P	P	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P
Day Care (See 1306.03) as accessory to a dwelling of the following number of persons, in addition to children or grandchildren of the on-site caregiver:				
– Day care of a maximum of 3 persons	P	P	P	P
– Family Day Care Home (4 to 6 children)	SE**	SE**	SE**	P
– Group Day Care Home (7 to 12 children)	N	N	N	P
Furnace, Outdoor (See 1306.03)	N	N	N	N
Geothermal Well, with a 20 feet minimum setback from lot lines and street rights-of-way	P	P	P	P
Home Occupation, General (See 1306.03)	SE	SE	SE	SE
Home Occupation, Low Impact (See 1306.03)	P	P	P	P
Short-Term Rental of a Dwelling (See 1306.03)	P	P	P	P
Unit for Care of Relative (See 1306.03)	P	P	P	P
Wind Turbine, maximum of one on a lot that is an accessory use (See 1306.03)	N	N	N	SE
(6) MISCELLANEOUS USES				
Crop Farming, Non-Commercial Greenhouses or Community Garden	P	P	P	P
Forestry (See 1306.02)	P	P	P	P
Nature Preserve or Environmental Education Center	P	P	P	P
Livestock and Poultry, Raising of (See also accessory uses under Pets)	N	N	N	N
Parking Lot as the Principal Use of a Lot, not including a lot that primarily serves commercial trucks	N	SE	SE	SE
Solar Energy Collection Systems which may cover areas on top of building roofs and over vehicle parking areas, plus areas equal to a maximum of 20 percent of the lot area	P	P	P	P
Stable, Non-Household (See 1306.02)	N	N	N	SE

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

SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
(See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

* Limited to a single family detached dwelling.

** Limited to a single family detached, single family semi-detached or townhouse dwelling.

1303.02 **Permitted Accessory Uses in All Districts.** An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all Districts, within the requirements of Article 1306, the setbacks stated in Article 1307, and all other requirements of this Ordinance:

- (a) Antennae, Standard for television, radio and similar reception (See Section 1306.03)
- (b) Fence or Wall (See Section 1306.03)
- (c) Garage, Household
- (d) Garage Sale (See Section 1306.03)
- (e) Pets, Keeping of, in compliance with City Health regulations (See Section 1306.03)
- (f) Parking or Loading, Off-Street, only to serve a lawful use on the same lot or a use that is permitted in that District
- (g) Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
- (h) Residential accessory structure (See Section 1306.03)
- (i) Signs, as permitted by Article 1312
- (j) Swimming Pool, Household (See Section 1306.03)
- (k) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

ARTICLE 1304
ALLOWED USES IN PRIMARILY
NON-RESIDENTIAL DISTRICTS

1304.01 **Allowed Uses in Primarily Non-Residential Districts.** Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 1302.05), any land or structure shall only be used or occupied for a use specifically listed in these Articles 1303 or 1304 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

For manufacturing uses, the types of uses listed in this Article correspond approximately to the categories of the North American Classification System, administered by the U.S. Department of Commerce. In case of question about the categorization, such system shall be consulted.

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS					
	OI****	CG	CBD	CN	LIC	GIC
a. RESIDENTIAL USES						
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 1306.02)	P	P	P*	P	N	N
Single Family Semi-Detached Dwelling (side-by-side)	P	P	P*	P	N	N
Townhouse (Single Family Attached Dwelling) (See 1306.02)	P	P	P*	P	N	N
Multi-Family (Apartment) Dwellings (See 1306.02), which may be in the same building or on the same lot as allowed non-residential uses.	P	P*	P*	P	N	N
Boarding House (includes Rooming House) (See 1306.02) (other than uses listed separately in this table)	N	SE	N	N	N	N
Manufactured/Mobile Home Park (See 1306.02)	N	N	N	N	N	SE
Group Home within a lawful existing dwelling unit (See 1306.02), not including a Treatment Center	P	P	P	P	N	N
Live Work Unit (See 1306.02)	P	P	P	P	N	N
Conversion of an Existing Building that was Constructed for Principal Institutional or Industrial Uses into Multi-Family Residential Uses or Live Work Units (See 1306.02)	SE	P*	P*	P	SE**	SE**
Single Room Occupancy Use with On-Site Supervision (See 1306.02)	N	SE	SE	N	N	N
Transitional Housing (See 1306.02)	SE	P	SE	SE	P	P
b. COMMERCIAL USES						
Adult Use (See 1306.02)	N	N	N	N	N	SE
After Hours Club - To the extent this use is not already prohibited by State Act 219 of 1990 (See 1306.02)	N	N	N	N	N	SE
Airport (see also "Heliport")	N	N	N	N	N	SE
Amusement Arcade	N	P	P	P	N	N
Amusement Park or Water Park ****	N	SE	N	N	P	P
Animal Cemetery (See 1306.02)	N	N	N	N	N	P
Animal Day Care (See 1306.02)	N	SE	N	N	P	P
Arena, Auditorium (Commercial), Performing Arts Center or Exhibition-Trade Show Center	N	P	P	P	P	P

- * = Such housing shall be limited to being in the same building as a principal commercial use(s) that occupies the majority of the street level, which may include a Live Work Unit.
 - ** = Shall be limited to a building on a lot that is abutting or directly across a street or alley from a Residential, CBD or Municipal Recreation zoning district.
 - *** = See limits on hours of operation in Section 1304.05.
 - **** = The use shall not be open to customers after 10 PM if the use is not within an enclosed building and is within 300 feet from an existing dwelling. Outdoor recreation areas shall be enclosed by 6 feet high fencing and/or a building.
 - P = Permitted by right use (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - N = Not permitted
- (See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS						
	OI***	CG	CBD	CN	LIC	GIC	
b. COMMERCIAL USES (Cont.)							
Auto Body Shop or Auto Repair Garage (See 1306.02), and provided that parking shall be prohibited on a sidewalk within the right-of-way	N	P	N	N	N	SE	
Auto, Boat or Mobile/Manufactured Home Sales (See 1306.02)	N	P	N	N	N	P	
Auto Service Station, which may occur with a convenience store, and which may also include fueling of vehicles using hydrogen, liquefied natural gas, propane or similar fuels (See 1306.02) For a use that primarily serves tractor-trailer trucks, see “Truck Stop” in this table.	N	P	N	N	N	N	
Bakery, Retail	P	P	P	P	P	P	
Bed and Breakfast Inn (See 1306.03)	P	P	P	P	N	N	
Beverage Distributor (wholesale and/or retail)	N	P	P	P	P	P	
Bus Maintenance or Storage Yard	N	P	N	N	P	P	
Bus, Taxi or Passenger Rail Terminal	N	P	P	P	P	P	
BYOB Club (Note- definition is limited to a use that is open after midnight)(See 1306.02)	N	SE	SE	N	N	N	
Car Wash (See 1306.02)	N	P	N	P	P	P	
Catering, Custom, for Off-Site Consumption	P	P	P	P	P	P	
Communications Antennae, Commercial (See 1306.02), limited to accessory antenna attached to specified types of structures by Section 1306.02	P	P	P	P	P	P	
Communications Tower, Commercial (See 1306.02), or other antennae that are not allowed under the above accessory provision	N	SE	SE	N	SE	SE	
Conference Center or Exposition Center	N	P	P	P	P	P	
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1313.03.	N	P	P*	P*	P	P	
Convenience Store, which may be combined with a Gas Station only if the requirements for a Gas Station are met and if a gas station is allowed in the district.	N	P	P	P	N	N	
Crafts or Artisan's Studio	P	P	P	P	P	P	
Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses	P	P	P	P	P	P	
Dog Day Care - See Animal Day Care							
Exercise Club	P	P	P	P	P	P	
Financial Institution; includes banks, with Drive-Through facilities only allowed in the CBD District if the applicant proves to the City that the access has been designed to minimize conflicts with pedestrian traffic along sidewalks and to meet Drive-Through Provisions in Section 1306.03.	P	P	P	P	P	P	

* = A maximum of 25% of lot shall be used for outdoor storage.

*** = See limits on hours of operation in Section 1304.05.

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

SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted

(See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS						
	OI***	CG	CBD	CN	LIC	GIC	
b. <u>COMMERCIAL USES (Cont.)</u>							
Flea Market/ Auction House	N	P	P	P	P	P	
Food Truck, other than operation at any location for less than 15 minutes per day and except for City-approved special events (See 1306.03)	N	P	N	N	N	P	
Funeral Home (See crematorium listed separately under Institutional Uses)	P	P	P	P	P	P	
Gaming Facility, Licensed, other than small games of chance allowed under State law and the State Lottery	N	N	N	N	N	SE	
Gas Station - See “Auto Service Station” in this table.							
Heliport (See 1306.02)	N	N	N	N	SE	SE	
Hotel or Motel (See 1306.02)	N	P	P	P	P	P	
Kennel (See 1306.02)	N	N	N	N	SE	SE	
Laundromat	P	P	P	P	P	P	
Laundry, Commercial or Industrial	N	P	N	N	P	P	
Lumber Yard	N	N	N	P	P	P	
Medical Marijuana Dispensary (See 1306.02)	N	P	P	N	P	P	
Micro-brewery or Micro-distillery (which may be in combination with a restaurant or tavern)	N	P	P	P	P	P	
Motor Vehicle Racetrack, Outdoor	N	N	N	N	N	N	
Nightclub	N	SE	SE	N	SE	SE	
Office (May include medical clinics or labs)	P	P	P	P	P	P	
Pawn Shop	N	P	P	P	N	N	
Personal Services (includes tailoring, check cashing, custom dressmaking, haircutting/styling, dog grooming, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses)	P	P	P	P	P	P	
Plant Nursery (other than a Retail Store)	P	P	P	P	P	P	
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any Residential District, and with Fire Department review.	N	N	N	N	N	SE	
Recording Studio, Music	P	P	P	P	P	P	
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Article 1304	N	P	P	P	P	P	
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Article 1304.	N	P	P	P	P	P	
Repair Service, Household Appliance	P	P	P	P	P	P	

- *** = See limits on hours of operation in Section 1304.05.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS					LIC	GIC
	OI***	CG	CBD	CN			
b. COMMERCIAL USES (Cont.)							
Restaurant (includes Banquet Hall) (See 1306.02), other than a Tavern or Nightclub							
– with drive-through service (See 1306.03)	N	P**	N	N	N	N	N
– without drive-through service. (Sidewalk Cafes or Food Carts are listed separately below.)	P****	P	P	P	N	N	N
Retail Store (not including uses listed individually in this Article 1304). Any drive-through facilities shall meet Section 1306.03 and shall be limited to the CG district.							
This use may include rental of items or check cashing.	P	P	P	P	P	P	P
Self-Storage Development (See 1306.02)	N	P	SE*	P	P	P	P
Shopping Center	N	P	P	P	P	P	P
Sidewalk Café or Food Cart as an accessory use (See 1306.03)	P	P	P	P	P	P	P
Target Range, Firearms							
– Completely indoor and enclosed	N	P	P	P	P	P	P
– Other than above, with a barrier that the applicant proves is sufficient to protect public safety	N	N	N	N	N	N	SE
Tattoo Parlor or Body Piercing (other than temporary tattoos or ear piercing which are personal service uses)	N	P	N	P	P	P	P
Tavern, other than a Nightclub	N	P	SE	SE	P	P	P
Television or Radio Broadcasting Studios	P	P	P	P	P	P	P
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	N	P	P	P	P	P	P
Trade / Hobby School	P	P	P	P	P	P	P
Truck Stop that primarily serves tractor-trailer trucks	N	N	N	N	N	N	SE
Veterinarian Office (See 1306.02)	P	P	P	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P	P	P
Wholesale Sales - see under Industrial Uses							
c. INSTITUTIONAL / SEMI-PUBLIC USES							
Cemetery (See 1306.02); see Crematorium listed separately	N	N	N	N	N	N	N
College or University - Educational, Recreational, Office or Support Uses (See also Residential Uses, which are addressed separately)	P	P	P	P	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	P	P	P
Crematorium (See 1306.02)	N	N	N	N	SE	SE	SE
Criminal Halfway House or Day Reporting Center (See 1306.02)	N	N	N	N	N	N	SE
Cultural Center or Museum	P	P	P	P	P	P	P
Day Care Center, Adult or Child (See 1306.02) (See also as an accessory use)	SE	P	P	P	SE	SE	SE

* = Limited to within a building that existed prior to the adoption of this Ordinance, in space that is not street level.
 ** = If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.
 *** = See limits on hours of operation in Section 1304.05.
 **** = Limited to locations on Cumberland, Walnut, Willow, 7th, 8th or 10th Streets.
 P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
 (See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS					
	OI***	CG	CBD	CN	LIC	GIC
c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)						
Dormitory - See under Residential Uses in this table						
Emergency Services Station or Training Facility	P	P	P	P	P	P
Hospital or Surgery Center or Related Testing and Treatment Facilities	P	P	P	P	P	P
Membership Club meeting & non-commercial recreational facilities, provided that such use shall not be open between 2 & 6 AM, & provided that such use shall only be allowed in combination with another use if the other use is allowed in that District and if the requirements for that use are also met. (See 1306.02)	SE	P	P	P	P	P
Nursing Home or Personal Care Home/Assisted Living Facility or Hospice (See 1306.02)	P	P	P	P	P	SE
Place of Worship (See 1306.02) (includes Church)	P	P	P	P	P	P
School, Public or Private, Primary or Secondary (See 1306.02)	P	P	P	P	N	N
Temporary and/or Emergency Shelter (See 1306.02) (Note - This ordinance does not regulate a temporary shelter as an accessory use to a place of worship that operates less than 30 total days in any 90 day period).	N	SE	N	N	N	SE
Treatment Center (See 1306.02)	N	N	N	N	N	SE
d. PUBLIC/SEMI-PUBLIC USES						
City Government Uses and Facilities, such as Public Works Facilities.	P	P	P	P	P	P
Government Facility, other than offices and other than uses listed separately in this Article	SE	P	P	P	P	P
Prison or Similar Correctional Institution	N	N	N	N	N	SE
Publicly Owned or Operated Park	P	P	P	P	P	P
Public Utility Facility, other than City-owned facilities & other than uses listed separately in this Article. See also Section 1306.02	SE	SE	SE	SE	SE	P
Sewage Pump Stations	P	P	P	P	P	P
Swimming Pool, Non-household (See 1306.02)	P	P	P	P	P	P
U.S. Postal Service Facility or Substation	P	P	P	P	P	P
e. INDUSTRIAL USES						
Asphalt Plant	N	N	N	N	N	SE
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	SE	N	N	P	P
Building Supplies and Building Materials, Wholesale Sales of	N	P	N	P	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	P	P
Electric Power Generating Plant (Other than Putrescent Solid Waste to Energy, Solar Energy or Wind Turbines)	N	N	N	N	P	P

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*** = See limits on hours of operation in Section 1304.05.

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS					
	OI***	CG	CBD	CN	LIC	GIC
e. INDUSTRIAL USES (Cont.)						
Gas or Oil Wells (See 1306.02)	N	N	N	N	N	SE
Industrial Equipment Sales, Rental and Service, other than involving trucks and trailers primarily intended to be operated on public streets	N	P	N	N	P	P
Incineration of Hazardous or Toxic Waste, other than may have been previously approved within an existing waste-to-energy plant	N	N	N	N	N	SE
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N	N	N	N	N
Junk Yard (See 1306.02) (includes scrapyards)	N	N	N	N	N	SE
Liquid or Gas Fuel Storage, Bulk, for off-site distribution, which shall require a 150 feet setback from a Residential District and review by the Fire Department of any proposed facilities; other than: auto service station, propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
– Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	SE
– Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	P	N	P	P	P
– Cement Manufacture	N	N	N	N	N	SE
– Ceramics Products (other than Crafts Studio)	N	N	N	N	P	P
– Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N	N	N	SE
– Clay, Brick, Tile and Refractory Products	N	N	N	N	P	P
– Computers; Electronic & Microelectronic Products	N	P	N	P	P	P
– Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	P
– Electrical Equipment, Appliances & Components	N	P	N	N	P	P
– Explosives, Fireworks or Ammunition	N	N	N	N	N	SE
– Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	N	P	P
– Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale (which may include aquaculture)	N	P	N	P	P	P
– Glass & Glass Products (other than Crafts Studio)	N	N	N	N	P	P
– Jewelry and Silverware	N	P	N	N	P	P
– Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	P	P
– Machinery or Gaskets	N	N	N	N	P	P
– Manufactured or Modular Housing Manufacture	N	N	N	N	P	P

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TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS					
	OI***	CG	CBD	CN	LIC	GIC
e. INDUSTRIAL USES (Cont.)						
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
– Medical Equipment and Supplies	N	P	N	N	P	P
– Metal Products, Primary	N	N	N	N	SE	P
– Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	P	P
– Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	P	N	N	P	P
– Paper - Raw Pulp	N	N	N	N	N	P
– Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	P
– Pharmaceuticals and Medicines	N	N	N	N	P	P
– Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, or Ink	N	N	N	N	SE	P
– Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	P	N	N	P	P
– Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	SE	P
– Scientific, Electronic and Other Precision Instruments	N	P	P	N	P	P
– Sporting Goods, Toys, Games, Musical Instruments or Signs	N	P	P	P	P	P
– Transportation Equipment, including installing mechanical additions to trucks and trailers	N	N	N	N	P	P
– Wood Products and Furniture (not including raw paper pulp)	N	P	P	P	P	P
– See Section 1306.02 for uses that are not listed						
Medical Marijuana Grower / Processor (See 1306.02)	N	P	N	N	P	P
Mineral Extraction (See 1306.02) and related processing, stock- piling and storage of materials removed from the site, other than as part of preparation of a development site	N	N	N	N	N	SE
Packaging	N	P	P	P	P	P
Package Delivery Services Distribution Center	N	P	N	N	P	P
Petroleum Refining or Manufacture or Bulk Storage of Ethanol or similar fuels for off-site use	N	N	N	N	N	SE
Pipeline Compressor Station (such as for natural gas), which shall be constructed within an enclosed structure with sound absorbing walls	N	N	N	N	N	SE
Printing or Bookbinding	N	P	P	P	P	P

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*** = See limits on hours of operation in Section 1304.05.

TYPES OF USES (See definitions in Article 1315)	ZONING DISTRICTS					
	OI***	CG	CBD	CN	LIC	GIC
e. INDUSTRIAL USES (Cont.)						
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	N	SE	P
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) and related manufacture of prototypes	N	N	N	N	P	P
Sawmill/ Planing Mill	N	N	N	N	N	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	N	SE
Solid Waste Landfill	N	N	N	N	N	N
Solid Waste Transfer Facility or Putrescent Waste to Energy Facility (See 1306.02)	N	N	N	N	N	SE
Trucking Company Terminal	N	N	N	N	SE	P
Warehousing or Storage as a principal use	N	N	N	N	P	P
Warehousing or Storage as an on-site accessory use or serving principal uses located or allowed within the same zoning district	P	P	P	P	P	P
Welding	N	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	P	SE	P	P	P
f. ACCESSORY USES						
See list of additional permitted uses in Section C., such as “Residential Accessory Structure or Use”						
See Additional Requirements in Section 1306.03 for Specific Accessory Uses						
Bus Passenger Shelter, which may include an advertising sign (See 1306.03)	P	P	P	P	P	P
Composting, other than leaves, vegetation or materials generated on-site which are permitted by right	N	N	N	N	SE	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P	P
Day Care (See 1306.03) as accessory to a lawful dwelling, of the following number of persons, in addition to children or grandchildren of the on-site caregiver:						
– Day care of a maximum of 3 persons. This use does not need a zoning permit.	P	P	P	P	P	P
– Group Day Care Home (7 to 12 children)	SE	P	P	P	P	N
– Family Day Care Home (4 to 6 children)	P	P	P	P	P	N
Furnace, Outdoor (See 1306.03)	P	P	P	P	P	P
Geothermal Well, with a 20 feet minimum setback from lot lines and street rights-of-way	P	P	P	P	P	P
Home Occupation, General or Low Impact (See 1306.03)	P	P	P	P	P	P

** = A maximum of 25% of lot shall be used for outdoor storage.

*** = See limits on hours of operation in Section 1304.05.

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City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

TYPES OF USES (See definitions in Article 1315)	OI***	CG	ZONING DISTRICTS			
			CBD	CN	LIC	GIC
Outdoor Storage and/or Display as accessory to a business use (See buffer yard provisions) (See 1306.03)	P**	P	P**	P	P	P
Outdoor Storage and/or Display as principal use, other than uses listed separately in this table (See buffer yard provisions in 1313.03)	N	N	N	N	SE	P
Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use	N	P	P	P	P	P
Short-Term Rental of a Dwelling (See 1306.03)	P	P	P	P	P	P
Temporary Commercial Uses - See Section 1306.03, as well as “Food Truck” which is listed separately.						
Unit for Care of Relative (See 1306.03) on the lot of an existing dwelling	P	P	P	P	N	N
<u>g. MISCELLANEOUS USES</u>						
Crop Farming, Community Garden, Greenhouse, or Hydroponics	P	P	P	P	P	P
Forestry (See 1306.02)	P	P	P	P	P	P
Livestock or Poultry, Raising of (See 1306.02)	N	N	N	N	P	P
Nature Preserve/Environmental Education Center	P	P	P	P	P	P
Parking Lot or Structure as an accessory or principal use:						
- parking of trucks that haul putrescent or hazardous waste	N	N	N	N	N	SE
- overnight parking that primarily serves two or more tractor-trailer trucks and/or their trailers	N	P	N	N	P	P
- other than above, such as municipal parking lots and customary accessory parking for on-site uses.	P	P	P	P	P	P
Recycling Collection Center	N	P	N	N	P	P
Solar Energy Collection Systems						
- Which cover areas equal to a maximum of 20 percent of the lot area, plus areas on top of building roofs and parking areas	P	P	P	P	P	P
- Which cover larger areas than above, and which include evergreen vegetation with an initial height of 3 feet between ground-mounted solar collectors and any abutting dwelling	N	N	N	N	N	P
Wastewater Treatment Plant (other than customarily accessory pre-treatment facilities)	N	N	N	N	N	P
Wind turbines:						
- Maximum of one on a lot that is an accessory use (See 1306.03)	SE	SE	SE	SE	SE	SE
- One or more wind turbines, other than above (See 1306.02))	N	SE	SE	SE	SE	SE
All Uses that will be unable to comply with the performance standards of this ordinance. See the “Environmental Protection” requirements of Article 1310	N	N	N	N	N	N

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

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(See 1306.02 or 1306.03) = See Additional Requirements in Sections 1306.02 or 1306.03

*** = See limits on hours of operation in Section 1304.05.

1304.02 **Permitted Accessory Uses in All Districts.** Section 1303.02 shall apply.

1304.03 **Permitted Accessory Uses to Business and Institutional Uses.** The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

- (a) Storage of fuels for on-site use or to fuel company vehicles.
- (b) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - (1) Internal cafeteria without drive-through service,
 - (2) Day care center or
 - (3) Recreational facilities.
- (c) Automatic Transaction Machine

1304.04 **Uses Not Specifically Regulated.** Section 1302.05 shall apply.

1304.05 **Limits on Hours of Operation in the OI District and for Nonconforming Commercial Uses in Residential Districts.**

- (a) A commercial use or membership club in the OI District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM unless it was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance. A commercial use or membership club may be approved to be open after 11 PM as a special exception use if the applicant proves to the satisfaction of the Zoning Hearing Board that such business hours will not negatively impact dwellings in the vicinity.
- (b) A nonconforming commercial use or membership club in a Residential District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM, unless the use was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance.
- (c) These time restrictions shall not apply to health care uses.

1304.06 **Age-Qualified Housing.**

- (a) These provisions shall apply if Age-Qualified Housing is used to allow an increased density under this Ordinance under Article 1305 of this Ordinance.
- (b) Age-Qualified Housing shall involve all housing units within a subdivision or land development being permanently limited by deed and by any lease to occupancy by at least one person age 55 and older, and with no resident under age 18, except that a person under age 18 may temporarily stay within a housing unit for a total of less than 60 days per calendar year. An applicant alternatively may decide to use an age limit of 62 or above, or a similar age limit authorized by Federal law.
- (c) The applicant may also decide to permit one or more types of persons classified by the Social Security Administration as disabled to reside in Age-Qualified Housing, regardless of their age, provided it is structured in a way that complies with Federal law.
- (d) A primary enforcement mechanism shall be established by the applicant, such as through the owner of a rental development or by a homeowner association. The City shall be provided with secondary enforcement authority that is intended to be used if such primary mechanism fails to comply with its enforcement responsibilities. If the City needs to utilize its enforcement authority, the City's enforcement costs shall be paid by the entity with the primary enforcement responsibility.

- (e) If a household met the age qualifications at the time of initial occupancy of a dwelling unit, members of a household are not required to leave if a person aged 55 or older later dies or leaves the household, such as because of divorce, separation or need for nursing care.

ARTICLE 1305
DIMENSIONAL REQUIREMENTS IN EACH DISTRICT

1305.01 Dimensional Requirements. The following dimensional requirements shall apply for the specified Zoning District, unless a more restrictive requirement for a specific use is required by Article 1306 or another provision of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Article 1315. Each dwelling unit and each principal building shall be served by both public water and public sewer service.

1305.01. (a) Dimensional Requirements for Primarily Residential Districts:

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>1. RLD Low Density Residential District: a) Single family detached dwelling b) Other allowed principal use All dwelling units shall have a minimum width of 18 feet.</p>	<p>a) 6,000 b) 12,500</p>	<p>a) 50 b) 80</p>	<p>All uses: 40 feet or 3 stories, whichever is more restrictive</p>	<p>All uses: 20. On a corner lot, 15 along the second street.</p>	<p>All uses: 25</p>	<p>a) 8 b) 15</p>	<p>All uses: 50%</p>	<p>All uses: 60%</p>

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>2. RMLD Medium Low Density Residential District:</p> <p>a) Single family detached dwelling</p> <p>b) Single family semi-detached dwelling</p> <p>c) Other allowed principal use</p> <p>All dwelling units shall have a minimum width of 18 feet.</p>	<p>a) 5,000</p> <p>b) 4,500</p> <p>c) 12,500</p>	<p>a) 50</p> <p>b) 40 per dwelling unit</p> <p>c) 80</p>	<p>All uses: 40 feet or 3 stories, whichever is more restrictive</p>	<p>All uses: 15, except 20 feet if there will be parking in the front yard or garage door(s) facing the front lot line. On a corner lot, 10 along the 2nd street.</p>	<p>All uses: 25</p>	<p>a) 8</p> <p>b) 8</p> <p>c) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>3. RMD Medium Density Residential District: [Note B]</p> <p>a) Allowed dwelling</p> <p>If housing meets the Age-Qualified Housing Standards of Section 1304.06, the maximum allowed density shall be increased by 50 percent.</p> <p>b) Other allowed principal use</p> <p>All dwelling units shall have a minimum width of 18 feet.</p>	<p>a) Minimum average lot area of 2,500 per dwelling unit [Note C]. [Note K].</p> <p>b) 10,000</p>	<p>a) 25 per single family detached dwelling unit, and 20 feet per each other dwelling unit [Note B]</p> <p>b) 60</p>	<p>All uses: 40 feet or 3 stories, whichever is more restrictive, except 55 feet or 4 stories on a lot of more than one acre.</p>	<p>All uses: 15, except 20 feet if there will be parking in the front yard or garage door(s) facing the front lot line. On a corner lot, 5 along the second street.</p>	<p>All uses: 25</p>	<p>a) 5, except 10 for a multi-family building from other housing types</p> <p>b) 10</p>	<p>All uses: 60%</p>	<p>All uses: 80%</p>

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>4. RHD High Density Residential District: [Note B]</p> <p>a) Allowed dwellings, provided that multi-family dwellings shall need a minimum total lot area of 10,000 square feet</p> <p>b) Other allowed principal use</p> <p>See maximum building setback in Section 1305.04.</p>	<p>a) Minimum average lot area of 1,800 [Note A] [Note C] [Note F] [Note K]</p> <p>b) 6,000</p>	<p>a) 20 per dwelling unit, except 30 for a multi-family dwelling building [Note B]</p> <p>b) 30</p>	<p>All uses: 40 feet or 3 stories, whichever is more restricted, except 60 feet or 5 stories if portions of the building that are taller than 3 stories are setback a minimum of 50 feet from the lot line of any existing dwelling on an adjacent lot.</p>	<p>All uses: 0, unless Section 1305.04 applies regarding a required front setback.</p>	<p>All uses: 20</p>	<p>a) 3, except 10 for a multi-family building from the lot line of other housing types</p> <p>b) 10</p>	<p>All uses: 70%</p>	<p>All uses: 90%</p>

1305.01. (b) Dimensional Requirements for Primarily Non-Residential Districts:

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
5. MR Municipal Recreation District:	2,000	20	50 feet	0	20	20	30%	60%
6. CG General Commercial District: a) Allowed non-residential uses. b) Any allowed residential uses shall meet the requirements of the RMD District.	a) 8,000.	a) 50	a) 5 stories or 70 feet, whichever is more restrictive	a) 15	a) 20 [Note I]	a) 10 [Note I]	a) 80%	a) 90%
7. CBD Central Business District: See also maximum building setback in Section 1305.04.	1,500 for the lot. Minimum average of 400 sq. ft. per dwelling unit [Note C]	15	10 stories or 140 feet, whichever is more restrictive	0. See Section 1305.04	0 [Note J]	0 [Note J]	95%	95%

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>8. OI Office Institutional and CN Neighborhood Commercial Districts: For the OI District, see also the maximum building setback in Section 1305.04</p> <p>a) Allowed Nonresidential Uses</p> <p>b) Allowed Residential Uses shall meet the standards for the RHD District</p>	<p>a) 2,000</p>	<p>15 [Note B]</p>	<p>4 stories or 60 feet, whichever is more restrictive, except 5 stories or 75 feet for a hospital building on a 20,000 square feet minimum lot.</p>	<p>0. See Section 1305.04</p>	<p>15</p>	<p>3, except 0 where buildings are approved to be attached [Note J]</p>	<p>70%</p>	<p>90%</p>

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Sections 1305.02 and 1313.02)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<p>9. LIC Light Industrial/Commercial or GIC General Industrial/Commercial Districts:</p> <p>a) Manufactured home park in the GIC District</p> <p>b) Other Allowed Use</p>	<p>a) Minimum average of 8,500 per dwelling unit [Note C]</p> <p>b) 15,000</p>	<p>a) 100</p> <p>b) 80</p>	<p>a) 3 stories or 35 feet, whichever is more restrictive</p> <p>b) 8 stories or 100 feet, whichever is more restrictive</p>	<p>a) 10</p> <p>b) 10</p>	<p>a) 25 from the exterior lot line, with 20 feet separation between dwellings with the park</p> <p>b) 15 [Note I]</p>	<p>a) 25 from the exterior lot line, with 20 feet separation between dwellings within the park</p> <p>b) 15 [Note I]</p>	<p>a) 50%</p> <p>b) 70%</p>	<p>a) 70%</p> <p>b) 90%</p>

Section 1305.01 Continued: Notes for the Above Table:

- [Note A] = The minimum average lot area per apartment dwelling shall be reduced to 750 square feet if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with disabilities, and there is no occupancy by any person under age 18 years old.
- [Note B] = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway, unless the City determines that another access is more appropriate as part of a subdivision or land development approval. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways, unless a shared parking court is approved with a 20 feet paving setback from the dwellings.
- [Note C] = The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each single family, semi-detached or townhouse dwelling shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area to determine density: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- [Note D] = Setbacks shall be measured from the legal street right-of-way, after any subdivision or land development has been completed. An unenclosed front porch or deck may encroach up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof or awning. Steps, stoops and ramps for persons with disabilities may also encroach into any setback as necessary to provide access, which may be beyond 10 feet.
- [Note E] = For townhouses, semi-detached dwellings and age-qualified residential developments, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- [Note F] = The following exceptions shall apply:
- For accessory structures and uses, see Section 1305.03 below.

- Structures shall not obstruct minimum sight clearance at intersections, as provided in Section 1313.03(c).
- See Section 1313.05(c) regarding extension of nonconforming setbacks.
- See Section 1305.04(c) regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

[Note G]. = Abutting lots in common ownership may be calculated together to show compliance with the maximum coverages.

[Note H] = Except 0 feet at the shared lot line of lawfully attached dwellings, such as along the lot line of semi-detached dwellings or townhouses, or where a new attached building is constructed that replaces a previous building that was attached to the same adjacent building, or where the City approves adjacent business buildings to be constructed on a lot line as part of a subdivision or land development.

[Note I] = Except 20 feet side and 25 feet rear for a principal business from a lot in a Residential District that is occupied by a principal dwelling that is not in common ownership. Such side or rear yard shall be increased to 60 feet from such a lot for any building area or land area used for manufacturing, bulk storage of highly hazardous substances, industrial outdoor processing or a tractor-trailer truck loading dock.

[Note J] = A minimum 3 feet building setback is required from an approximately parallel door or window of a building on another lot, unless a larger setback is required under the Construction Code.

[Note K] = Individual lots may be approved with smaller condominium parcels as part of a unified subdivision or land development plan, provided the average density is met.

[Note L] = The minimum lot width is measured at the part of the lot where the minimum building front yard setback applies. If a building is placed further back from the street, it will not change where the lot width is measured.

Abbreviations: sq. ft. = square feet.

1305.02 **Height Exceptions.** Section 1305.01 establishes maximum building heights for each District. The following provisions shall also apply:

- (a) Any accessory structure or building shall have a maximum height of one habitable story or 20 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
- (b) The maximum height requirements shall not apply to cranes or similar mechanical devices.
- (c) A minimum building height of 20 feet shall apply for any new principal building in the CBD District.
- (d) The maximum structure height specified for each District shall not apply to: antenna and communications towers that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, utility lines and poles and towers, elevator shafts, rooftop stairways, wind turbines that comply with this Ordinance, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 1318.

- (e) Solar energy collection devices may exceed the maximum building height by 6 feet, provided the devices do not extend more than 1 foot above the top of the peak of a pitched residential roof.

1305.03 Accessory Structures and Uses.

- (a) Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 1305.01, unless otherwise provided for in this Ordinance, including the following subsections.
- (b) The minimum side and rear yard setback (other than along a street right-of-way) for a permitted detached one story structure with a maximum height of 16 feet that is accessory to a dwelling shall be 3 feet, except in the following cases:
 - (1) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the 3 feet setback on a lot line where the dwellings are not attached, and shall not be placed less than 3 feet from an approximately parallel door or window of another dwelling.
 - (2) A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - (3) See Section 1306.03 for swimming pools.
 - (4) A vehicle garage that is accessory to a dwelling shall have a sufficient setback abutting an alley to provide access to the garage, unless a larger setback is established by another section of this Ordinance.
 - (5) No accessory building and no swimming pool shall be allowed between the principal building and the front lot line.
- (c) The minimum side and rear yard setback for an accessory storage shed that is not accessory to a dwelling shall be 10 feet, except it shall be 3 feet for a lot line abutting a principal business use. These reduced setbacks shall only apply for storage sheds of less than 12 feet in height that are used to store types of materials, substances and equipment that would be typically found on a residential property, such as lawn mowers.
- (d) Vehicle parking shall not routinely occur on grass portions of a residential lot.
- (e) Vehicle parking shall not occur in a way that obstructs traffic on streets or alleys or that extends over a public sidewalk. Any parking space in front of a vehicle garage shall have a 20 foot length.
- (f) Where parking is required to be provided for residents (including in a garage), it shall be reserved for use of those residents and shall not be rented to non-residents.

1305.04 Maximum Building Setback; Reduction in Front Setbacks.

- (a) In the OI, RHD, or CBD Districts, where more than 70 percent of the lots on the same side of a block are already developed with buildings, and where the Zoning Officer determines that more than 70 percent of such buildings have a front yard setback of 30 feet or less along such side of the block, then if a new principal building is proposed, then at least a portion of the front building wall of a new principal building shall have a front yard building setback that is not more than 5 feet larger and not less than 5 feet smaller than the average front yard setback of the existing buildings that have a setback of less than 30 feet. The maximum front yard setback may be met with an attached front porch or a building wall. A maximum building setback shall not apply where the area between the building and the curb is occupied by an outdoor café or pedestrian plaza.

- (b) This Section (b) shall apply when Section (a) does not apply. In the OI, RHD and CBD Districts, any new principal building shall have a maximum front building setback along a street of 25 feet. This maximum building setback shall not apply in areas occupied by an outdoor café or pedestrian plaza. The intent is to have new parking to the side and rear of the building. This provision shall not prevent the construction of an access driveway in the front. On a corner lot, this provision shall only apply to one of the two abutting public streets.
- (c) Where a subject lot has 2 abutting lots on the same side of the street along the same block, and both of these lots have an existing front yard building setback that is smaller than the setback that would be required on the subject lot, then the subject lot may have a minimum front yard setback that is equal to the average of those 2 abutting lots.

1305.05 Dimensional Provisions for Solar Energy Collection Devices.

- (a) Articles 1303 and 1304 list where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.
- (b) See Section 1305.02(e) which allows solar energy collection devices to exceed the maximum height. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.

The photo to the right shows an example of a solar shading extension of a building roof that is intended to provide adjustable screening of the sun, to cool a building on hot days and warm a building on cold days.



- (c) Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.
- (d) When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.
- (e) Where solar energy collection devices are being placed on a building roof, it is requested that they be setback a minimum of 3 feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.

ARTICLE 1306

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

1306.01 **Applicability.**

- (a) This Article establishes additional requirements for certain specific uses, in addition to the other requirements of this Ordinance. Where two requirements directly conflict regarding the same matter, the stricter requirement upon use or development shall apply.
- (b) For uses allowed within a specific Zoning District as "Special Exception Uses," see also the procedures and standards in Section 1314.16.

1306.02 **Additional Requirements for Specific Principal Uses.**

- (a) Each of the following uses shall meet all of the following requirements for that use:
 - (1) **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - A. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - 1. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - 2. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - 3. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - B. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - 1. 400 lineal feet from an existing dwelling on another lot,
 - 2. 200 lineal feet from the lot line of any lot in a Residential Zoning District, and
 - 3. 500 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
 - C. No Adult Use shall be located within 250 lineal feet from any existing "Adult Use."
 - D. A 50 feet buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

- E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - F. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - G. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - H. An Adult Use shall be prohibited in all Districts except where specifically allowed under Article 1304. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - I. A minimum lot area of 30,000 square feet is required.
 - J. For public health reasons, private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - K. No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.
 - L. Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor. A use that involves massages by State-licensed massage therapists shall be considered a Personal Service Use and not a Massage Parlor.
 - M. Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis, and who is authorized to accept enforcement notices. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the largest shareholder of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.
 - N. The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the City allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.
 - O. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
 - P. An Adult Use shall be open to inspections during business hours by City zoning and code enforcement staff, including health inspectors.
- (2) **Adult Day Care Center.**
- A. The use shall be fully licensed by the State, if required by the State.
 - B. The use shall include constant supervision during all hours of operation.
 - C. The use shall not meet the definition of a "treatment center".
- (3) **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). If the use is determined to be allowed under State law, then the applicant shall be a special exception use that is only allowed in the HIC district. In such case, the applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate security and noise control measures.

(4) **Animal Cemetery.**

- A. All the regulations for a "Cemetery" in this Section shall apply.
- B. The applicant shall prove to the satisfaction of the Zoning Officer (or the Zoning Hearing Board in the case of a special exception use) that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

(5) **Animal Day Care.**

- A. This use shall involve providing temporary care and recreation for multiple dogs and household pets.
- B. This use shall not primarily involve the keeping of animals for more than 24 hours, unless the requirements are also met for a Kennel.
- C. The applicant shall describe in writing measures that will be used to avoid noise or odor nuisances for occupants of neighboring uses. Animal waste shall be regularly collected in sanitary containers and be disposed of properly.
- D. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
- E. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- F. The applicant shall describe how outdoor runs will or will not be used during various hours.

(6) **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section.

(7) **Assisted Living Facility/ Personal Care Home.** - The standards for "Nursing Homes" in this section shall apply.

(8) **Auto, Boat or Mobile/ Manufactured Home Sales.**

- A. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 1313.03.
- B. See light and glare standards in Section 1310.07.
- C. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- D. This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.

(9) **Auto Repair Garage.**

- A. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."
- B. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 1310. See buffer yard requirements in Section 1313.03.
- C. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way. Motor vehicles shall not be parked on a public sidewalk.
- D. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
- E. Any "junk vehicle" (as defined by Section 1502) shall not be kept for more than 60 days within view of a public street or a dwelling, unless it is actively under repair or is awaiting resolution of an insurance claim or an accident investigation. A maximum of 10 junk

vehicles may be kept on a lot outside of an enclosed building at any one time, unless it is actively under repair, or is awaiting resolution of an insurance claim or an accident investigation. If a greater number of junk vehicles are kept on the lot than is allowed by this section, the use shall be regulated as a “Junkyard.” Vehicles shall not be parked on a public sidewalk.

- F. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
- (10) **Auto Service Station.**
- A. See definition of this term and "Auto Repair Garage" in Article 1315. The uses may be combined, if the requirements for each are met.
 - B. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
 - C. Fuel pumps shall meet side yard principal building setback requirements.
 - D. The regulations for “Auto Repair Garage” in the above subsection shall also apply to an “Auto Service Station.”
 - E. The use may include a "convenience store" if the requirements for such use are also met.
 - F. A canopy shall be permitted over the gasoline pumps with a minimum front setback of 15 feet from each street right-of-way line.
 - 1. Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) signs may be attached to the canopy in place of part of the allowed freestanding or wall sign area for the property, and b) necessary warning signs.
 - G. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and 50 feet from any lot line of a lot occupied by a residential use.
 - H. Gas station canopies must be designed with luminaries recessed under the canopy to minimize light pollution onto streets and other lots. See also limits on lot line lighting in Article 1310.
 - I. Gas stations may include a car wash if the requirements for a car wash are also met.
- (11) **Bed and Breakfast Inn.**
- A. Within a Residential District (if permitted under Article 1303), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
 - B. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the Bed and Breakfast Inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
 - C. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
 - D. The use shall have a residential or historical appearance.
 - E. The use shall be operated and/or managed by permanent residents of the lot.
 - F. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - G. No guest shall reside in the Bed and Breakfast Inn for more than 30 total days in any 90 day period.
- (12) **Boarding House (includes Rooming House).**
- A. Minimum lot area - 20,000 square feet.
 - B. Minimum side yard building setback - 15 feet each side

- C. Minimum lot width - 100 feet
 - D. Maximum density - 1 bedroom per 3,000 square feet of lot area; but in no case shall the lot serve a total of more than 20 persons.
 - E. Each bedroom shall be limited to 2 persons each.
 - F. A buffer yard with screening meeting Section 1313.03 shall be provided between any boarding house building and any abutting dwelling.
 - G. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
 - H. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
 - I. Rooms shall be rented for a minimum period of 5 consecutive days.
 - J. If the use houses more than 8 persons, a resident manager shall be required, who shall be authorized to accept code enforcement notices.
 - K. Note that there is also a separate use named "Single Room Occupancy with On-Site Supervision."
- (13) **BYOB Club.**
- A. The use shall submit a security plan, which shall be found acceptable by the Zoning Hearing Board, after being offered for review by the Police Department and Mayor.
 - B. As a condition of approval, the applicant shall regularly collect litter from the outside of the premises and adjacent sidewalks. The applicant shall maintain and regularly empty a trash receptacle near a building exit.
- (14) **Car Wash.**
- A. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - B. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
 - C. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards or runoff problems. Wash water shall be properly collected and shall not flow into a waterway. To the maximum extent feasible, water should be recycled.
 - D. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (15) **Cemetery.**
- A. Minimum lot area- 1.5 acres, which may be on the same lot as an allowed place of worship.
 - B. All structures and graves shall be setback a minimum of 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 10 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
 - C. No grave sites and no buildings shall be located within the 100-year floodplain.
 - D. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the City Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.
 - E. The internment or spreading of cremated remains are not regulated by this Ordinance.
- (16) **Commercial Communications Antennae/Tower as principal or accessory use.**

- A. An accessory commercial communications antenna shall be permitted by right in any District if it meets the following requirements:
 - 1. In any district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a. a principal agricultural building or silo,
 - b. an electric high voltage transmission tower,
 - c. an existing lawful commercial communications tower,
 - d. a fire station or steeple or bell tower of a place of worship,
 - e. a water tower or
 - f. a street light or utility line pole, provided that an existing street light or utility pole shall not be extended or replaced to result in a total height exceeding 45 feet in a residential district, and provided that a new utility pole shall not be installed in a residential district to support an antenna within a residential subdivision that currently does not have above-ground utility poles.
 - 2. An antenna that extends between 20 and 40 feet from the structure to which it is attached shall only be allowed in a Commercial or Industrial District. Such antenna shall not be attached to a dwelling. In such case, the antennae shall be setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- B. Any commercial communications antenna/tower that does not meet Section "A." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Articles 1303 and 1304, and in compliance with the following additional regulations:
 - 1. Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The City may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - 2. A new tower, other than a tower on a lot of an emergency services station, shall be setback a minimum horizontal distance equal to its total height from any lot used for residential purposes.
 - 3. A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4. See structural and wind resistance requirements of the Construction Code.
 - 5. The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the City.
 - 6. An applicant for a new commercial communications tower shall provide evidence to the Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7. A maximum total height of 200 feet above the ground shall apply in a Commercial or Industrial District and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - 8. The application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.

9. A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs.
 10. Any new tower shall be designed to accommodate equipment for more than one provider.
 - C. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 1. To protect property values.
 2. To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 3. To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
 - D. A tower/antenna that is intended to primarily serve emergency communications by a City-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station or the City-County Building, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
 - E. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - F. Accessory utility buildings shall have a maximum height of 10 feet.
 - G. Antennae and towers shall comply with any Airport Approach zoning regulations.
 - H. This Zoning Ordinance does not regulate communications antenna that are placed on poles within a street right-of-way, which shall require a separate City approval or permit outside of the Zoning Ordinance. However, a new pole shall not be placed in the right-of-way abutting a residential zoning district for the primary purpose of supporting a communications antenna.
 - I. Once a communications tower has been approved, antenna and equipment may be placed or replaced on the tower as a permitted by right use, provided the total height is not increased above the approved height.
- (17) **Crematorium**
- A. Minimum lot area - 30,000 square feet. A crematorium may be on the same lot as a cemetery or funeral home, provided the requirements for each are met.
 - B. A crematorium, where allowed by Articles 1303 or 1304, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
 - C. City zoning approval is conditioned upon receiving a DEP Air Quality Permit. The Zoning Officer shall be notified in writing by the operator of the use within one business day if such State permit is ever suspended or revoked.
- (18) **Conversion of an Existing Dwelling into Additional Dwelling Units.**
- A. See Articles 1303 and 1304, which establish where conversions are allowed.
 - B. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:

1. The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 2. The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
 - C. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - D. A maximum total of 4 dwelling units may be developed per lot, unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
 - E. Each unit shall meet the definition of a dwelling unit in Article 1315 and shall meet the minimum floor area requirements of Section 1313.01.
- (19) **Conversion of an Existing Principal Institutional Building or a Principal Industrial Building into Multi-Family Dwellings or Live Work Units.**
- A. A minimum average of 800 square feet of total existing building floor area that will be converted into residential use shall be required for each dwelling unit. A minimum of 500 square feet of floor area shall apply within each dwelling unit. A minimum square footage of lot area per dwelling unit shall not apply for this use.
 - B. If the applicant proves to the satisfaction that modifications are needed to parking, loading, density or setback requirements to reasonably allow the adaptive reuse of an existing principal building, the Zoning Hearing Board shall have the authority to approve such modifications as a condition of the special exception approval.
 - C. The Zoning Hearing Board shall consider compatibility with any adjacent residential neighborhood in considering approval of such modifications, and the availability or shortage of on-street parking spaces and the anticipated need for parking in case of a parking modification. If the applicant is requesting a parking modification, the applicant shall provide a written analysis of available parking spaces within 300 feet during a time of peak parking demand.
- (20) **Cottage Neighborhood Development.** The following requirements shall apply to a project approved as a Cottage Neighborhood Development, in place of the requirements of Article 5.
- A. Purposes. To promote Cottage Neighborhood Development, which may involve a mix of singles, twins and townhouses. Many of the units are intended to face onto usable common open space. To encourage the creation of more usable open space through flexibility in density and lot standards. To promote pedestrian-friendly site designs. To encourage an identifiable neighborhood that promotes oversight of the area by residents (including through use of front porches). To minimize the visibility of garage doors and minimize conflicts between driveways and sidewalks. To seek that the housing include traditional designs, including pitched roofs, varieties in rooflines, prominent front porches, dormers, large windows and similar features. These provisions also recognize that modest-sized new dwellings typically generate less parking demand and reduced impacts compared to larger dwelling units.
 - B. Minimum Tract Size. The total Lot Area of all lots in the Tract shall not be less than one acre. This acreage may include adjacent lots in common ownership that are separated by streets.
 - C. Uses. The only principal uses allowed within a Cottage Neighborhood Development shall be: single family detached dwellings, single family semi-detached (twin) dwellings,

townhouses, common open space, a community building (which may include dining facilities for residents and their invited guests), and temporary real estate sales office/model home. Each of these uses shall be permitted by right, if the requirements for a Cottage Neighborhood Development are met.

1. In addition, a maximum of 5 percent of the dwelling units may be live work units, in compliance with Section 1306.02. These units shall be permitted by right, provided that the location of such units are identified in the approved subdivision or land development plan. Such live work units shall be limited to offices, arts/crafts studio or personal services, or music, dance or art instruction involving a maximum of 3 students at a time. Such units shall not include retail sales except as accessory to an arts/crafts studio.
2. Accessory uses shall be allowed in the same manner as is provided in the zoning district regulations.

D. Dimensional Requirements.

1. This section is intended to allow flexibility in the placement of dwelling units. Fee-simple lots with separate lot lines are not required for individual dwellings.
2. The total area of all lots in the tract (not including rights-of-way of existing streets) measured in acreage shall be multiplied by 10 dwelling units per acre to determine the maximum total density of the tract. Existing street rights-of-way shall be deducted from the total area of the tract, but paper streets and alleys and streets and alleys that have not been opened to vehicle traffic may be included.
3. The minimum setback for buildings from the right-of-way of a street shall be 5 feet. This setback may be occupied by an unenclosed porch (which may have a roof).
4. The minimum setback for buildings from the right-of-way of an alley shall be 2 feet. The applicant shall prove to the satisfaction of the City that there will be adequate turning radius for vehicles to enter and exit garages, considering the paved width of the alley in front of the garage doors.
 - a. The following minimum setbacks shall apply from a lot line that is exterior to the Cottage Neighborhood Development (and that is not a street or an alley):
 - (1) 20 feet for a dwelling from an abutting lot that is residentially zoned;
 - (2) 10 feet for a dwelling from an abutting lot that is not residentially zoned; and
 - (3) 5 feet for a detached accessory building.
 - b. The minimum separation distance between dwellings that are not lawfully attached shall be 8 feet.
 - c. A maximum of 6 dwelling units shall be attached together in any manner.
5. No more than 25 percent of the dwelling units may include a vehicle garage door(s) that faces onto a public street.
 - a. Where garages are attached to a dwelling, the garage doors shall not have a smaller front yard setback from a public street than the front of the main residential portion of the dwelling.
6. A minimum of 80 percent of the dwelling units shall include an unenclosed front, side or rear porch and/or a balcony or deck with a minimum square footage for each dwelling unit of at least 50 square feet. Such porch, balcony or deck may have a roof, but shall have open sides on at 50 percent of its perimeter.
7. A central commons open space area is required, which shall have a minimum area of 500 square feet and a minimum width of 25 feet. The Commons areas shall be part of the required common open space.

- a. A minimum of 60 percent of the dwelling units shall be located abutting, or at least partly within 100 feet from a landscaped Commons area.
8. Individual dwellings shall not be required to directly abut a street, if all of the following requirements are met:
 - a. each dwelling has access using a sidewalk or other hard-surfaced ADA accessible pedestrian pathway to a detached vehicle garage, and the garage or parking space for the dwelling has vehicle access onto a street or alley,
 - b. each dwelling has access using a sidewalk or other hard-surfaced ADA-accessible pedestrian pathway to reach a street, and
 - c. the dwelling abuts landscaped common open space.
9. Individual dwellings shall not be required to have their own vehicle access onto a street if each dwelling has access to a detached vehicle garage or parking area within the tract that has access to a street or alley.
10. The placement of dwelling units in relation to a street and fire hydrants shall be subject to review by the Fire Department.
11. The maximum height shall be 3 stories or 38 feet, whichever is more restrictive.
12. The maximum building coverage shall be 50 percent. This coverage shall only apply to the lot area of the tract (as opposed to individual lots) and shall be measured at the time of completion.
13. Each dwelling unit shall have a minimum width and minimum length of 20 feet. Each dwelling unit shall have a minimum heated indoor square footage of 600 square feet. If the dwelling unit includes a Live Work Unit, it shall need a minimum of 1,000 square feet.
14. A side of a dwelling that faces onto a public street shall include at least two of the following features:
 - a. a porch,
 - b. two or more windows,
 - c. one or more dormers,
 - d. the use of at least two types of building materials,
 - e. variations in roof lines, and/or
 - f. a variation in building setback of at least one foot.
- E. Common Open Space. A minimum of 10 percent of the total lot area of the Tract shall be preserved in common open space. The common open space shall be: a) preserved through a Conservation Easement that is enforceable by the City, and b) maintained by a legally binding homeowner association, unless the City specifically approves an alternative method of ownership and maintenance in response to a request by the applicant.
 1. The common open space may also include community gardens.
 2. Wetlands and lands with a slope greater than 25 percent shall not count towards the required amount of common open space.
- F. Maintenance. The applicant shall prove to the City, based upon review by the City Solicitor’s Office, that there will be a suitable legally-binding system in place, such as homeowner association agreements, to ensure the proper maintenance and funding of shared facilities. The City Solicitor’s Office is not required to review the amounts of any fees. Those shared facilities may include, but are not limited to: shared parking areas, common open spaces and alleys.
- G. Parking. The development shall provide a minimum average of 2 off-street parking spaces per dwelling unit. On-street parking spaces along streets may be used to count towards a maximum average of 0.5 parking spaces per dwelling unit of this requirement, if each space is within 500 feet from the dwelling it serves. On-street parking spaces shall not be reserved for individual residents.

1. Parking spaces that are immediately in front of and on the same side of the street as pre-existing dwellings or businesses shall not be counted to meet the requirements for new dwellings.
 2. Any shared parking lot shall include an area designed to be used for the storage of snow.
 3. An off-street parking lot to serve the dwellings in the development may be the principal use of a lot, as a permitted by right use.
- H. Alleys. Any new or extended alleys shall have a minimum right-of-way width of 20 feet and a minimum cartway width of 14 feet. Any new or extended alleys shall be owned and maintained by a homeowner association, unless the City specifically approves an alternative.
- I. Landscaping. A landscaping and street tree plan shall be submitted with the development application. Such plan shall also address plantings within the common open spaces.
1. A minimum average of one deciduous shade tree shall be required for every 1,000 square feet of required common open space, unless existing healthy trees will be preserved that will serve the same purpose. These trees shall be in addition to any required street trees.
- J. Pedestrians. The Cottage Neighborhood Development shall include a system of sidewalks along streets and other pedestrian pathways that connect together the various parts of the development. The City may approve a pathway to take the place of a public sidewalk, provided there is a pedestrian easement allowing use by the public.
- K. Design Guidelines. The applicant for a Cottage Neighborhood Development shall submit a narrative describing how the proposed plans do or do not comply with the Advisory Design Guidelines that are included in the following sections.
1. Common Open Space should:
 - a. have individual dwelling entrances oriented towards the open space;
 - b. have at least 75 percent of the dwelling units abutting a common open space;
 2. Size. Each residential unit should be provided with a minimum of 200 square feet of usable private open space, with no dimension less than 10 feet. Such open space requirements may be met with a combination of front, side or rear yard locations. Units built above garages and Live-Work Units may be omitted from this standard.
 3. Front Porch.
 - a. Location. Every dwelling should have a covered entry porch oriented toward the common open space or street. This porch should be open on at least two sides, and should not be enclosed.
 - b. Live-work units may have covered entry porches located off of an alley.
 - c. Size. The covered porch should be greater than 50 square feet in area, with a minimum of dimension of 5 feet.
 4. Eyes on Public Space. Common Open Spaces, Streets and Alleys should have a minimum of one residential dwelling window providing clear surveillance of public and semi-public space.
 5. Community Buildings and Elements. Every Cottage Neighborhood Cluster should contain at least one of the following elements:
 - a. Outdoor area for cooking by the residents during special events.
 - b. Picnic shelter.
 - c. Community recreation building, such including a room for activities.
 - d. Vegetable garden plots.
 - e. Playground.
 6. Parking.

- a. Detached garages serving multiple dwellings should be located off of an alley.
 - b. Head-in surface parking areas for more than two cars should be:
 - (1) prohibited in the front yard setback area;
 - (2) screened from public streets and adjacent residential uses by landscaping or architectural screening.
7. Refuse & Recycling.
- a. Storage of these containers should be located so their visual and odorous impact on adjacent properties is minimized.
 - b. Refuse and recycling containers should be screened from view by landscaping or architectural screening, and should not be located in the front setback area, or where smells may be offensive to adjacent properties.
- (21) **Criminal Halfway Houses or Day Reporting Center.**
- A. See definition in Section 1315.
 - B. The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.
 - C. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
 - D. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - E. A use involving housing of 2 or more persons who are required to register their place of residence under Megan’s Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.
- (22) **Day Care Center, Child.**
- A. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 1306.03.
 - B. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Human Services registration certificate or license.
 - C. At least one convenient space for the safe loading and unloading of children shall be provided, unless the City may approve an on-street loading space(s). A second loading and unloading space shall be required if 30 or more children are cared for on the lot.
 - D. The use shall include secure fencing with a height between 4 and 6.5 feet around outdoor play areas. The outdoor play area shall include a minimum of 1,000 square feet of land area for a Day Care Center of up to 20 children, which shall be increased to 2,000 square feet for larger numbers of children.
 - E. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 - F. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - G. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.

Dog Day Care. – See Animal Day Care.

(23) **Forestry.**

- A. The following regulations shall apply if forestry involves a total of more than 20,000 square feet of land area in any two year period:
 - 1. A soil and erosion control plan shall be submitted and carried out.
 - 2. Clearcutting shall not occur on slopes of greater than 25 percent natural slope or within 50 feet of the top of the bank of a perennial waterway, except for land areas where a specific land use has received City zoning approval and requires the clearcutting to occur.

(24) **Gas or Oil Well, as a Principal or Accessory Use.**

- A. Gas and Oil Wells shall only be allowed where provided under Article 1304, and are specifically prohibited from all residential districts.
- B. A minimum setback of 400 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or primary or secondary school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any other lot line, unless a written waiver is provided to the Zoning Officer by the principal owner of record of the adjacent lot.
- C. A row of primarily evergreen trees shall be provided between any Gas or Oil Well above ground facilities and any existing dwelling on an adjacent lot.
- D. A minimum 6 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well above-ground facilities.
- E. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks on the property shall not occur between the hours of 10 p.m. and 7 a.m., except for emergency measures or as necessary during initial drilling operations.
- F. A Zoning Permit shall be required for a Gas or Oil Well. As part of the permit application, the applicant shall provide a written description of the impacts upon roads, with an emphasis upon weight of vehicles that will be used. See bonding requirements in the Vehicle Code or other applicable State law.

(25) **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- A. The use shall meet the definition in Section 1315.
- B. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- C. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
 - 1. if a more restrictive requirement is established by another City requirement;
 - 2. the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3. as may be approved by the Zoning Hearing Board under Section 1314.11, which allows persons to request a reasonable accommodation to the number of unrelated persons living together.
- D. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a Federal, State or County human service agency, then this requirement shall have been deemed to be met.

Otherwise, if any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

- E. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer, and shall notify the Zoning Officer in writing within 2 business days if such licensing or certification expires or is withdrawn.
- F. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. If this information should change, such as an intent to serve a different type of treatment/care, the applicant shall notify the Zoning Officer in writing within 2 business days.
- G. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
- H. If a Group Home is in a Residential District, an appearance shall be maintained that is closely similar to nearby dwellings, and no exterior sign shall identify the use.
- I. The persons living on-site shall function as a common household unit, with each person typically residing within the home for a period exceeding one year.
- J. The applicant shall notify the local ambulance and fire services in writing of the presence of the group home and the type of residents.
- K. An off-street parking space shall be provided for the largest vehicle that serves the use, in addition to parking required by Article 1311.
- L. The building shall have lighted exit signs, emergency lighting, a carbon monoxide detector, and inter-connected smoke and fire alarms.
- M. Note - For a use that does not meet these standards, see the requirements for Rooming Houses, Treatment Centers or Criminal Halfway Houses.

(26) **Heliport.**

- A. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- B. For a special exception use, the Zoning Hearing Board may place conditions on the maximum size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- C. Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.

(27) **Hotel or Motel.**

- A. See definitions in Section 1315, which distinguish a hotel/motel from a boarding house.
- B. Buildings and tractor-trailer truck parking shall be kept a minimum of 50 feet from any "residential lot line."

(28) **Junkyard.** (includes automobile salvage yard)

- A. Storage of garbage is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- B. Outdoor storage of junk shall be at least: a) 100 feet from the lot line of any dwelling and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- C. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the

entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

- D. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10 foot wide buffer yard which complies with Section 1313.03. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - E. Burning or incineration is prohibited.
 - F. All gasoline, antifreeze and oil shall be drained from all vehicles that are stored on-site, and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - G. Lot area - 3 acres minimum; 10 acres maximum.
 - H. Tires - see the "Outdoor Storage and Display" standards in the following section.
 - I. Any storage of junk shall be maintained a minimum distance of 100 feet from the average water level of any waterway, and shall be kept out of a drainage swale.
- (29) **Kennel (which may include an animal shelter)**
- A. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
 - B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
 - C. The applicant shall describe how outdoor runs will or will not be used during late night hours.
 - D. See State law regulating kennels.
 - E. Minimum lot area - 30,000 square feet.
 - F. A use meeting the requirements for a Kennel may also offer “Dog Day Care.”
- (30) **Live Work Unit.**
- A. A Live Work Unit is one building space that is used both for residential and for business space, such as for an office or an artist’s studio. The business use shall be a use that is listed as permitted by right in the Zoning District. The unit shall be treated as a dwelling unit, except for allowed signs and minimum parking requirements for the portion of the space that is used for commercial purposes that may involve non-resident employees or customer traffic.
 - B. If allowed in a Residential District, a minimum of 50 percent of the unit floor area shall be primarily used for residential purposes and a maximum of 3 persons shall work in the unit who do not reside within the unit.
 - C. The operator of the business in the unit shall also be a permanent resident of the unit. The commercial space shall not be rented separately from the residential portion.
 - D. The business use should not generate external noise, odor, glare, vibration or electrical interference nuisances detectable to residents of other dwellings.
- (31) **Livestock and Poultry, Raising of.**
- A. Minimum lot area - 1 acre. See also Pets, Keeping of in this Section.
 - B. Any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a Residential District, 2) 100 feet from an existing dwelling that is not within a Residential District, 3) 50 feet from all other exterior lot lines.
 - C. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.

- D. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
 - E. The applicant shall describe in writing or on site plans the methods that will be used to address water pollution and insect and odor nuisances.
- (32) **Manufactured (Mobile) Homes.** The following additional requirements shall apply to a manufactured home placed on property after the adoption of this Ordinance:
- A. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - B. Each site shall be graded to provide a stable and well-drained area.
 - C. Each home shall have hitch and tires removed.
 - D. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation, as well as State regulations regarding the installation.
 - E. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured (Mobile) Home Park. Provisions shall be provided for access to utility connections under the home.
 - F. If the dwelling is outside of a Manufactured (Mobile) Home Park, then the front door of the dwelling shall face onto a street or be within 25 feet from a street right-of-way.
- (33) **Manufactured (Mobile) Home Park.**
- A. See the requirements for Manufactured Home Park in the GIC district in Article 1305 of this Ordinance.
 - B. Access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - C. All units within the Manufactured Home Park shall be serviced by the public sewage and public water supply systems.
 - D. Buildings that are accessory to individual manufactured homes shall be allowed, provided they meet the minimum exterior setbacks provided in Article 1305, and provided that they are setback a minimum of 15 feet from the home of a person who does not own the accessory building.
 - E. A 20 feet wide perimeter planting area shall surrounding the Manufactured Home Park, except at approved street crossings. This planting area shall include a mix of trees and shrubs of various species and vegetated ground cover.
- (34) **Medical Marijuana Dispensary.**
- A. The use shall be setback a minimum of: 1) 1,000 feet from the property line of an existing primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.
 - B. The use shall not have any outdoor activities, such as outdoor seating.
 - C. The use shall not be open for business beyond the maximum hours of 8 AM and 8 PM.
 - D. The use shall meet all other zoning requirements that would apply to a Retail Store.

- E. The use shall prove to the Chief of Police that there will be sufficient security measures, after a review by the Mayor.
- (35) **Medical Marijuana Grower/ Processor.**
- A. The use shall prove to the Chief of Police that there will be sufficient security measures, after a review by the Mayor.
 - B. The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.
 - C. The use also shall meet all of the same zoning requirements that would apply to a manufacturing use.
- (36) **Membership Club.**
- A. See definition in Section 1315.02.
 - B. Any active outdoor play areas shall be setback at least 25 feet from any abutting "residential lot line."
 - C. This use shall not include an "After Hours Club."
- (37) **Mineral Extraction.**
- A. The following additional requirements shall be met:
 - 1. Information shall be submitted regarding the land reclamation and reuse plan of the area to be excavated.
 - 2. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting a productive or beneficial future use.
 - 3. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - a. New trees shall not be required where preserved trees will serve the same purpose.
 - 4. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - a. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - b. 150 feet from a non-residential principal building, unless released by the owner thereof,
 - c. 300 feet from the lot line of a dwelling,
 - 5. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - 6. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - 7. Hours of Operation. The Zoning Hearing Board, as a condition of special exception use approval, may reasonably limit the hours of operation of the use and

of related trucking and blasting operations to protect the character of adjacent residential areas.

8. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

(38) **Mobile/Manufactured Home.** See "Manufactured (Mobile) Home" in this Section.

(39) **Nursing Home, Personal Care Home or Assisted Living Center.**

- A. Licensing - See definitions in Section 1315.02.
- B. A minimum of 10 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas, gardens and/or pedestrian walks.

(40) **Outdoor Storage and Display.** The provisions listed for this use under Section 1306.03 shall apply.

(41) **Place of Worship.**

- A. Minimum lot area- 25,000 square feet in a Residential District, unless a larger lot area is required by the applicable Zoning District. In any other District, a place of worship shall meet the normal minimum lot area for that District.
- B. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable District.
- C. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- D. A child or adult day care center shall be allowed as an accessory use.

(42) **Recreation, Outdoor.**

- A. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- B. This term shall not include Publicly-Owned or Operated Recreation or a Motor Vehicle Racetrack.
- C. See provisions for a non-household swimming pool in this Section.
- D. Lighting, noise and glare control - See Article 1310.
- E. A 20 feet wide buffer yard in accordance with Section 1313.03 shall be required adjacent to an existing dwelling on another lot.

(43) **Recycling Collection Center.**

- A. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- B. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- C. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- D. A 20 feet wide buffer yard with screening as described in Section 1313.03 shall be provided between this use and any abutting "residential lot line."
- E. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a City-owned use, subject to the limitations of this section.
- F. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part

of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- G. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- H. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an Industrial District.
- I. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a Residential District.

(44) **Residential Conversions.** See "Conversions of an Existing Building" within this Section.

(45) **Restaurant.**

- A. Screening of Dumpster and Waste Containers - See Section 1313.06.
- B. See "Drive-Through" service in Section 1306.03(d).
- C. Drive-through service shall only be provided where specifically permitted in the applicable District regulations.
- D. This use shall not include a "Tavern" or a "Nightclub", unless the requirements for such use(s) are also met.

(46) **School, Public or Private, Primary or Secondary.**

- A. Minimum lot area - 1 acre in a Residential District. In any other District, the use shall meet the standard minimum lot area requirement for that District.
- B. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
- C. The use shall not include a dormitory unless specifically permitted in the District.

(47) **Self-Storage Development.**

- A. All storage units shall be of fire-resistant construction.
- B. Outdoor storage shall be limited to vehicles, boats and trailers. No "Junk Vehicles" shall be stored within view of a public street or a dwelling.
- C. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- D. Designated spots may be used for outdoor parking of motor vehicles or trailers. Nothing shall be stored in interior traffic aisles or accessways that would interfere with emergency vehicle access or within required off-street parking areas.
- E. The use shall not include a commercial Auto Repair Garage, unless the requirements for that use are also met.
- F. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- G. See Section 1313.03 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 1313.03. Any fencing shall be placed on the inside of the plantings.
- H. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

(48) **Single Room Occupancy Use With On-Site Supervision.**

- A. The use shall be owned and/or operated by an established incorporated non-profit, charitable or religion organization.
 - B. The applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate on-site supervision, including at least one on-site bonafide manager during at least 8 hours a day.
 - C. The use shall provide counseling programs for residents, which may be provided on-site or by connecting residents to services, including providing transportation as needed.
- (49) **Solid Waste Transfer Facility or Putrescent Waste to Energy Facility.**
- A. All solid waste storage, disposal, incineration or processing shall be at least 100 feet from the following: public street right-of-way, exterior lot line or 100 year floodplain.
 - B. All solid waste storage, disposal, incineration or processing shall be a minimum of 300 feet from any Residential District.
 - C. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 20 feet. One of these roads may be restricted to use by emergency vehicles.
 - D. If a new use is proposed or the previously City-approved capacity of an existing use is proposed to be increased, the applicant shall prove to the satisfaction of the Zoning Hearing Board that the street network can handle the additional truck traffic, in a manner that minimizes negative impacts upon residentially zoned neighborhoods.
 - E. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will include the best available methods to minimize noxious odors off of the tract.
 - F. A chainlink or other approved fence with a minimum height of 8 feet shall surround the use, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary.
 - G. Minimum lot area - 10 acres.
 - H. The applicant shall provide evidence to the Zoning Hearing Board that sufficient measures will be put into place to minimize the attraction, harborage or breeding of insects, rodents or vectors.
 - I. Attendant. An attendant shall be present during all periods of operation or dumping.
 - J. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - K. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - L. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - M. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated.
 - N. All loading and unloading and processing of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, or similar methods approved by the Zoning Hearing Board.
- (50) **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets" in the following section)
- A. Minimum lot area - 3 acres. A minimum of one acre of open vegetated area shall be provided per horse or similar animal.
 - B. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.

- C. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Manure shall be managed in a way that does not result in polluted runoff from the property.

(51) **Swimming Pool, Non-Household.**

- A. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
- B. Minimum lot area - 20,000 square feet.
- C. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 1313.03.
- D. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
- E. Drainage. A proper method shall be provided for drainage of the dechlorinated water from the pool that will not flood other property.

(52) **Temporary and/or Emergency Shelter.**

- A. The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.
- B. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- C. The Zoning Hearing Board may place conditions upon the use to protect public safety, and to minimize conflicts with nearby residents.
- D. The applicant shall describe the maximum number of residents who will be served, which may include a higher stated number on days of extreme weather.

(53) **Townhouses and Apartments.**

- A. Maximum number of townhouses in any attached grouping - 10.
- B. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- C. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- D. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- E. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

(54) **Transitional Housing.**

- A. The use shall meet the definition and all of the standards for a Group Home, except that it involves the housing of a larger number of persons than are allowed in a Group Home,

does not necessarily involve on-site supervision by staff, and/or that does not involve a “dwelling unit.”

- B. The use shall involve a minimum average of 250 square feet of interior heated habitable building floor area per resident.

(55) **Treatment Center.**

- A. See definition in Section 1315.02. This use shall not include a Criminal Halfway House or Day Reporting Center, unless the requirements for all uses are fully met.
- B. The applicant shall provide a written description of all conditions (such as alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception use approval.
- C. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. These supervision and security measures shall be submitted in writing and be offered for review by the Mayor and Police Chief. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- D. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(56) **Veterinarian Office.** (includes Animal Hospital)

- A. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- B. Animals undergoing treatment may be kept as an accessory use. Birds, rabbits, gerbils and similar animals may also be boarded. However, a commercial kennel involving healthy dogs shall only be allowed if a kennel is permitted in that District and if the applicable requirements are met.

(57) **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 1306.03.**

- A. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- B. The audible sound from the wind turbine(s) shall not exceed 45 A-weighted and 45 C-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - 1. The applicant shall submit modeling showing that the noise levels will be met, and then shall provide written results by an independent professional showing that the noise standards have been met after the turbine(s) become operational.
- C. The applicant shall provide information on whether the turbine could interfere with emergency medical helicopters, and if so additional warning lights may be required by the City.
- D. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- E. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.

- F. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- G. The turbine shall include automatic devices to address high speed winds.
- H. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- I. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- J. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- K. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.
- L. The maximum height above the average surrounding ground level to the top of the extended turbine blade shall be 300 feet, unless a lower height is required to meet other requirements of this Ordinance.
- M. The applicant shall show compliance with Federal Aviation Administration requirements in regards to lighting.

1306.03 **Additional Requirements for Accessory Uses.**

- (a) **General.** Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or special exception use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- (b) **Accessory Setbacks.** The accessory setback requirements of the applicable District shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- (c) **Front Yard.** No accessory structure, use or building shall be permitted in a required front yard in any District, unless specifically permitted by this Ordinance.
- (d) **Additional Standards.** Each accessory use shall comply with all of the following standards listed for that use:
 - (1) **Antenna, Standard.** (includes amateur radio antenna)
 - A. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - B. Anchoring. An antenna shall be properly anchored to resist high speed winds, and an antennae of greater than 25 feet high above a building shall meet the City engineer's approval.
 - C. If a new satellite dish replaces service by an older satellite dish, the older unused dish must first be removed from the outside of the building.

(2) **Bus Passenger Shelter.**

- A. The applicant shall prove that a well-established entity is responsible for the cleaning, maintenance and repair of the shelter. If the shelter is not being properly maintained or falls into disrepair, and the entity does not correct the problem within 72 hours, then the Zoning Officer may order that the shelter be removed within 7 days.
- B. In a commercial or industrial district, the shelter may include an advertising sign of up to 40 square feet on each of two sides, which may be illuminated. The sign shall not flash, move or be animated or electronically change. Any shelter may also include transit informational signs.
- C. The shelter shall only be allowed at a stop of regularly scheduled bus service, with the location having been approved by the provider of the service.
- D. If located within the public right-of-way, approval is also needed from PennDOT if applicable and the City Department of Public Works.
- E. The shelter design shall be of durable construction and shall be mostly transparent along the sides.

(3) Day Care as accessory to a Dwelling.

- A. See Articles 1303 and 1304 under Accessory Uses and the definitions in Section 1315.02 concerning the number of children who can be cared for in different Zoning Districts in a Family Day Care Home or a Group Day Care Home.
- B. The care of 4 or more children (other than children or grandchildren of the on-site caregiver) shall only be allowed where specifically permitted under Articles 1303 and 1304 in the applicable Zoning District.
- C. The dwelling shall retain a residential appearance.
- D. The use shall be actively operated by a permanent resident of the dwelling.
- E. If 4 to 12 children are cared for who are not children or grandchildren of the on-site caregiver, then a minimum of 300 square feet of exterior play area shall be available, surrounded by a 4 feet minimum height secure fence. Seven to 12 children shall not be cared for in a dwelling unit that is attached to another dwelling unit, and provided that number of children are allowed in the zoning district.
- F. See also "Day Care Center" as a principal use in this Section. Day Care is also an allowed accessory use for a Place of Worship.
- G. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services registration certificate or license, if required by such agency.
- H. Steps shall be properly secured to limit access by small children. The applicant shall describe any basement steps, and whether they will be locked to prevent access by children. At least one fire extinguisher shall be provided, as well as at least one emergency indoor lighting device, a working carbon monoxide detector, and smoke detectors.
- I. The applicant shall describe in writing any provisions that will be made for the safe loading and unloading of children from vehicles.

(4) Drive-through Facilities.

- A. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- B. On-lot traffic circulation and parking areas shall be clearly marked.
- C. A drive-through 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. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
- D. To the maximum extent feasible, a drive-through window shall not be placed on the front facade of a building.
- E. The design of the drive-through facilities shall be subject to review by City officials.

- F. An area used for outdoor ordering by customers shall be setback a minimum of 100 feet from a dwelling on another lot. The use shall include use of acoustic barriers or controls on the volume of loudspeakers so that the loudspeaker cannot be heard from a dwelling.
- G. To the maximum extent feasible, access to a drive-through shall use a rear alley or side street, unless such access would be adjacent to dwellings.

(5) Fences and Walls.

- A. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.
- B. No fence, wall or hedge shall obstruct the sight distance as required by Section 1313.03. (Note - The sight distance provisions typically regulate features over 3 feet in height.) A fence that is 75 percent transparent may be placed in a sight distance triangle if it is 4 feet or less in height.
- C. Fences -
 - 1. Front Yard. Any fence located in the required minimum front yard of a lot in a Residential District shall not exceed 4 feet in height.
 - a. The required minimum front yard shall mean the portion of the front yard that is within the minimum setback. For example, if a building is setback 40 feet from the street right-of-way, but the minimum setback is 25 feet, then these front yard restrictions shall only apply to the first 25 feet.
 - b. If a building has an existing front yard setback that is smaller than the minimum setback, then these front yard restrictions shall only apply to the existing front yard setback.
 - c. Fences in the front yard of a dwelling shall be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas. Mostly transparent wire mesh may be placed on the inside of such a front yard fence.
 - d. A fence or detached wall that is not in a residential district and that is within 15 feet from the right-of-way of a public street or a dwelling shall have a maximum height of 8 feet, except that a taller height shall be allowed by special exception where the applicant proves to the Zoning Hearing Board that a taller height is necessary.
 - 2. On a corner lot, in a Residential District, a fence or wall shall meet the same height requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling or other principal building may have a maximum height of 6 feet along one of the streets, other than the street that is along the front of the dwelling.
 - 3. Height. A fence located in a Residential District in a location other than a required front yard shall have a maximum height of 6 feet.
 - 4. A taller fence height may be approved where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard (such as an electric substation or to prevent baseballs from entering into a street).
 - 5. Setbacks. No fence shall be built within an existing street right-of-way. A fence maybe constructed up to a lot line, except as follows: a) a fence may be constructed on the lot line with mutual consent of the adjacent property owner, and b) a fence shall be located on the inside of any buffer plantings required by Section 1313.03.

6. Fence materials. Electrically charged above-ground fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. Under-ground fences to contain animals are not regulated by this Ordinance. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels. If a fence has a more finished side, the more finished side should face towards the neighboring properties or street. Fence supports should be placed on the inside of a fence.

D. Walls -

1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height as viewed from a dwelling, it shall be setback a distance equal to its maximum height from a lot line of an existing dwelling.
 2. Other than a necessary retaining wall, no wall of greater than 3 feet height shall be located in the minimum front yard in a Residential District, except as a backing for a permitted sign as permitted in Section 1312.04.
 3. A wall in a Residential District shall have a maximum height of 3 feet if it is within the minimum side or rear accessory structure setback.
- E. All fences and walls (including retaining walls) over 3 feet in height shall need a zoning permit, regardless of whether a construction permit is also needed.
- F. Any combination of a fence and a wall shall meet the maximum height requirements.

(6) **Food Trucks.** This term includes Food Trailers).

- A. If a food truck is parked on a private property for more than 15 minutes per day (other than routine temporary operations at a construction site), it shall only be permitted where allowed by Article 1304 and shall meet all of the following requirements:
1. it shall be setback a minimum of 30 feet away from a dwelling on another lot, and shall not obstruct safe sight distances at intersections and driveways;
 2. it shall meet all requirements for signs that would apply to a building;
 3. it shall not be open to customers between 10 PM and 6 AM;
 4. it shall not be located within a public right-of-way;
 5. it shall provide a regularly emptied sanitary outdoor waste container, and litter shall be regularly collected;
 6. it shall meet all health regulations; and
 7. it shall only operate with written permission of the property-owner.
- B. A food truck shall not occupy a public on-street or City-owned off-street parking space for more than 15 minutes per day while serving food or beverages.
- C. The City may authorize written temporary exceptions to these provisions during a special event, parade or festival.
- D. This Section shall not regulate sales that may be allowed within a City Park (such as during a festival). See Section 709 of the City's Codified Ordinances.
- E. A maximum of one food truck shall be allowed per lot, except as authorized by subsection C. above.
- F. The food truck shall display a current State vehicle license and safety inspection sticker and have current vehicle registration.
- G. See also provisions for "Sidewalk Cafes and Food Carts" in this section.
- H. Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
- I. In addition, a food truck shall be allowed as an accessory to a lawful restaurant that operates within a building on the same lot in any district.

- (7) **Furnace, Outdoor.** (Such as wood-burning boilers and other building heating devices that are exterior to a principal building)
- A. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
 - 1. An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
 - 2. The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
 - B. The applicant shall show compliance with PA DEP regulations.
 - C. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure, asphalt products or painted wood.
- (8) **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**
- A. See sign provisions in Section 1312.05.
 - B. A Garage sale in a Residential District is limited to a total of 3 sales per calendar year per dwelling unit, with each sale limited to a maximum of 3 days.
 - C. Garage sales shall not routinely involve the sale of new unused merchandise.
 - D. After a Garage sale is complete, all items must be immediately removed from the yard.
- (9) **Heliport.** See under principal uses in the previous subsection.
- (10) **Home Occupations.**
- A. Note - There are two types of Home Occupations: “Low Impact Home Occupations” (which are typically permitted by right), and other types of Home Occupations that are named “General Home Occupations” and need special exception approval in most districts.
 - B. All home occupations shall meet the following requirements:
 - 1. The use shall only be conducted by one or more permanent residents of the dwelling, except it may also involve a maximum of one employee who does not reside in the dwelling. However, if a lot includes 3 or more multi-family dwellings, then no person shall work in a home occupation who does not reside on the lot. If a lot includes 3 or more multi-family dwellings, then only Low Impact Home Occupations shall be allowed on the lot.
 - 2. The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4. A Home Occupation shall be required to provide off-street for the dwelling unit (unless a lack of parking is lawfully nonconforming), plus one space if there will be business traffic to the lot. For a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5. The use shall not routinely require delivery by tractor-trailer trucks.
 - 6. The regulations of Section 1306.03.d.(15) below regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or

- explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 9. Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 10. A barber or beauty shop shall not include any non-resident employees.
 11. The office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 12. A Home Occupation may include a single two square foot non-illuminated sign, as permitted in Section 1312.03.
 13. The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 14. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles. See additional restrictions in subsections (11) and (15).
 15. The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
 16. If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 17. A zoning permit shall be required for a General Home Occupation. A tenant shall need written permission of the property owner to submit a General Home Occupation application.
 18. A building that is accessory to a dwelling shall not be used for home occupation activities that will generate noise, hazards or other nuisances for residential neighbors, but may be used as an office or accessory storage.
- C. In addition to the requirements in subsection B. above, the following additional requirements shall apply to a "Low Impact Home Occupation:"
1. The use shall not routinely involve routine daily visits to the home occupation by customers.
 2. The use shall meet the definition of "Home Occupation, Low Impact" in Section 1315.02.
 3. A zoning permit shall not be required for a Low Impact Home Occupation.
- (11) **Motor Vehicle Storage as an Accessory Use.** The following regulations shall apply to any use that is not a lawful junkyard, auto sales use, auto service station, or a auto repair garage.
1. Any motor vehicle kept on a lot shall display a valid State license plate and a current State inspection sticker, unless it is stored within an enclosed building.
 2. See also the requirements in the Property Maintenance Code.
- (12) **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.

- A. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
- B. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain, except that pre-existing parking areas can continue to be used for parking of operable motor vehicles.
- C. Screening. See Section 1313.03.
- D. Outdoor storage of 50 or more used tires.
 - 1. This storage shall only be allowed as part of a City-approved junkyard or tire store.
 - 2. Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
 - 3. The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

(13) **Pets, Keeping of.**

- A. This is a permitted by right accessory use in all Districts.
- B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a Residential District, except within a secure, completely enclosed cage or fenced area of sufficient height and on a chain. Animals shall be kept on the property of the owner, except when they are on a leash.
- C. A maximum combined total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
 - 1. Such limits shall only apply to dogs or cats over 6 months in age, and shall not apply to bona fide working service dogs.
 - 2. Any greater number of dogs and/or cats shall need approval as a "kennel".
- D. Pigeons, chickens, ducks, geese and/or similar fowl shall only be kept on a lot of larger than one acre. A maximum of 6 of such fowl may be kept as an accessory use, unless the lot area is more than 3 acres. If the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "Raising of Livestock or Poultry." Roosters shall not be kept. Such animals shall only be allowed in a fenced-in area with proper odor control.
- E. Any animal barn, manure storage areas or stable shall be a minimum of 100 feet from any "residential lot line."
- F. See the definition of "Pets" in Section 1315.02. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
 - 1. The following animals shall not be allowed to be kept within the City: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations.
 - 2. See the City's separate Exotic Animal Ordinance.

- G. The keeping of horses, cows, sheep, goats, hogs, pigs, and similarly sized animals shall require a minimum lot area of 3 acres. A minimum of one acre of vegetated area shall be provided on average for each such animal.
 - H. The restrictions in this subsection shall not apply to a bona fide temporary animal exhibition in a commercial or industrial district, or a temporary petting zoo as part of a special event.
- (14) **Recreational Vehicle Parking** - See under Residential Accessory Structure or Use in this Section.
- (15) **Residential Accessory Structure or Use**. (see definition in Section 1315.02)
- A. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 1305.03, unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 1305.03.
 - B. Height. See Section 1305.02(a).
 - C. Parking of Commercial Trucks and Buses. The overnight outdoor parking of commercial trucks, commercial buses or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a Residential District is prohibited, except that the parking of a maximum of one vehicle with a gross vehicle weight of up to 13,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work. The parking for more than one hour per day of trucks carrying gasoline or similar hazardous or explosive materials or that are used to carry putrescent garbage is prohibited in a Residential District.
 - D. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot shall not occur on a residential lot. Note - relative is defined to not include cousins. Work on motor vehicles on a residential lot shall not be conducted as a commercial business. Work on motor vehicles on a residential lot shall not include the replacement of an engine or transmission, body work, frame work, or spray painting. Repairs on motor vehicles on a residential lot shall primarily occur within a building, except for occasional outside work of a type that does not result in noise nuisances or pollution hazards.
 - E. See setback exceptions in Section 1313.03(b).
 - F. Recreational Vehicles and Boats. See Section 1313.01(d) concerning recreational vehicle occupancy. Vehicles and boats shall be maintained to prevent the leakage of fuels and mechanical fluids onto the ground. A recreational vehicle shall not be used as a residence for more than 5 days in any calendar year. A recreational vehicle or boat that has a total length of more than 24 feet shall not be parked on a residential lot, except during a maximum of 2 days in any 7 day period, unless it is stored within an enclosed building.
 - G. A maximum of one motor vehicle or boat shall be displayed or offered for sale on a residential lot in a Residential District.
 - H. See also Motor Vehicle storage in subsection (11) above.
 - I. A truck or trailer used for the hauling or storage of putrescent waste shall not be parked on a residential lot.
- (16) **Short-Term Rental of a Dwelling**.
- A. This provision shall apply to a re-occurring rental of a dwelling unit to different persons for periods of time of less than 30 days.

- B. A permanent resident shall be considered a person who has their place of residence listed at the subject address on a driver’s license or similar government identification card. A permanent resident of a dwelling unit may rent portions of the dwelling unit for any period of time, provided that the dwelling unit does not exceed the maximum number of unrelated persons in the definition of “Family,” and provided that the permanent resident is currently living in the dwelling and is overseeing the rental.
 - C. The entire dwelling unit may only be rented for periods of time of less than 30 days, while the permanent resident is not living in the dwelling, if the total time period of all such rentals does not exceed 30 days per calendar year.
 - D. The following are examples of how this subsection is intended to work: 1) A permanent resident may rent a portion of a dwelling to two persons for any period of time; 2) While a permanent resident is away on vacation, the dwelling unit may be rented for 15 days once a year and then a maximum of another 15 days during the same year; 3) A permanent resident may rent out a bedroom to two visitors to the area every weekend, provided the permanent resident is still living in the dwelling; and 4) an entire dwelling unit may be rented on a monthly basis. The following is an example of what is not allowed: A homeowner shall not rent out the home for 7 days at a time during 5 different weeks in a year, while the dwelling is not occupied by a permanent resident who is responsible for overseeing the rental.
 - E. See the City’s Residential Rental Licensing Ordinance, which may require registration and certain safety improvements.
- (17) **Sidewalk Café or Sidewalk Food Cart.** Where a lawful permanent commercial business is actively in operation in a Commercial Zoning District, and a restaurant is allowed in the Zoning District, a portion of the sidewalk within the public right-of-way immediately in front of that business may be used for a portable food cart and/or movable customer seating and tables for the consumption of food or beverages, provided that all of the following additional conditions are met:
- A. The café or food cart is required to have the same owner or operator as the adjacent indoor business. Indoor restrooms shall be available for customers of the sidewalk business.
 - B. A continuous 5 feet minimum unobstructed hard-surface sidewalk width shall be maintained that is accessible by wheelchairs. Such access shall also be provided to all ADA ramps and street intersections.
 - C. A sanitary outdoor trash receptacle shall be provided for customers, which shall be regularly emptied with proper disposal. Litter shall be regularly collected.
 - D. The outdoor use shall not operate between Midnight and 6 AM, except it shall not operate after 10 pm if it is within 250 feet of a dwelling on another lot.
 - E. Any umbrellas or canopies shall maintain an 8 feet high minimum vertical clearance over a public sidewalk. The space within the right-of-way shall not be enclosed by walls or solid materials, except that the City may approve decorative planters.
 - F. The applicant shall be required to provide a valid insurance certificate to the City that holds the City harmless resulting from any claim involving the use of the right-of-way, and that names the City as an additional insured. Such certificate shall be regularly updated and presented to the Zoning Officer to prove that it remains valid during the life of the use. Such certificate shall be in a form that is acceptable to the City and shall provide a minimum of \$100,000 of insurance coverage, which shall be increased to \$500,000 if alcohol is consumed within the public right-of-way, and which shall address general and liquor liability.
 - G. The cart and all of the sidewalk café features shall be required to be completely removed from the public right-of-way within 24 hours if the applicant is provided a written notice

of violation of a City ordinance (such as failure to meet the insurance requirements) or if the café, food cart or the adjacent business is no longer in active use.

- H. This subsection shall not limit a lawful restaurant from using part of the same or an adjacent privately-owned lot for accessory outdoor seating.
 - I. See also “Food trucks” in the subsection above.
 - J. The City may authorize written temporary exceptions to these provisions during a City-authorized special event, parade or festival.
 - K. If alcohol sales occur, the applicant shall prove to the Zoning Officer that there is a valid liquor license which allows such sales where they are proposed to occur.
 - L. Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
 - M. Permitted outdoor eating and drinking areas that are not within the public right-of-way shall not be required to meet this subsection “(17).”
 - N. The City may require the use of posts or a similar barrier to delineate the area allowed to be used for a sidewalk cafe.
- (18) **Swimming Pool, Household.** (referred hereafter as "pool")
- A. All pools shall be fenced in compliance with the standards in the Construction Code. The Construction Code requirements for a fence or other approved barrier around the pool shall apply for both existing and new pools. (Note - As of 2018, the Construction Code applies to pools with a capacity of 24 inches or more of water).
 - B. The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines of an existing dwelling, if the pool is capable of holding 24 or more inches of water. A 3 feet setback shall apply from non-residential lot lines or an alley. No side or rear setback shall apply for a pool with a capacity of less than 24 inches of water. A pool shall not be located in a front yard.
 - C. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property and will not harm vegetation on other properties. Chlorinated water shall be allowed to sit without any additional chlorination for sufficient time to allow the water to become de-chlorinated to a level that will not cause water pollution, before the pool is emptied. See also the requirements of the City’s MS4 regulations regarding water quality.
 - D. A pool shall not be placed over a utility easement, unless the pool is portable.
- (19) **Temporary Commercial Uses.** See Section 1314.03(g).
- (20) **Unit for Care of Relative.**
- A. The use shall meet the definition in Section 1315.02.
 - B. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - C. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily re-converted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.

- D. The applicant shall establish a legally binding mechanism in a form acceptable to the City that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - E. At any time, the Zoning Officer may require that the owner of the property provide evidence that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit and is in need of such arrangement.
 - F. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached modular unit may be allowed if it was designed for that purpose. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet minimum side yard requirements and be placed in the rear yard, with a 20 feet minimum rear yard setback and has a maximum building floor area of 800 square feet.
 - G. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
 - H. A minimum floor area shall not apply to the Unit for Care of Relative.
- (21) **Wind turbines, One Per Lot as Accessory Use.**
- A. All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
 - B. The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - C. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
 - D. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
 - E. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
 - F. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
 - G. In a district other than the LIC or GIC district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In the LIC or GIC district, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Sections 1306.02 and Articles 1303 and 1304 for taller turbines.
 - H. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

ARTICLE 1307
DESIGN STANDARDS AND GUIDELINES
AND DESIGN REVIEW

Where the term “front facade” is used in this Article, and a lot is adjacent to two or more streets, the front facade shall be considered the building side that faces onto the more heavily traveled street. The word “shall” means a provision is mandatory, while “should” means a provision is recommended.

1307.01 **Purposes of this Article.**

- (a) Encourage appropriate redevelopment and reuse of underutilized sites.
- (b) Improve the appearance of the City’s downtown and commercial areas.
- (c) Enhance economic investment for businesses and property owners.
- (d) Protect and conserve neighborhood architectural character.
- (e) Enhance pedestrian safety and the quality of the pedestrian experience.
- (f) Serve the purposes of the Traditional Neighborhood Development provisions of the MPC, and utilize the authority provided under those provisions.

1307.02 **Additional Requirements in the CBD and OI Districts, and Also Portions of the RMD District that are in the Historic Overlay District.**

(a) **Building Compatibility.**

- (1) See the maximum building setback in Section 1305.04(b).
- (2) Where it is feasible to use an existing alley to provide access to a new garage door or parking area, such alley shall be used instead of creating a new curb cut onto a street across a sidewalk.
- (3) A maximum of 50 percent of the front facade of a new principal building that faces onto a public street shall be comprised of exposed metal panels. Windows, doors and facade materials (such as materials with the appearance of brick or textured block) may be used in front of a metal sided building to meet this requirement. This provision does not apply to roofing materials.
- (4) A new principal building over 150 feet in length along a street shall include variations in the front facade in rooflines, overhangs, architectural details, setbacks, colors and/or facade materials and/or use canopies, porches and awnings to provide variation. A long new principal building should have the appearance of smaller connected buildings.
- (5) Blank walls without at least one pedestrian door and one window are not permitted to face the front facade along a public street.
- (6) The applicant for a new principal building in the CBD District shall submit a preliminary architectural elevation or sketch of the front facade and a description of proposed front facade materials to the Zoning Officer. The Zoning Officer may offer the submittal to the City Planning Commission or other City staff or boards for review and comment.
- (7) New exterior fire escapes shall not be constructed on the front facade of a building facing onto a public street, unless the applicant proves to the Zoning Officer that there are no feasible alternatives.
- (8) Solid metal security gates over first floor doors and windows that face onto a public street and that are within 50 feet of a public sidewalk are prohibited. Instead, any security gates shall be mostly transparent, such as using a metal grill.
- (9) A new principal non-residential building shall not have an exterior building side that faces onto a public street that is comprised of a total of more than 25 percent of any of the

following materials combined: vinyl siding, aluminum siding, T-111 siding, or concrete masonry units that are not shot-blast or ground-face.

- (10) A portion of new building occupied by a retail store shall have a minimum of 15 percent of at least one building side that faces onto a public street comprised of windows or transparent doors. This provision shall only apply to the street level of a building up to a height of 12 feet above the ground level. Such windows do not necessarily need to be open to the interior of the building, if there are security issues, but instead can be enclosed display windows.

(b) Site Compatibility.

- (1) To the maximum extent feasible, new surface off-street parking shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. This provision shall not limit rearrangement of spaces within existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street. If such lot is adjacent to two or more streets, this restriction shall only apply to the one street that is the most heavily traveled by vehicles.
- (2) Chain-link exposed metal fencing shall not be placed in the front yard. Picket or ornamental fences are encouraged, or chain link that is coated in dark colored plastic. Highway-style metal guide rails should not be used on private property if visible from a street.
- (3) See street tree, parking lot tree and other landscaping provisions in Section 1361.04.

(c) Pedestrian Orientation and Safety.

- (1) Pedestrian traffic shall be carefully considered in all drive-through designs, particularly to make sure there is adequate sight distances.
- (2) Business buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza, or be located within a maximum of 30 feet from the front sidewalk along the street.

1307.03 **Recommended Design Guidelines in All Districts.** The following recommended guidelines should be considered in the design of new construction, additions and exterior alterations. Some of these features may be required by other sections of this Ordinance in specific cases. The provisions in 1307.01 and 1307.02 should also be used as recommended guidelines in Districts where a provision is not required.

(a) Site Compatibility.

- (1) See buffer yard requirements in Section 1313.03(d), including provisions addressing eye-level views through plantings for security purposes along a street.
- (2) Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. A rear or side alley should be used for garage or parking access when feasible for dwellings. Where rear parking is not practical, then parking should be provided to the side of a building. Where a residential driveway needs to enter from the front, the garage should be setback further from the street than the front facade of a principal residential building, and the driveway should be as narrow as practical through the front yard. If a residential driveway is necessary in the front of a lot, the curb cut should be a maximum of 10 feet wide, except 20 feet may be necessary for a driveway serving multiple units or that serves side-by-side parking spaces.
- (3) Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage.

- (4) Landscaping, low walls that have the appearance of brick, or similar features should be used to buffer parking lots from streets, provided that there is still sufficient views into the parking area at eye level (approximately 4 to 5 feet) for security purposes.
- (5) Various signs on a property should be coordinated. Internally illuminated signs of box-type construction with a plastic face should be avoided. Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged to provide continuity along a block front and weather protection. Awnings should be used to reduce the visibility of roll-down security gate mechanisms. The front panel of an awning may be used for a sign, but the sign image should be integrated with the awning and the awning should have the appearance of a fabric-type material.
- (6) Adequate lighting shall be provided for security, but in a manner that does not generate glare. In historic areas, traditional styles of light poles should be used, with a maximum height of 20 feet. The unfiltered luminaire itself (such as in a floodlight) should not be directly visible from a street or sidewalk.
- (7) Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.
- (8) New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front. New utility meters should be hidden from view from the street frontage.
- (9) See trash dumpsters screening and location standards in Section 1313.06.
- (10) Where new sidewalks are constructed, consideration should be given to using pervious pavers between the main concrete sidewalk and the curb.

(a) Building Compatibility.

- (1) New construction should have a front yard setback that is similar to adjacent older buildings, where there is a predominant setback of less than 30 feet from the street.
- (2) Awnings should be used to add visual interest and to provide cover during rainy weather.
- (3) Modern additions and features should be placed towards the rear of a historic building.
- (4) New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
- (5) Where existing older buildings have a certain spacing of windows and doors, similar spacing, and similar sizes of windows and doors, should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
- (6) Particularly where most buildings along a block have front porches, a front porch should be incorporated into new construction. Existing older front porches should be maintained and not be enclosed.
- (7) Tractor-trailer truck loading docks are discouraged from being visible from a street.
- (8) Where allowed by the City, an applicant should consider offering the option in a building of a “Live Work Unit,” such as a building that encourages a person to work on the first floor and live in the upper stories.
- (9) Standard "franchise brand" facades should be modified in such a way as to become compatible with the character of historic areas.
- (10) Every effort should be made to rehabilitate and reuse older buildings that have historic architecture. If a building cannot feasibly be reused, then consideration should be given to building a new building behind a significant restored facade.

- (11) Along streets in other Districts where two or more story buildings are common, single story buildings should be avoided, unless they have the appearance of a two story building when viewed from the front along the street.
- (12) Overly garish or day-glow colors should be avoided on commercial buildings. Colors should highlight architectural details and character, and be compatible with the neighborhood context.
- (13) Buildings should avoid long, monotonous, uninterrupted walls. Instead, there should be variations in a front facade, such as changes in building setbacks, colors, details, materials or rooflines.
- (14) Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping.

Variation in New Construction



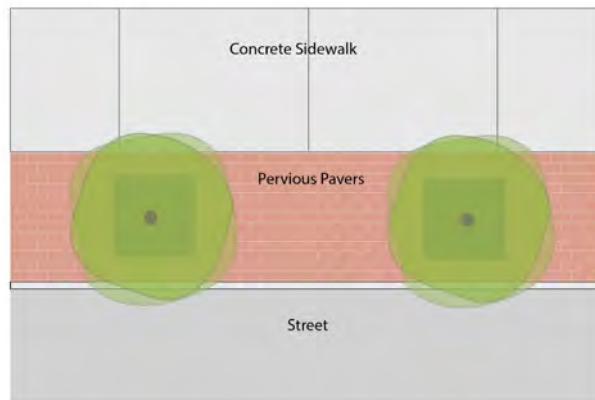
Make a new long building appear to be comprised of smaller buildings by varying colors, cornices, awnings and details.

- (15) Noisy or odor-producing ventilation equipment (such as fast food restaurant exhaust fans) should be placed as far away from dwellings as is feasible.
- (c) Pedestrian Safety and Orientation.
- (1) Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. A method should be used that is durable, instead of simply being adhered to the top of the asphalt.
 - (2) Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from any public transit stops.
 - (3) Individual buildings and pedestrian entrances and parking areas should be laid out to promote pedestrian access among different uses, and to provide pedestrian connections towards bus and rail stops.



- (4) Pedestrian-related uses and features providing visual interest and vitality for pedestrians are encouraged along main streets. Storefronts, pedestrian entrances and display windows should relate to the street, rather than be focused directly towards a parking lot. Large parking lots, blank building faces and non-pedestrian-related uses are discouraged along major pedestrian streets.
- (5) Concrete sidewalks should be used for the main route used by wheelchairs and most un-motored pedestrians. Pervious pavers should be used to add decorative elements along the curb, and to allow water and air to reach street trees.

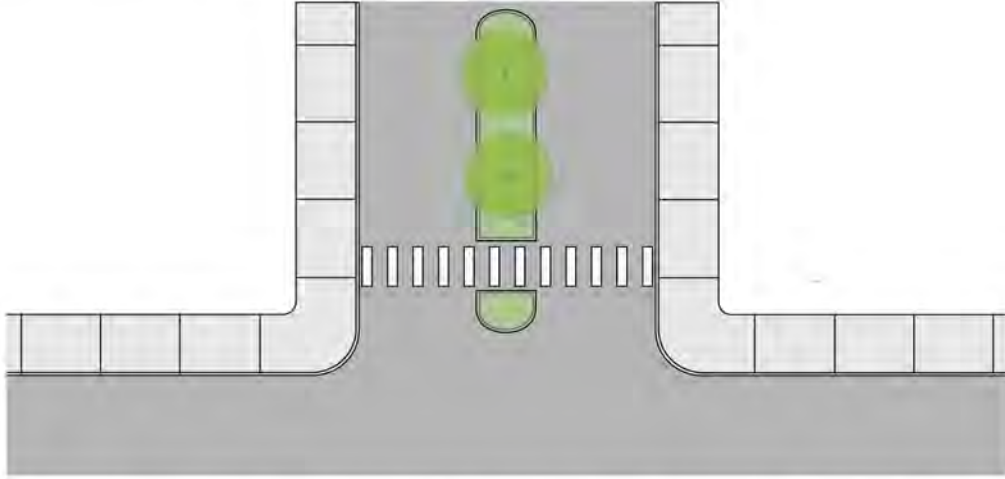
Pervious Paving Strip Use



Use pervious pavers in areas that are not the primary wheelchair and pedestrian pathway.

- (6) Where there will be a major pedestrian crossing of a busy street, a pedestrian and wheelchair refuge island should be considered, so that they only have to cross one direction of traffic at a time.

Street Crossing Refuge Island



Along wide streets, consider construction of a refuge island for bicyclists and pedestrians, so that they do not need to cross all lanes of traffic at one time.

- (7) Sight distance requirements are addressed in Section 1303.3. Signs should also be considered to warn pedestrians and motorists of areas where there are limited sight distances.

Sight Distance Remedy



Where an alley or parking lot entrance cannot be designed with adequate sight distances of pedestrians, warning signs should be used for both pedestrians and motorists.

1307.04 **Design Review.**

- (a) These provisions recognize the CBD District as a unique area with important historical and architectural resources. The regulations of this section are intended to serve the following major purposes:
 - (1) To protect the existing physical character and historic streetscape identity of the CBD District, which includes areas on the National Register of Historic Places.
 - (2) To provide a mechanism to review proposals for alterations to buildings to ensure consistency with established design guidelines for the area.
 - (3) To encourage continued use, appropriate rehabilitation and adaptive reuse of buildings.
 - (4) To strengthen the local economy by promoting downtown business activity, improving property values and increasing investment in older buildings.

- (b) Authorization. The regulations for this district are authorized by the following sections of the Pennsylvania Municipalities Planning Code:
 - (1) 603(b)(2) which enables zoning ordinances to permit, prohibit, regulate, restrict and determine the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
 - (2) 603(g)(2) which states that zoning ordinances shall provide for the protection of natural and historic features and resources;
 - (3) 605(2)(i) which enables zoning ordinances to provide classifications within any zoning district for the regulation, restriction or prohibition of uses and structures at, along or near places having unique historical, architectural or patriotic interest or value; and
 - (4) The regulations for this district are authorized by Article VII-A (Traditional Neighborhood Development) of the Pennsylvania Municipalities Planning Code.

- (c) Applicability.
 - (1) This Section shall apply to the exterior of the primary or front façade of buildings. Where a building is located on the corner of two streets (not including an alley), this Section shall also apply to the side façade.
 - (2) If the standards of this Section and of another provision of this Ordinance both apply to the exact same matter, the provision that is most restrictive upon alteration, development and use shall apply.
 - (3) This Section shall apply if the following are proposed: a) a new principal building is proposed, b) an expansion of a building of more than 500 square feet of floor area, c) an alteration of a front facade is proposed that is visible from a public street that is not an alley, such as removal or covering of existing architectural features or the changes in the size of window or door openings, or d) a new sign is proposed that will have a sign area of more than 20 square feet.
 - (4) A review under this Section is not required if approval of the change is required under the HO Historic Overlay District provisions.

- (d) Application Procedures.
 - (1) At the time an applicant applies for any activity regulated by this Section, the following additional information shall be submitted:
 - A. A narrative describing the proposed work, including a description of exterior building materials proposed to be used; a description of any existing architectural features proposed to be changed, removed or covered; a description of any proposed sign to be installed; and a description of any window or door openings proposed to be changed in size or enclosed.
 - B. Detailed plans and illustrations of the proposed work.

- C. Photographs of the existing building conditions, as well as adjoining properties and the remaining streetscape and historic photos if available.
 - D. Such other information as may reasonably be required to determine compliance with this Section.
- (e) Review Procedures.
- (1) Applications for any activity regulated by this Section shall be forwarded to the CBD Review Board for review. Until such time as the CBD Review Board is formed or if such board becomes inactive, the Main Street Organization Committee or its designee committee (such as a Design Committee) shall be authorized to serve in this capacity. If the Main Street Organization Committee becomes inactive, then the City Planning Commission shall serve this role.
 - (2) The Review Board shall meet within 20 days after receipt of a completed application. Within 5 days after the meeting at which the project is considered, the Review Board shall make advisory recommendations to the Zoning Officer, the applicant, the Zoning Hearing Board and/or other agencies and staff as may be necessary as to the compliance of the proposed alteration with this Section.
 - A. If the Review Board fails to meet within 20 days of receipt of the application and/or fails to make recommendations within 5 days after the meeting, the application may be moved towards zoning approval without a recommendation.
 - (3) The Zoning Officer shall then determine whether the application meets the requirements to be granted a zoning permit.
 - (4) If one review has occurred by the Review Board, then additional reviews shall not be required concerning the same activity provided the proposal does not change in substance.
- (f) Design Guidelines. In conducting their review of any application pursuant to this section, the CBD Review Board shall consider the application’s consistency with the Design Guidelines in Article 1307.
- (1) Sign Guidelines. In addition to the sign provisions for any underlying zoning district, and the design guidelines of this Article 1307, the following guidelines should apply within the CBD District.
 - A. Awning Signs
 - 1. Awnings should be constructed of fabric or other durable, flexible material that has the appearance of fabric. No vinyl, plastic or aluminum awnings should be permitted.
 - 2. Front awnings with signs should have straight slope, whether fixed or retractable. Dome or bubble shaped awnings should be avoided.
 - 3. Interior illumination of awning signs should be avoided.
 - B. Wall Signs
 - 1. Wall signs should be flush-mounted to the building. Box signs should be avoided.
 - 2. Lettering and symbols on wall signs may be painted, carved, raised, mounted or created with neon tubing.
 - 3. Signs should not cover up windows, but may be painted on window glass.
 - 4. Wall signs should be illuminated indirectly from an overhead light source. Interior illumination or backlighting of wall signs should be avoided, except where the sign consists of individual letters or has letters cut out of the main surface of the sign. Neon lighting or signs using similar gases should be avoided as a frame around an entire window or building.
- (g) Emergency Exception. If immediate approval is needed because of a hazard to public safety in the determination of the Construction Codes Official or his/her designee, a permit may be issued

before review and approval under this Section. However, such approval shall be for the minimum change necessary to address the public safety hazard, and any architectural details that were removed shall be retained. The change shall then be reviewed under this Section, and the Zoning Officer may require any removed architectural details to be reinstalled after any necessary repairs.

ARTICLE 1308
HISTORIC BUILDING DEMOLITION APPROVAL
PROCESS AND INCENTIVES

1308.01 **Purposes.** In addition to serving the overall purposes of this Ordinance, this Article 1308 is intended to:

- (a) promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
- (b) encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;
- (c) implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value; and
- (4) strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.

1308.02 **Applicability.** This Article 1308 shall apply to principal buildings located within the “Historic Overlay District” that is adopted as part of this Ordinance, as shown on the Historic Overlay District Map. This Article 1308 shall only apply to a building that was built before January 1, 1940. If a building was built in stages, this Article 1308 shall only apply to the portion that was built before such date. Additional properties may be added to this overlay district in the future as a Zoning Ordinance Amendment, after a public hearing by City Council.

1308.03 **Demolition Controls.**

- (a) Demolition shall be defined as the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building. A partial demolition shall mean: 1) removal of exterior portions of a building, or 2) removal of original exterior architectural features, such as, but not limited to, an attached porch roof, porch columns, cornices, exterior window details or similar features.
- (b) A building within the Historic Overlay District shall not be demolished, including any partial demolition, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception use that one or more of the following conditions exists:
 - (1) The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the current owner or a person who owned the property within the previous two years; or
 - (2) The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
 - (3) The demolition is necessary to allow a specific development or transportation project to occur that will have substantial and unusual public benefits that will greatly outweigh the loss of the building (such as the establishment or expansion of a major employer, or the development or expansion of a needed community facility); or
 - (4) The design of the replacement building will result in a net improvement to the streetscape.
- (c) Application. Prior to conducting a complete or partial demolition, a complete application for such work shall be submitted by the applicant in writing, and such demolition shall need prior approval

under this Article. After a complete application has been filed, it shall be forwarded to the City Planning Commission members, and the Commission should be allowed an opportunity to provide a review at a meeting. This application shall include the following:

- (1) The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - (2) Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - (3) A site plan drawn to scale showing existing buildings and the proposed demolition.
 - (4) A written statement of the reasons for the demolition.
 - (5) The proposed use of the site, and a proposed timeline for development of that proposed use.
- (d) Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. The Zoning Hearing Board may require that an applicant submit a written and signed report or in-person testimony by a qualified professional and/or written cost estimates from bona fide contractors to support a claim.
- (e) Emergency. The Zoning Officer shall issue a zoning permit for the demolition without compliance with the demolition approval requirements of this Article 1308 if the Construction Codes Official certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
- (f) Replacement. Where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
- (g) Exceptions. Special exception use approval shall not be needed for the following:
- (1) Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including improvements that are only visible from a rear or side alley of less than 14 feet cartway).
 - (2) Removal of features that were added after January 1, 1940, such as a modern porch, aluminum siding, a building addition or a carport.
 - (3) Relocation of a building within the City, provided that the relocation does not result in a partial or complete demolition that is regulated by this Article 1308.
- (h) Salvage. When a building within the Historic Overlay District is proposed for demolition, the applicant shall describe efforts that will be made, to the maximum extent feasible, to remove and preserve significant exterior and interior historic features of the building. Such features may be sold, may be donated to an organization that will oversee their reuse, may be incorporated into a new building, or may be otherwise appropriately preserved. Such preservation may be established as a written condition of an approval.

1308.04 Additional Uses Allowed Within Historic Buildings.

- (a) This Section 1308.04 allows certain additional uses if the use would be within a principal building built before January 1, 1940 within the Historic Overlay District. If the use is already allowed as a permitted by right use in the Zoning District, it shall continue to be permitted by right. The following additional uses shall be allowed as special exception uses within such a building:
- (1) The development of one or more dwelling units within the building.

- (2) The conversion of such a building into an office, personal service use, restaurant, retail stores, art/custom crafts studio, financial institution or art gallery. Any drive-through service windows shall be placed as far as practical from the front facade of the building.
 - (3) The conversion of such a building into a bed and breakfast inn, college use, primary or secondary school, or a hotel.
 - (4) The conversion of the building into another use that the applicant proves to the satisfaction of the Zoning Hearing Board would be appropriate, considering the adjacent uses, without creating hazards to the public health and safety.
- (b) To be eligible for these uses, the applicant shall first submit architectural plans to the Zoning Officer and the Zoning Hearing Board showing the extent of changes proposed to the exterior of the front of the building as viewed from a public street that are proposed as part of the change of use and/or any building expansion.
- (c) The building may be expanded, provided the expansion meets all of the dimensional requirements of this Ordinance.

1308.05 **Modifications.** As a special exception, the Zoning Hearing Board shall have the authority to modify yard, coverage and other dimensional requirements for a lot occupied by a building built before January 1, 1940 within the Historic Overlay District, if the applicant proves to the Zoning Hearing Board that such modifications are necessary to promote the historic rehabilitation and adaptive reuse of such building.

ARTICLE 1309
FLOODPLAIN REGULATIONS (OVERLAY DISTRICT)

1309.1 Intent. These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in the Special Flood Hazard Area (SFHA), in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, to minimize future flood damage, comply with federal and state floodplain management requirements, and promote the general health, welfare, and safety of the community.

1309.2 Applicability. It shall be unlawful for any person, partnership, business, corporation or other entity to undertake, or cause to be undertaken, any construction or development anywhere that is regulated by this Article 1309 unless a Permit has been obtained from the Floodplain Administrator. The City may, at its option, combine a Floodplain Permit or application with other City permit forms.

1309.3.1 Abrogation and Greater Restrictions.

- (a) This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.
- (b) All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happens to be conflicts between the provisions or requirements of either the SFHA – AE Zones and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the SFHA is located.

1309.4 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Article are hereby declared to be severable.

1309.5 Warning and Disclaimer of Liability.

- (a) The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
- (b) This Article shall not create liability on the part of the City of Lebanon or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

1309.6 Designation of the Floodplain Administrator.

- (a) The Zoning Officer is hereby appointed to administer and enforce this Article and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (1) Fulfill the duties and responsibilities set forth in these regulations, (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the municipality of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- (b) In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Mayor or his/her designee.

1309.7 Permits Required. A Floodplain Permit shall be required before any construction or development is undertaken within any area of the City of Lebanon that is regulated by this Article 1309.

1309.8 Duties and Responsibilities of the Floodplain Administrator.

- (a) The Floodplain Administrator shall issue a Floodplain Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (b) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- (c) In the case of existing structures, prior to the issuance of any Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement / substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/ Substantial Damage Desk Reference.
- (d) In the case of existing structures, prior to the issuance of any Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- (e) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- (f) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.

- (g) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Council of the City of Lebanon for whatever action it considers necessary.
- (h) The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Article including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (i) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- (j) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- (k) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

1309.9 Application Procedures and Requirements.

- (a) Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Floodplain Administrator. Such application shall contain the following:
 - (1) Name and address of applicant.
 - (2) Name and address of owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.
 - (4) Site location including address.
 - (5) Listing of other permits required.
 - (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- (b) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and

- constructed to minimize or eliminate flood damage;
- (3) adequate drainage is provided so as to reduce exposure to flood hazards;
 - (4) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (5) building materials are flood-resistant;
 - (6) appropriate practices that minimize flood damage have been used; and
 - (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- (c) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed Permit Application Form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - A. north arrow, scale, and date;
 - B. topographic contour lines, if available;
 - C. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - D. the location of all existing streets, drives, and other access ways; and
 - E. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - A. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - B. the elevation of the base flood;
 - C. supplemental information as may be necessary under 34 PA Code, the 2015 IBC or the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
 - (4) The following data and documentation:

- A. detailed information concerning any proposed floodproofing measures and corresponding elevations.
- B. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
- C. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See Section 1309.17.A) will not increase the base flood elevation at any point.
- D. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway or an A Area (See Section 1309.17.B and Section 1309.17.C) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point within the community.
- E. a document, certified by a registered professional engineer or registered architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- F. detailed information needed to determine compliance with Section 1309.23 F., Storage, and Section 1309.24, Development Which May Endanger Human Life, including:
 - 1. the amount, location and purpose of any materials or substances referred to in Sections 1309.23 F. and 1309.24 which are intended to be used, produced, stored or otherwise maintained on site.
 - 2. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1309.24 during a base flood.
- G. the appropriate component of DEP's "Planning Module for Land Development."
- H. where any excavation or grading is proposed, a plan meeting the requirements of DEP, to implement and maintain erosion and sedimentation control.

(d) Applications for Permits shall be accompanied by a fee, in accordance with the current schedule of fees adopted by resolution by the municipality.

1309.10 Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

1309.11 Changes. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

1309.12 Placards. In addition to the Floodplain Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Floodplain Permit, the date of its issuance, and be signed by the Floodplain Administrator.

1309.13 Start of Construction.

- (a) Work on the proposed construction or development shall begin within 90 days after the date of permit issuance. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator.
- (b) The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (c) Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

1309.14 Enforcement.

- (a) Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing;

- (2) State the name of the owner of record and any other person against whom the municipality intends to take action;
 - (3) State the location of the property in violation;
 - (4) State the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance;
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article. State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed 30 days;
 - (6) State that the recipient of the notice has the right to appeal to the municipal zoning hearing board within a prescribed period of time in accordance with procedures set forth in this Article;
 - (7) State 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.
 - (8) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
- (b) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Article shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City of Lebanon, pay judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the City of Lebanon 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 of Lebanon may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Article to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the district justice and therefore each day that a violation continues shall constitute a separate violation.
- (c) The 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.
- (d) Nothing contained in this Section 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 Section.
- (e) The Magisterial District Judge shall have initial jurisdiction over proceedings brought under this Section.

1309.15 Appeals.

- (a) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
- (b) Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- (c) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

1309.16 Identification of Floodplain Areas.

- (a) The identified floodplain area shall be:
 - 1) any areas of the City of Lebanon, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 8, 2020 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study;
 - 2) any Community Identified Flood Hazard Areas; and
- (b) The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the City of Lebanon and declared to be a part of this Article 1309.

1309.17 Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

- (a) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the DEP Regional Office.
 - (3) Permitted Uses – In the floodway areas, the following uses and activities are permitted provided that: (a) the information required in this Article is submitted as a part of the permit application, (b) they are in compliance with the provisions of the nearest zoning

district, (c) they will not result in any increase in the level of the Base Flood Elevation anywhere, (d) they are not prohibited by this or any other ordinance, (e) they do not require the placement or use of permanent on-lot sewage facilities within the floodway, and (f) they do not require encroachments, fill, new construction, manufactured homes, substantial improvements, vehicles or parts thereof, storage of materials and equipment, or other development:

- A. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
 - B. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Uniform Construction Code (UCC).
 - C. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than 8 feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the UCC; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
 - D. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
 - E. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - F. Extraction of sand, gravel, and other materials.
 - G. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is elevated at least 2 feet above base flood elevation, is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.
- (b) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

(2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

a. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the entire community during the occurrence of the base flood discharge.

b. No new construction or development shall be located within the area measured 100 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the DEP Regional Office.

(c) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. The base flood elevation shall be determined with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City.

1. Within any A Area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(d) The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

(e) Community Identified Flood Hazard Areas shall be those areas where the City of Lebanon has identified local flood hazard or ponding areas, as delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

1309.18 Changes in Identification of Area. The Identified Floodplain Area may be revised or modified by the Council of the City of Lebanon where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than 6 months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 1309.21(b) for situations where FEMA notification is required.

1309.19 Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

1309.20 Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

1309.21 Technical Provisions.

(a) Alteration or Relocation of Watercourse

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the DEP Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development (DCED), shall be notified prior to any alteration or relocation of any watercourse.

(b) This subsection (b) applies when the City of Lebanon proposes to permit the following encroachments: (i) any development that causes a rise in the base flood elevations within the floodway; or (ii) any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or (iii) alteration or relocation of a stream (including but not limited to installing culverts and bridges). In such case, the applicant shall (as per 44 CFR Part 65.12):

(1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur;

(2) Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition; and

(3) Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

(c) All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

- (d) The following shall not be placed or caused to be placed in any of the designated SFHA: Fences, except two-wire fences, other structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- (e) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.
- (f) The municipality will endeavor to coordinate its flood plain management program with neighboring municipalities, particularly when the property (ies) in question is located near a municipal boundary.

1309.22 Elevation and Floodproofing Requirements.

(a) Residential Structures

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated 2 feet or more above, the Base Flood Elevation.
- (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated 2 feet or more above, the Base Flood Elevation as determined in accordance with Section 1309.17(c) of this Article.
- (3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) 2 feet or more above the depth number specified on the FIRM.
- (4) The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

(b) Non-residential Structures

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated 2 feet or more above, the Base Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - A. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - B. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- (2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new

construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed 2 feet or more above, the Base Flood Elevation as determined in accordance with Section 1309.17(c) of this Article.

- (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed 2 feet or more above the depth number specified on the FIRM.
- (4) Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
- (5) Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - A. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 1. Mechanical equipment such as sump pumps and generators,
 2. Flood shields and closures,
 3. Walls and wall penetrations, and
 4. Levees and berms (as applicable)
 - B. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to

complete their assigned duties under the plan.

3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
- (6) The design and construction standards and specifications contained in the 2015 IBC and in the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

(c) Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - A. a minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space installed on 2 separate walls
 - B. the bottom of all openings shall be no higher than one foot above grade.
 - C. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Article, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

1309.23 Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a) Fill

- (1) Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill may ONLY be used in the SFHA to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of 2 feet above the Base Flood Elevation provided the following conditions are met:
- (2) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally 15 feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally 15 feet beyond the building line, shall be provided to a minimum of 25 percent of the perimeter of a non-residential structure.
- (3) Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
- (4) Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- (5) Fill slopes shall be no steeper than one vertical on 2 horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Zoning Officer.
- (6) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (7) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the Base Flood at any point.

(b) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Water and Sanitary Sewer Facilities and Systems.

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area. No variance shall be granted.
- (4) The design and construction provisions of the UCC and FEMA Publication #348,

“Protecting Building Utilities From Flood Damages” and “The International Private Sewage Disposal Code” shall be utilized.

- (d) Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (e) Streets. The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.
- (f) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1309.24, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.
- (g) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (h) Anchoring.
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- (i) Floors, Walls and Ceilings.
 - (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 - (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 - (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
- (j) Paints and Adhesives.
 - (1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
 - (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components.

- (1) Electrical distribution panels shall be at least 2 feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l) Equipment.

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be elevated at or above the Regulatory Flood Elevation (2 feet above Base Flood Elevation) and shall be anchored to resist floatation, collapse, and lateral movement.
- (2) Ductwork shall be elevated to or above the Regulatory Flood Elevation (2 feet above Base Flood Elevation).

(m) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(n) Uniform Construction Code Coordination.

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this Article, to the extent that they are more restrictive and supplement the requirements of this Article.

International Building Code (IBC) the latest revision that is in effect as adopted by the Commonwealth of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) the latest revision that is in effect as adopted by the Commonwealth of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

1309.24 Development That May Endanger Human Life. Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. No variance shall be granted.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the DCED as required by the Act, any new or substantially improved structure which:

- (1) will be used for the production or storage of any of the following dangerous materials or substances; or,
- (2) will be used for any activity requiring the maintenance of a supply of more than 550

gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

- (3) will involve the production, storage, or use of any amount of radioactive substances; shall be prohibited.

(b)The following list of materials and substances are considered dangerous to human life:

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides, and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

1309.25 Special Requirements for Subdivisions and Development. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

1309.26 Special Requirements for Manufactured Homes.

- (a) The placement or replacement of any manufactured homes in the floodway areas is prohibited.
- (b) Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - (1) placed on a permanent foundation;
 - (2) elevated so that the lowest floor of the manufactured home is at least 2 feet above base flood elevation.
 - (3) and anchored to resist flotation, collapse, or lateral movement.

(c) Equipment requirement:

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be elevated to the Regulatory Flood Elevation (2 feet above BFE) and shall be anchored to resist floatation, collapse, and lateral movement.
 - (2) Ductwork shall be elevated to or above the Regulatory Flood Elevation (2 feet above BFE).
- (d) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the currently enacted version of the "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- (e) Consideration shall be given to the installation requirements of the currently enacted versions of the IBC and IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

1309.27 Special Requirements for Recreational Vehicles.

- (a) Recreational vehicles in Zones A, A1-30, AH and AE must:
- (1) be on the site for fewer than 180 consecutive days, and
 - (2) be fully licensed and ready for highway use, and
 - (3) be removed from the floodplain when a flood warning is issued.

1309.28 Prohibited Activities. In accordance with the administrative regulations promulgated by the DCED to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- (a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
- (b) Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.
- (c) Public or private nursing homes.
- (d) Jails or prisons.
- (e) Public or private schools or institutions of higher education.
- (f) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(g) Any other use, activity, or development not specifically permitted under the terms of this article.

1309.29 Existing Structures. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1309.30 shall apply.

1309.30 Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- (a) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District.
- (b) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway or A Areas that would, together with all other existing and anticipated development, increase the BFE at any point.
- (c) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- (d) The above activity shall also address the requirements of the 34 PA Code, as amended and the 2015 IBC and the 2015 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- (e) Within any Floodway Area/District (See Section 1309.17(a)), no new construction or development shall be allowed except as permitted in Section ____.
- (f) Within any AE Area/District without Floodway (See Section 1309.17(b)), no new construction or development shall be located within the area measured 100 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the DEP Regional Office.
- (g) Any modification, alteration, reconstruction, or improvement of any kind occurring as a result of “cumulative substantial damage,” as defined in this Article, shall be undertaken only in full compliance with the provisions of this Article.

1309.31 Variances. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

1309.32 Variance Procedures and Conditions. Requests for variances shall be considered by the City Zoning Hearing Board in accordance with the procedures contained in Section 1309.15 and the following:

- (a) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- (b) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated

development, increase the BFE more than one (1) foot at any point.

- (c) No variance shall be granted for any of the other requirements pertaining specifically to development regulated by Prohibited Activities (Section 1309.28) or to Development Which May Endanger Human Life (Section 1309.24).
- (d) If granted, a variance shall involve only the least modification necessary to provide relief.
- (e) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
- (f) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
- (g) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will
 - A. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - B. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 - (4) The danger of life and property due to increased flood heights or velocities caused by encroachments.
 - (5) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (6) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (7) The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
 - (8) The importance of the services provided by the proposed facility to the community.
 - (9) The requirements of the facility for a waterfront location.
 - (10) The availability of alternative locations not subject to flooding for the proposed use.

- (11) The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
- (12) The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management programs of the area.
- (13) The safety of access to the property in times of flood by ordinary and emergency vehicles.
- (14) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
- (15) Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- (16) The granting of a variance shall provide relief only from the specific term(s) of the flood plain regulations requested, not exemption from all flood plain regulations, applicable insurance premiums, nor any state or federal permitting requirements.
- (17) Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the MPC.
- (18) Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
- (19) Other factors which are relevant to the purpose of this Article.
- (20) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent annual chance flood.

(h) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the biennial report to the FEMA.

1309.33 Floodplain Definitions. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article the most reasonable application within the context of the provision.

(a) Specific Definitions. The following definitions shall apply to this Article 1309.

- (1) Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) Alluvial Soils Maps – Soils maps prepared by the U.S. Natural Resource Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.
- (3) Base Flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent annual chance flood).

- (4) Base Flood Discharge - The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- (5) Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- (6) Basement - Any area of the building having its floor below ground level on all sides.
- (7) Building - A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- (8) Cumulative Substantial Damage – flood related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event cumulatively sums to 50 percent or more of the market value of the structure before the damages occurred.
- (9) Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
- (10) Development - Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- (11) Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (12) Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) Flood - A temporary inundation of normally dry land areas.
- (14) Flood Insurance Rate Map (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (15) Flood Insurance Study (FIS) - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

- (16) Floodplain Area - 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.
- (17) Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (18) Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (19) Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (20) Historic Structures – Any structure that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or
 - 2) Directly by the Secretary of the Interior in states without approved programs.
- (21) Identified Floodplain Area - This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 1309.16 and 1309.17 for the specifics on what areas the community has included in the Identified Floodplain Area.
- (22) Lowest Floor - The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.
- (23) Manufactured home - A structure, transportable in one or more sections, which is built on

a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

- (24) Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (25) Market Value – For the purposes of this Article, shall be determined utilizing the market value established by the County Tax Assessment Office.
- (26) New Construction - Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after December 4, 1979 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- (27) New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (28) Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (29) Post-FIRM Structure - Is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 4, 1979, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- (30) Pre-FIRM Structure - Is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial FIRM dated December 4, 1979, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- (31) Recreational Vehicle - A vehicle which is:
 - A. built on a single chassis;
 - B. not more than 400 square feet, measured at the largest horizontal projections;
 - C. designed to be self-propelled or permanently towable by a light-duty truck,
 - D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (32) Regulatory Flood Elevation - The base flood elevation (BFE) or estimated flood height as

determined using simplified methods plus a freeboard safety factor of two (2) feet. The freeboard safety factor also applies to utilities and ductwork.

- (33) Special Flood Hazard Area (SFHA) - Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- (34) Start of Construction - Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 90 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (35) Structure – A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (36) Subdivision - The division or re-division 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.
- (37) Substantial Damage - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.
- (38) Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "cumulative substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

- (39) Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the State adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- (40) Variance - A grant of relief by a community from the terms of a floodplain management regulation.
- (41) Violation - Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- (42) Watercourse - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

ARTICLE 1310
ENVIRONMENTAL PROTECTION

1310.01 **Erosion Control**. See State erosion and sedimentation control regulations and the Subdivision and Land Development Ordinance. Compliance with State erosion and sedimentation control regulations shall be an automatic condition of any zoning permit for work that involves earth disturbance. The Zoning Officer may require that evidence of compliance with such regulations be submitted to the City.

1310.02 **Nuisances and Hazards to Public Safety**.

- (a) No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
 - (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
 - (2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
 - (3) Significant risks to public health and safety, such as but not limited to, explosion, fire or biological hazards.
- (b) **Additional Information**. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

1310.03 **Steep Slopes**. The land adjacent to a proposed or existing building shall not be re-graded in such a way that makes it difficult to reach each side of a building with a fire ladder.

1310.04 **Waterway Setbacks and Wetlands**. See also Article 1309 for the Floodplain Ordinance regulations.

- (a) **Wetland Studies**. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the City. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional. Where disturbance is proposed in an area that may be wetlands, the Zoning Officer may place a condition on a zoning permit to require that the applicant submit evidence that a wetland delineation has been officially confirmed under U.S. Army of Engineers-approved procedures.
 - (1) Note – An indicator of possible wetlands involves the presence of hydric soils in soil mapping of the U.S. Natural Resources Conservation Service.
- (b) **Waterway Setbacks**. Unless a stricter requirement is established by another provision of this Ordinance, no new principal building shall be constructed or placed within the area 25 feet landward from the top-of-bank of any perennial creek. This provision shall be reduced to 10 feet where there is an engineered flood wall that is designed to contain a 100-year flood.

1310.05 **Noise**.

- (a) No commercial or industrial use or its operations or activities on its lot, shall generate a recurring sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 62 dBA 2) 55 dBA
2. Lot Line of a Principal Residential Use that is not in a Residential District	1) Same as above 2) Same as above	1) 65 dBA 2) 62 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

- (b) The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
- (1) Sound needed to alert people about an emergency.
 - (2) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.
 - (3) Lawnmowers, snowblowers, leaf blowers and similar equipment.
 - (4) Household power tools between the hours of 7 a.m. and 9 p.m.
 - (5) Agricultural activities, livestock and other animals.
 - (6) Public celebrations authorized by City Council, a City Government agency, or a County, State or Federal Government agency or body.
 - (7) Unamplified human voices.
 - (8) Routine ringing of bells and chimes by a place of worship or municipal clock.
 - (9) Vehicles lawfully operating on a public street, railroads and aircraft.

1310.06 **Odors and Dust.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

1310.07 **Control of Light and Glare.** This section shall only regulate exterior lighting that spills across lot lines or onto public streets.

- (a) Street Lighting Exempted. This section shall not apply to: a) street lighting that is owned, financed or maintained by the City or the State, or b) an individual light of less than 10 feet total height that is: 1) in a front yard or 2) attached to the front of a building.
- (b) Height of Lights. No luminaire that is within 150 feet of a lot line of an existing dwelling shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.

- (c) Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and/or shielded to prevent exposed lighting elements from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- (d) Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- (e) Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- (f) Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by the canopy or enclosures or otherwise controlled so that lighting elements are not directly visible from another lot or street.
- (g) Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas), lighting fixtures shall be aimed downward and shall include cut-off measures as needed to properly direct the light.
- (h) Off-Premises Signs (Billboards). Any new exterior lighting of an off-premises sign shall be attached to the top of the off-premises sign and project downward.

ARTICLE 1311 OFF-STREET PARKING AND LOADING

1311.01 Required Number of Off-Street Parking Spaces.

(a) Overall Requirements and Applicability.

- (1) Number of Spaces. In the CBD Zoning District, off-street parking is not required to be provided, except: a) if 3 or more new dwelling units are being developed in a new building, or b) a hotel or rooming house is being developed. In all other Districts, each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table below and the regulations of this Article 1311.
- (2) Uses Not Listed. Uses that are not specifically listed in the Table below shall comply with the requirements for the most similar use listed in the Table below, unless the applicant provides suitable evidence acceptable to the Zoning Officer, based upon actual counts of peak demand at similar facilities, that an alternative standard should be used for that use.
- (3) Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as provided in Section 1311.03(f).

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. RESIDENTIAL USES: 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit, except: 1.5 for a 2 bedroom multi-family dwelling unit and 1 per dwelling unit for a 1 bedroom or efficiency multi-family dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as on-street parking spaces on the same side of the street adjacent to the homes or an overflow parking lot.	
2. Home Occupation	See Section 1306.03	
3. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if the age limit is 62 and older	1.2 Non-Resident Employee
4. Boarding House or Fraternity or Sorority House	1 per 2 adult residents	1.2 Non-Resident Employee
5. Group Home	1 per 2 adult residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<p><u>B. INSTITUTIONAL USES:</u> 1. Assisted Living Facility, Personal Care Home, Hospice, or Similar Retirement Community</p>	<p>1 per 6 beds that are not within dwelling units, plus 0.5 for each dwelling unit</p>	<p>1.2 Employees</p>
<p>2. College or University</p>	<p>1 per 1.5 students not living on campus who attend class at peak times, plus one space for every 3 persons living in on-campus housing (other than students forbidden from having a car in the City).</p>	<p>1.2 Employees</p>
<p>3. Day Care Center</p>	<p>1 per 12 children, with spaces designed for safe and convenient drop-off and pick-up. The City may, at its discretion, approve one or more short-term on-street parking spaces to meet this requirement.</p>	<p>1.2 Employees</p>
<p>4. Hospital</p>	<p>1 per 4 in-patient or out-patient beds</p>	<p>1.2 Employees</p>
<p>5. Library, Community Center or Cultural Center or Museum</p>	<p>1 per 5 seats (or 1 per 300 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided).</p>	<p>1.2 Employees</p>
<p>6. Nursing Home</p>	<p>1 per 6 beds</p>	<p>1.2 Employees</p>
<p>7. Place of Worship (includes Church)</p>	<p>1 per 5 seats in room of largest capacity. For pews that are not individual seats, each 50 inches shall count as one seat. An accessory Day Care Center is not required to provide additional parking.</p>	<p>1.2 Employees</p>
<p>8. School, Primary or Secondary</p>	<p>1 per 4 students aged 16 or older</p>	<p>1.2 Employees</p>
<p>9. Swimming Pool, Non-Household</p>	<p>1 per 50 sq. ft. of water surface, other than wading pools</p>	<p>1.2 Employees</p>
<p>10. Temporary Shelter</p>	<p>1 per 10 adult residents</p>	<p>1.2 Employees</p>
<p>11. Treatment Center</p>	<p>1 per 3 residents aged 16 years or older plus 1 per 2 non-residents intended to be treated on-site at peak times</p>	<p>Non-Resident Employee</p>
<p>12. Utility Facility</p>	<p>1 per vehicle routinely needed to service facility</p>	
<p><u>C. COMMERCIAL USES:</u></p>	<p>All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.</p>	

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
1. Adult Use	1 per 50 sq. ft. of building floor area	1.2 Employees
2. Auto Service/Gas Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for "retail sales"
3. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 30 vehicles, boats, RVs or homes displayed	1.2 Employees
4. Bed and Breakfast Use	1 per rental unit plus 2 for the operator's dwelling unit	1.2 Non-resident Employee
5. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.2 Employees
6. Car Wash	1 space per lane for drying and/or vacuuming areas.	1.2 Employees
7. Exercise Club	1 per 300 sq. ft. of floor area accessible to customers	
8. Financial Institution (includes bank)	1 per 300 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	
9. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	1.2 Employees
10. Gaming Establishment	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
11. Golf, Miniature	1/2 per hole	1.2 Employees
12. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
13. Hotel or Motel	1 per rental unit plus 1 per 5 seats in largest meeting room (plus as required for any restaurant)	1.2 Employees
14. Laundromat	1 per 4 washing machines	On-site Employee
15. Nightclub or After-hours Club	1 per 4 persons of allowed building capacity under the Fire Code	1.2 Employees
16. Offices, primarily medical or dental	1 per 300 sq. ft. of total floor area, other than shared lobby, elevator and stairway space	
17. Offices, other than above	1 per 400 sq. ft. of total floor area, other than shared lobby, elevator and stairway space	

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
18. Personal Service Use, other than haircutting/hairstyling (min. of 2 per establishment) or Business Service Use	1 per 400 sq. ft. of floor area accessible to customers	1.2 Employees
19. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 5 persons of maximum capacity of all facilities	1.2 Employees
20. Outdoor Recreation (other than uses specifically listed in this table)	1 per 5 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
21. Restaurant or Tavern	1 per 5 seats, or 1 space per 50 sq. ft. of floor area accessible for customers for a use without customer seats.	1.2 Employees
22. Retail Sales (other than types separately listed and other than a shopping center)	1 per 300 sq. ft. of floor area of rooms accessible to customers.	
23. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding, Floor Coverings or Similar Home Improvements	1 per 1,000 sq. ft. of floor area of rooms accessible to customers	
24. Shopping Center which includes multiple retail establishments on a lot, and which may also include restaurants.	1 per 300 square feet of total floor area, other than non-leasable space such as shared lobbies	
25. Stadium, Arena or Commercial Auditorium	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may also be counted for these uses.	1.2 Employees
26. Theater	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may be also counted for these uses.	1.2 Employees
27. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employees
28. Veterinarian Office	4 per veterinarian	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<p><u>E. INDUSTRIAL USES:</u></p> <p>All industrial uses (including warehousing, distribution and manufacturing)</p>	<p>In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance</p> <p>1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times</p>	
<p>Self-Storage Development</p>	<p>Two, plus room in aisles for temporary parking that allows a second vehicle to pass a parked vehicle</p>	<p>1.2 Employee</p>

(b) **Reduced Need Populations.**

- (1) The above table includes reductions in parking for housing limited to persons over certain ages.
- (2) In addition, as a special exception use, the Zoning Hearing Board may approve a reduction of up to 50 percent in the required number of off-street parking spaces for an institutional or residential use based upon written evidence that is provided that the typical residents or clients will not be physically able or allowed to operate a vehicle from the site because of their disabilities or similar conditions.

1311.02 **General Regulations for Off-Street Parking.**

- (a) **General.** Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard, or an impediment to traffic off the lot.
- (b) **Existing Parking.**
 - (1) Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
 - (2) If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- (c) **Change in Use or Expansion.** A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
 - (1) If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

- (2) An existing non-conforming deficit in the numbers of parking spaces can be grandfathered. For example, if an existing business would be required to provide 6 spaces and only 3 spaces are provided, and the use changes to needing 8 total spaces, then only 5 total spaces need to be provided (3 existing spaces plus 2 spaces for the change in use).
- (d) Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- (e) Location of Parking.
- (1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. The 300 feet distance may be increased to 600 feet for parking serving employees or company vehicles. A longer distance may be approved for employee parking if there is a commitment by the employer to provide a regular shuttle service. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
- A. The Zoning Officer may require evidence at any time that shows that the parking continues to be available for the use. If such parking is not available in the future, the zoning permit shall be considered to have been revoked, unless the applicant proves that other parking is provided that meets the requirement.
- B. This requirement may be met by a legally binding commitment by the applicant to lease a specific number of parking spaces in an accessible public parking lot or deck. The City may require a deed restriction for off-site parking that is intended to be available over the long-term.

1311.03 **Design Standards for Off-Street Parking.**

- (a) General Requirements.
- (1) Backing Onto a Street. No parking area of 4 or more parking spaces shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or a parking court. Parking spaces may back onto an alley.
- (2) Except for spaces serving one household, every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
- (3) Parking areas shall not extend into a required buffer yard. New parking spaces shall only be allowed within a street right-of-way where they are specifically approved by the City.
- (4) Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot. See landscaping provisions in Section 1313.04.
- (5) Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.
- (6) Provisions Allowing Flexibility or Reduction of Parking Requirements.
- A. Purposes. To minimize impervious surfaces, while ensuring adequate parking, and to recognize unique circumstances that may justify a reduction in required parking.

- B. Reduction. The Zoning Hearing Board may permit a reduction, through the Special Exception process, of the number of parking spaces that would otherwise be required if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.
1. Proof. To prove that fewer parking spaces are needed, in the written application, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
 2. Shared Parking. Under this Section, an Applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 500 feet will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
 - a. For example, an Applicant may prove that a use with peak parking needs during late evenings or weekends (such as a theater, bowling alley or place of worship) can reasonably share parking with a use with peak parking needs during daytime weekdays (such as a bank or office).
 - b. Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation, and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.
 3. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas sufficient to otherwise meet the required number of spaces, if needed in the future.
 - a. Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board such as a legally binding deed restriction and be officially filed with the Zoning Officer.
 - b. In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.
 - c. Such additional parking shall be required to be provided within one year after the Zoning Officer may determine it to be necessary to meet actual demand. Such determination may be made based upon field analysis by the Zoning Officer.
 4. As a special exception, the Zoning Hearing Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking if the applicant proves that there is an excess of on-street parking spaces during hours when the business will have its peak demand.

(b) Size and Marking of Parking Spaces.

- (1) Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking, except as provided for parking for persons with disabilities in Section “7.” below. Larger parking spaces are required for persons with disabilities, as provided below. A maximum of 10 percent of required parking spaces may be 9 by 16 feet if they are clearly marked as “Compact Cars Only” and provided they are not the most conveniently located spaces.
- (2) All spaces shall be marked to indicate their location, except those of a one or two family dwelling, and except where stone parking may be allowed.

- (3) Motorcycle parking spaces may be provided with a minimum size of 9 by 9 feet. Each two motorcycle parking spaces may count as one required regular parking space, comprising up to 5 percent of the total required number of spaces.
- (4) Bicycle parking. If a lot will include more than 10,000 square feet of new commercial building space or 10 or more dwelling units, a bike rack or similar feature shall be provided to allow locking of bicycles without obstructing sidewalks. For dwellings, a suitable indoor area may be provided, instead of a public bike rack.

(c) Parking Aisles. The aisle width of required parking shall comply with the following table:

<u>Parking Angle (in degrees)</u>	<u>Minimum Aisle Width (in feet)*</u>
Parallel to 25	12 (except 20 feet for two-way traffic)
25 to 47	13 (one-way traffic only)
48 to 52	14 (one-way traffic only)
53 to 58	15 (one-way traffic only)
59 to 62	16 (one-way traffic only)
63 to 68	17 (one-way traffic only)
69 to 72	18 (one-way traffic only)
73 to 85	20 (one-way traffic only)
86 to 90	20 (except 24 feet for two-way traffic)

For parking at an angle of 45 degrees or greater, the minimum aisle width may be reduced one foot where the adjacent parking spaces have a width of 10 feet or greater.

Within an underground parking structure or an above-ground parking structure, the minimum aisle width may be reduced by one foot.

(d) Driveways. See also the Lebanon County Access Management Ordinance.

(1) Width of Driveway at Entrance onto

a Public Street, at the edge of the cartway* One-Way Use* Two-Way Use*

Minimum	10 feet	20 feet
Maximum	24 feet	28 feet

* This standard may be revised where PennDOT requires a different standard for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

- (2) Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The City may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
- (3) Clear Sight Distances. A driveway shall be designed and located to minimize obstructions to vision by motorists and pedestrians of other traffic. PennDOT also has sight distance requirements for driveways entering onto a State road.
- (4) Driveway Setbacks. A new driveway shall be setback a minimum of 5 feet from a utility pole or fire hydrant.
- (5) Slope and Width. The slope of a driveway shall not exceed 10 percent within 20 feet of a street right-of-way. The slope and width of a driveway and the clear height above it shall be sufficient to allow access by emergency vehicles.
- (6) Driveway Grading. Grading shall allow drainage to continue to gutters, unless an alternative method of drainage is approved.

- (7) Number. A lot shall have a maximum of two points of vehicle access onto a street, unless specifically approved otherwise by PennDOT or by the City as part of a subdivision or land development.
- (8) Setback. Driveways and parking areas must be located a minimum of one foot from the side and rear lot line. However, a residential driveway may be located on the lot if it physically abuts a driveway on the adjacent lot. This location will only be allowed if agreed to by the owners of each lot, and such approval is recorded as a shared driveway on a City-approved plan.

(e) Paving, Grading and Drainage.

- (1) Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- (2) Except for landscaped areas, all portions of required parking areas for commercial, industrial, multi-family and institutional uses involving 4 or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the City.
 - A. If a residential driveway is over 100 feet long, only the first 25 feet is required to have such hard surfaces, while the remainder may be crushed stone.
 - B. Driveways limited to use by emergency vehicles are not required to be paved provided the Fire Company approves the proposed surface.
 - C. Driveways and parking that serve public uses, public parks and public recreation areas are not required to be paved.
 - D. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - E. If the design and materials are found to be acceptable in writing by the City Engineer, portions of parking areas may be covered with a low-dust porous pavement surface that is designed to promote groundwater recharge.
- (3) Motor vehicles shall not routinely be parked on grass or dirt surfaces, except where specifically approved under the above provisions. Entrances to parking spaces shall only occur at lawful driveway locations.

(f) Lighting of Parking Areas. See "Light and Glare Control" in Section 1310.07.

(g) Parking for Persons With Disabilities.

- (1) Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

- (2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
- (3) Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
- (4) Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
- (5) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
- (6) Note - A separate City ordinance addresses placement of an individual handicapped parking space in front of a home.

(h) Paved Area Setbacks (including Off-Street Parking Setbacks).

- (1) Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets, and to prevent vehicles from entering or exiting a lot other than at approved driveways.
- (2) Any new or expanded vehicle parking or vehicle storage area of 4 or more parking spaces that serves a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 8 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 8 feet. This 8 feet width shall be increased to 15 feet for a lot including 30 or more parking spaces that are visible from the street.
 - A. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
 - B. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the City and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - C. The planting strip may be crossed perpendicularly by driveways.
 - D. The planting strip may consist of vegetative stormwater channels.
 - E. The following shall be prohibited within the planting strip:
 - 1. paving, except as allowed by subsection "C." above, and except for street widenings that may occur after the development is completed,
 - 2. fences, and
 - 3. parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
 - F. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.

(3) See landscaping requirements in Section 1313.04.

- (i) **Pedestrian Route.** If a parking lot serving commercial uses will include 50 or more new parking spaces, it shall include a designated pedestrian walkway/ wheelchair accessway through the parking lot to at least one major pedestrian entrance, and with a marked pedestrian crossing across any major vehicle route.

1311.04 **Off-Street Loading.**

- (a) Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- (b) At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or City Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- (c) Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- (d) To the maximum extent feasible, tractor-trailer loading docks shall be designed so that they are buffered from view of dwellings or from adjacent streets by walls or landscaping. However, areas that are only used for short-term unloading of trucks and that do not require use of a dock are not required to be buffered.

1311.05 **Fire Lanes and Access.**

- (a) Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- (b) Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- (c) The specific locations of fire lanes and fire equipment access are subject to approval by the City, after review by City Fire Officials.

**ARTICLE 1312
SIGNS**

1312.01 Purposes and Applicability.

- (a) **Purposes.** This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- (b) **Permit Required.** A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 1312.03, and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed.
- (c) **Changes on Signs.** Any lawfully existing sign (including non-conforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without needing a zoning permit, provided that the changes do not increase the sign area or height or otherwise result in noncompliance or an increased non-conformity with this Ordinance. See also Section 1312.12 concerning non-conforming signs. A conversion of an existing sign into a digital sign shall need a zoning permit.
- (d) **Sign Fees.** See Section 1314.07.

1312.02 Sign Definitions. See Article 1315 of this Ordinance. Miscellaneous Signs are described in Section 1312.03.

1312.03 Miscellaneous Signs Not Requiring Permits. The following signs shall be permitted by right within all Zoning Districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"**(sf)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall only be posted while such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization, place of worship, school, or charity.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"**(sf)	OTHER REQUIREMENTS
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	12 per sign	20 per sign (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	4, in addition to signs painted on pavement	4, in addition to signs painted on pavement	Directional signs within a residential development shall not be internally illuminated. See also subsection 1.D. below concerning signs not readable from a lot line or street.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	Total of 12 sf per lot.	Total of 50 sf per lot.	Flags of governments and flags that simply include colors, or non-commercial art or patterns are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 sf per sign	2 sf per sign	Shall be placed no more than 3 days before the event, and be removed within 24 hours after the event. Shall not be attached to trees or utility poles with metal fasteners.
<u>Home Occupation and Accessory Day Care Sign</u> - advertises a permitted home occupation or an accessory day care use.	1	2	8	Shall not be illuminated. Maximum total height of 8 feet above the ground.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	2	8	Maximum total height of 8 feet above the ground.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"**(sf)	OTHER REQUIREMENTS
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	Total maximum of 12 sf per lot.	Total maximum of 50 sf per lot.	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 more than 6 consecutive days.
<p><u>Political/ Issue Sign</u>- advertises a person or party seeking political office or an opinion on a referendum, political cause or matter of public concern.</p> <p>Political signs shall not be posted on public parks or property owned by the City or on a public street right-of-way, except as may be allowed on election day outside of a polling location.</p>	Maximum of 2 sign faces per issue or candidate per lot	Total maximum of 12 s.f. per issue or candidate per lot.	Total maximum of 50 s.f. per issue or candidate per lot.	Shall be removed a max. of 7 days after an election, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	12	50	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that may include information on times and dates of activities.	2	12	50	Maximum of 2 such signs per such organization or place of worship.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"**(sf)	OTHER REQUIREMENTS
<u>Special Sale Signs</u> - temporary banners, feather-type banners on poles, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	1 per non-residential lot, except one per business establishment on a multi-use lot	Not permitted	Total of 50 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum total of 30 days per year (such as 6 times of 5 days each). Such signs shall not flash, be internally illuminated, or obstruct safe sight distances. Such sign shall not be allowed in a public right-of-way or on a fence.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature, and which may also include any non-profit public service messages.	1	Not permitted	50	The sign shall not flash.
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

“sf” = Square feet. “Max.” = Maximum.

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

** For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use or that is within a Commercial or Industrial Zoning District. All other lots shall be considered to be "Residential Lots."

- (a) In addition, the following types of signs are not regulated by this Ordinance:
- (1) See Section 1312.01(c) which addresses simple changes of sign faces and messages.
 - (2) Historic Sign- sign that memorialize an important historic place, event or person and that is specifically authorized by the City or a County, State or Federal agency.
 - (3) Holiday Decorations- signs and displays that commemorate a holiday recognized by the City, County, State or Federal Government or an individual's own religious holiday, that do not include advertising, and that are posted a maximum total of 90 days per calendar year.
 - (4) Not Readable Sign- sign that is not readable from any public street or any exterior lot line.
 - (5) Official Sign- sign erected by the State, County, City or other legally constituted governmental body, or specifically authorized by City ordinance, motion or resolution, and which exists for public purposes.
 - (6) Required Sign- sign that only includes information required to be posted outdoors by a government agency or the City.

- (7) Right-of-Way Sign- sign posted within the existing right-of-way of a public street and officially authorized by the City, the County or PennDOT, including but not limited to, decorative banners hung from street lights that are authorized by the City.

1312.04 **Freestanding, Wall and Window Signs (On-Premises Signs).**

- (a) The following are the on-premises signs permitted on a lot within the specified Districts and within the following regulations, in addition to other signs specifically allowed by this Article. See definitions of the types of signs in Article 1315.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS****	TOTAL MAXIMUM AREA OF WINDOW SIGNS ***	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>A. MR, RLD, RMLD, RMD and RHD Districts: with signs in this table limited to allowed principal non-residential uses (such as Places of Worship).</p> <p>For home occupation signs, see Section 1312.03.</p>	8 feet	40 square feet on each side of a principal building for a school or place of worship; 10 square feet on each side of a principal building for other non-residential principal uses.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 10 square feet per street frontage for other non-residential principal uses. See also entrance signs for major residential developments in Subsection 5. below.
<p>B. CG, LIC and GIC Districts: for principal non-residential uses.</p>	20 feet	2 square feet of sign area for each linear feet of building length, on the building side on which such signs are attached.	Illuminated window signs shall be regulated as wall signs. Other window signs shall not occupy more than 25 percent of the total window area along each side of a building.	1 sign per street that the lot abuts, each with a maximum area of 60 sq.ft. See note * below for multiple uses. A retail gas station shall be allowed an additional 30 sq. ft. of sign area. For drive-throughs, see note **.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS****	TOTAL MAXIMUM AREA OF WINDOW SIGNS ***	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>C. MR, CN, CBD, OI and any other Districts: for principal non-residential uses.</p>	<p>15 feet, except 8 feet in OI and CBD.</p>	<p>2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.</p> <p><u>Projecting Sign</u> - An additional sign with a maximum sign area of 15 square feet on each of 2 sides may: a) project perpendicular to a building up to 4 feet outward, and b) may also project over part of a sidewalk if it complies with the applicable requirements of the Construction Code, including minimum clearance above the sidewalk.</p>	<p>Illuminated signs visible through a window shall be regulated as wall signs. For other window signs, no more than 25 percent of the total window area on the side of a building shall be covered by signs, or a total of 8 square feet of window signs per building side, whichever is more restrictive.</p>	<p>1 sign per street that the lot abuts, each with a maximum area of 40 sf, except 16 ft. in OI. See note * below for multiple uses.</p> <p><u>Sandwich Board Sign</u> - One additional 10 square feet per side portable folding sign is allowed per lot in a location that does not obstruct five feet of width for pedestrian & wheelchair access, and which is kept inside when the business is not open to the public. Such sign shall only advertise an on-site use. Such sign shall not use electrical wiring..</p>

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the CBD District, if a lot includes 3 such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet.

** An allowed restaurant drive-through use may also include 2 menu boards with a maximum height of 10 feet and a maximum sign area of 60 square feet per side, provided the signs are not designed to be readable from beyond the property line.

*** Transparent areas of doors shall be treated the same as window signs for the purposes of signs.

**** A portion of the allowed wall sign area may be placed upon an awning or canopy.

(b) Examples of Sign Types

The sign to the right is an example of a projecting sign that is attached to a building.



The sign to the right is an example of a sandwich board sign that is placed on a sidewalk.



The sign to the right is an example of a freestanding sign that is not internally illuminated.



The sign to the right is an example of a freestanding sign that is internally illuminated.



(c) Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

(d) Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

(1) Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.

(2) Portable signs are prohibited in all Districts, except as a temporary Charitable Event sign permitted by Section 1312.03 or a permitted Sandwich Board sign.

The sign to the right is an example of a prohibited portable sign.



- (3) Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.
- (d) Signs on Freestanding Walls. An allowed freestanding sign face may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and without the entire wall counting as sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.
- (e) Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets Section 1312.04(d) If a development includes 5 to 19 dwelling units, a similar sign with a maximum of 16 square feet shall be allowed. Such signs shall not be illuminated, and shall have a maximum total height of 10 feet above the ground.

The sign to the right is an example of a Major Development Sign that is not illuminated.



- (f) Landscaping Around a New Freestanding Sign. When a new freestanding sign is proposed with a sign area of 20 square feet or greater, other than a replacement of an existing sign, a landscaped area shall be provided around the sign. Such landscaped area shall be equal or greater in length than the horizontal length of the sign, and shall have a minimum width of 5 feet. Such landscaped area shall be comprised of vegetative ground cover, which may include shrubs, and it may be crossed by a sidewalk. Curbing or a similar barrier should be used as needed to prevent vehicles from hitting the sign.

1312.05 Prohibited Signs and Digital Sign Limits.

- (a) The following prohibitions on signs shall apply in all Zoning Districts:
- (1) Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 1312.03.
 - (2) Flashing, blinking, twinkling, animated, scrolling, rotating or moving signs of any type are prohibited. A sign shall not display electronically moving images.
 - A. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas-season lighting or displays, within Section 1312.03.
 - (3) Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
 - (4) Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
 - (5) Signs that are of such form, shape or color that they resemble an official traffic control 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") are prohibited.
 - (6) Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

- (7) Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- (8) Floodlights and outdoor lasers for advertising purposes are prohibited.
- (9) Commercial signs shall not be attached to a fence, except as may be allowed as a customarily accessory use to a public recreation facility.

- (b) Digital Signs. Signs may change their message from time to time provided that each message is visible for a minimum of 8 seconds, except as follows: a) time and temperature signs may change more frequently, and b) if there is an electronically changing sign area of greater than 50 square feet, the sign shall not change its message more frequently than once every 20 seconds. This provision on sign timing shall not regulate signs that are not readable from a public street and that are not readable from any dwelling.

1312.06 **Off-Premise Signs (Including Billboards)**.

- (a) Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the City and protect property values, especially in consideration of the fact that most commercial areas of the City are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the City, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 1312.01.
- (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) Official Signs. Signs erected and maintained by PennDOT or the City are permitted by right in all Districts. Such signs may include official directional signs to destinations.
- (d) Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
 - (1) District. An off-premise sign is only permitted in the GIC District.
 - (2) Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
 - (3) Maximum Total Sign Area, on Each of 2 Sides. 300 square feet. The two sides shall be arranged so that only one side is readable at one time.
 - (4) Spacing. Any off-premise sign of more than 50 square feet of sign area shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
 - (5) Maximum Height. 40 feet above the elevation of the street or highway that the sign face is directed towards, measured at the street centerline. The bottom of such sign shall be elevated a minimum of 10 feet above the ground and be designed to be resistant to climbing by unauthorized persons.
 - (6) Control of Lighting and Glare. See Sections 1310.07 and 1312.05(b). Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
 - (7) Setbacks. No off-premise sign greater than 50 square feet in sign area shall be located within 200 feet from the lot line of an existing principal dwelling.

- (8) Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
- (9) This Ordinance shall not regulate the placement of “Tourist Oriented Directional Signs,” provided the signs are posted along a public street right-of-way in a manner allowed under PennDOT regulations for such signs or that are approved by the City along a City street. (Note – These are typically blue signs that direct motorists to various major destinations.)

1312.07 **General Design, Location and Construction of Signs.**

- (a) Setbacks.
 - (1) Signs shall not be located within the existing street right-of-way, except for allowed projecting and sandwich board signs.
 - (2) A freestanding illuminated sign shall not be located within 5 feet from an abutting lot line of a principal dwelling in a Residential District.
 - (3) The setbacks in this subsection (a) shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
- (b) Sight Clearance. No sign shall be located in a way that interferes with the sight clearance requirements of Section 1313.03.
- (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) Permission of Owner. No sign shall be posted on any property unless permission has been received by the owner or entity leasing the property.
- (e) Signs on Trees, Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency. Staples or other metal fasteners shall not be used on utility poles or trees. A sign shall not be attached to a tree, except allowed temporary signs may be attached with string.
- (f) Construction of Signs. Every sign permitted in this section (other than temporary and window signs) shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the City may repair or remove such sign at the expense of such owner or lessee.
- (g) Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for temporary Christmas season lighting.
- (h) Banners and Overhanging Signs. City Council or the Mayor may approve the hanging of decorative banners within the street right-of-way (such as from utility poles or street lights) and may approve a sign overhanging across a street to advertise a community event or festival. One approval may cover multiple years for an event that is held annually. Approval from PennDOT may also be needed if a State road is involved.
- (i) Sign Lighting Controls. See 1310.07.
- (j) Signs in Easements. Signs shall not be located in an easement in a manner that obstructs the purposes of the easement. A permanent sign (other than necessary warning signs) shall not be placed in a utility easement. An allowed sign may be placed in a stormwater easement, provided the sign structure is designed to not obstruct floodwaters and not catch debris that can cause flooding.

1312.08 **Vehicles Functioning As Signs.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the District in which such vehicle, trailer or structure is located.

1312.09 **Abandoned or Outdated Signs.** 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.

1312.10 **Measurement of Sign Area.**

- (a) 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 combined area of all signs on that side of the sign.
- (b) The sign area shall not include any structural support poles or monument-style areas below the sign message.
- (c) 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 one or two rectangle(s) or triangle(s) that includes all of the letters and symbols.
- (d) The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
- (e) Unless otherwise specified, all square footages in regards to signs are maximum sizes.

1312.11 **Illumination of Signs.** See "Light and Glare Control" in Section 1310.07.

1312.12 **Nonconforming Signs.**

- (a) Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- (b) An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
- (c) Unlawful Signs. If a sign was placed without a required permit by the City, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Section 1314.06.

1312.13. **Murals and/or Street Art.** The City of Lebanon has created a Policy for Public Art and Murals. This section is intended to address ordinance matters regarding that Policy.

- (a) The purposes of this section are to:
 - (1) Recognize the value of public art to citizens and visitors, as an essential building block for engaging imaginative spaces that enliven the public realm, foster shared community

- interactions, celebrate our unique stories and collective history, and inspire us to experience the world with fresh perspectives;
- (2) Promote public art work that transforms and activates civic spaces and create a unique identity for the City of Lebanon as a destination;
 - (3) Establish a diverse collection of public artworks;
 - (4) Create works of public art with the cooperation of the community;
 - (5) Involve local, regional and national artists of diverse backgrounds;
 - (6) Provide ongoing opportunities for artists to advance their art forms with temporary and permanent public artworks;
 - (7) Consider economic development and cultural tourism when advocating for public art;
 - (8) Promote understanding of public art and encourage public dialogue;
 - (9) Incorporate art and design projects of the highest quality throughout the community, in essence creating a museum without walls and making art accessible to all; and
 - (10) Provide a legacy of art and culture for future generations.
- (b) A Mural is defined as the application of paint, acrylic or other material directly onto, or on a changeable panel attached to the exterior surface of a building wall or other structure, but not including signs and roofs, and whose sole purpose is to create an aesthetic design to commemorate or depict a scene or event of natural, social, cultural or historic significance. Historical commercial messages and/or logos may be included, provided there are not commercial messages and/or logos related to activities currently occurring the premises. The mural may include the name of the artist, sponsor and year of installation/completion, provided such total messages do not exceed 3 square feet. Street art is defined as sculpture or similar art work that does not meet the definition of a mural.
- (c) In order for an image visible from a public street to be approved as an allowed mural or street art, as opposed to being regulated as a sign under the Zoning Ordinance, the image shall need review by the Design Review Board of the City of Lebanon and then need written approval by the Mayor of the City of Lebanon.
- (1) Within 30 days after the application for the mural or street art has been submitted to the City, the Design Review Board shall determine whether the proposal serves the purposes of this Section, and is appropriate to the function and location of any attached structure. The Design Review Board may recommend approval with conditions. If the mural or street art is not recommended for approval, the application shall be considered denied as a mural, and shall not be forwarded to the Mayor. If the Design Review Board recommends the application for approval, the Mayor shall consider the application for approval within a reasonable period of time, after reviewing recommendation of the Board and the application.
 - (2) The application must include a full color rendering of the proposed mural or street art, including dimensions and showing the location on the structure or property where it will be located. A narrative shall also be included with the application to describe the project.
 - (3) A review fee shall be provided with the application for the mural or street art. This fee shall be as established by Lebanon City Council.
 - (4) If attached to a building, the building owner shall provide written permission for the mural or street art.
 - (5) The applicant shall provide written information to the City on how the mural or street art will be attached to any building, and how it will be designed to be durable in nature.
- (d) A Design Review Board of the City of Lebanon has been established by the City of Lebanon, with 7 members who are appointed by the Mayor, who are appointed for 5 year terms. Such members should have the following qualifications:
- (1) A representative of the Lebanon Valley Conservancy or the Lebanon County Historical Society.
 - (2) The Main Street Manager or a member of the Lebanon Foundation.
 - (3) A staffperson of the City of Lebanon Community and Economic Development Office.

- (4) A downtown property and/or business owner.
 - (5) An artist.
 - (6) A member of City Council.
 - (7) A representative from the Lebanon Valley Council of the Arts.
- (e) Standards.
- (1) The mural or street art shall not include any sexually explicit, obscene or pornographic messages or images. In order to be considered to be a “mural or street art,” the image shall not be designed to promote a particular current political candidate or a political party.
 - (2) The mural shall not obscure or require the removal of original historic architectural features of a building that was built before 1940.
 - (3) The primary purpose of the mural shall be to serve the purposes provided in (a) above, or to make an artistic impression, or to recognize a historic, architectural, ethnic, social, charitable or similar feature of the community, or to provide a message regarding a community issue, or to recognize achievements of individuals, or to serve similar purposes.

ARTICLE 1313
GENERAL REGULATIONS

1313.01 Frontage Onto Improved Streets, Number of Uses or Buildings, Minimum Size of Dwellings.

- (a) Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the City by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Subdivision and Land Development Ordinance. This requirement for frontage shall not be met by an "alley," except that a lot with frontage onto a street may be approved to have its vehicle access onto to alley, if the alley has suitable access to the street.
 - (1) In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting City standards, provided there are City-approved measures to guarantee access to each dwelling from a public street.

- (b) Number of Principal Uses and Principal Buildings Per Lot.
 - (1) A lot may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - A. For example, if Use One requires a 10,000 square feet lot area and Use Two on the same lot requires a 20,000 square feet lot area, then the lot shall have a minimum lot area of 20,000 square feet.
 - B. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - C. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the City Solicitor, that there will be appropriate legal mechanisms in place.
 - (2) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the City Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

- (c) Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor and heated floor area, which shall be primarily above the ground level. This 500 square footage may be reduced to 400 square feet for each dwelling unit that is permanently legally restricted to occupancy by at least one person age 55 and older, with no residents under age 18.

- (d) Maximum Occupancy. A recreational vehicle shall not be used as a residence for more than 5 days in any calendar year, except as may be approved within a campground. A mobile/manufactured home shall not be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling. A mobile/manufactured home shall not be used as a storage building, except as may be allowed temporarily during on-site construction under a City construction permit.

1313.02 Height Exceptions. See Section 1315.02.

1313.03 **Special Lot and Yard Requirements, Sight Distance and Buffer Yards.**

(a) **In General.**

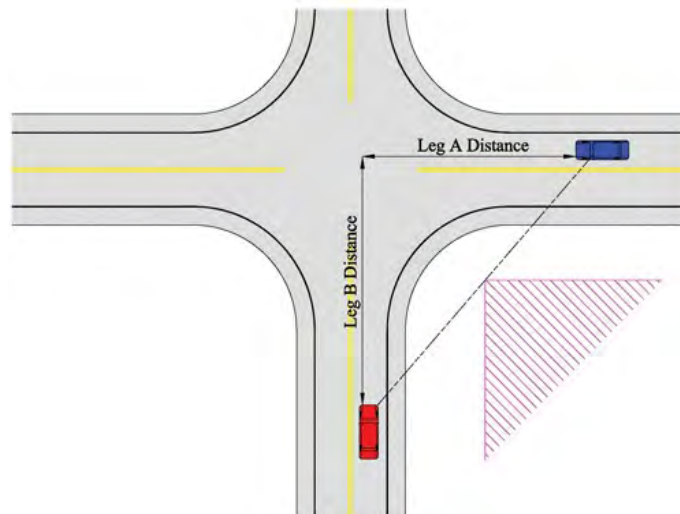
- (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
- (2) **Emergency Access.** All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. See also the Uniform Construction Code Appendices. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

(b) **Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

- (1) **Corner Lots.** For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 1315.02.
- (2) **Projections Into Required Yards.**
 - A. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, slanted exterior doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet.
 - B. Exterior steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - C. For decks and porches, see Article 1305.
- (3) **Lot Widths Around Curves.** Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum required building setback line may be reduced to 60 percent of the width that would otherwise be required.
- (4) **Front Yards.** See Section 1305.04(c), which may allow a reduced front yard where adjacent buildings have smaller existing front yards.

(c) **Sight Clearance at Intersections.** At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for fences that are almost entirely transparent fences (such as chain link), utility posts, mailboxes, single sign posts less than one foot in diameter and the trunks of canopy trees. Re-grading shall also not reduce visibility within the sight clearance triangle. The triangle shall be measured along the centerline of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the travel lanes of a local or collector street and 150 feet along an arterial street. A third longer leg shall connect the ends of the two legs to form the triangle.

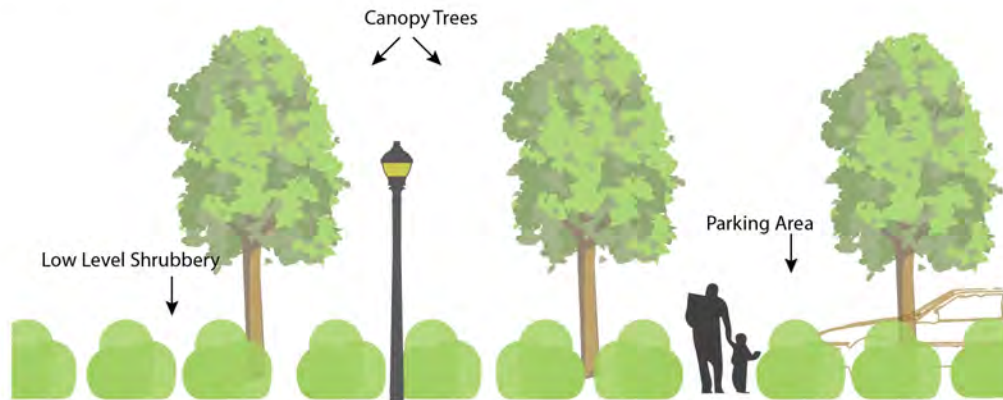
- (1) However, in place of the above sight triangle, where a local street intersects a collector or arterial street with a stop sign only at the local street, the leg of the triangle along the collector or arterial street in each direction shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet back from the edge of the intersecting travel lane.
- (2) The clear sight triangle shall be kept free of such obstructions in perpetuity.



- (3) Where an alley intersects with a street, a clear sight triangle shall be required that is 15 feet along the closest cartway of a street and 10 feet long along the centerline of the alley. Where an alley intersects with another alley, a clear sight triangle shall be required that is 10 feet long along the centerlines of both alleys. For example, this sight triangle may require that a rear garage be setback from a corner or that a solid fence be angled near the intersection to avoid intruding into the sight triangle.
- (4) For driveway sight clearance, see Section 1311.03(d).
- (d) Buffers and Planting Screening. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:
 - (1) A minimum 8 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot that is developed for a new principal building or principal parking lot and that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling. If the lots are separated by a street or an alley open to traffic, the lots shall not be considered to be contiguous.
 - A. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 20 feet, and the minimum initial height of plantings shall be increased to 5 feet.
 - B. The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.
 - C. Where a buffer yard will be located along a street, it shall be designed with a mix of vegetation that allows views at a 5 to 6 feet eye level into the site, for security purposes.
 - D. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street or alley:
 - 1. Along lot lines and street or alley rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 - 2. Along lot lines and street or alley rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
 - E. A lot in the CBD district is not required to provide a buffer yard.
 - (2) A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the District boundary line, street right-of-way line or

- lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the City may allow deciduous canopy trees.
- (3) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
 - (4) Fence. The City may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
 - (5) Each planting screen shall meet the following requirements:
 - A. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - B. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height, except where views into a site from a street are needed for security purposes, in which case the screen should have a trimmed height of less than 5 feet.

Safety in Parking Areas



To allow visibility into parking areas and to avoid crime, use a mix of low level shrubs and canopy trees with the lowest branches removed. This allows clear views at eye level.

- C. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
- D. The plant visual screen shall extend the full length of the lot line, except for: a) City-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, City and utility requirements, such as stormwater swales.
- E. Weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
- F. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

- G. The plant screening shall primarily use evergreen trees.
- H. Modifications. The Zoning Hearing Board may by special exception reduce the width of the buffer yard and/or modify other provisions of this Section if the requirements cannot be feasibly met or if the applicant proposes an alternative that would serve the same effect.

- (6) Buffer Yard Plans. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - A. the location and arrangement of each buffer yard,
 - B. the placement, general selection of species and initial size of all plant materials, and
 - C. the placement, size, materials and type of all fences to be placed in such buffer yard.

1313.04 **Landscaping.**

- (a) A minimum of 10 percent of each lot shall be landscaped in trees, shrubs and vegetative ground cover. This 10 percent requirement shall be reduced to 5 percent within the CBD district. Within a subdivision or land development, such 10 percent shall apply to the entire project, but does not need to be met for each lot, provided that the plan includes standards for each lot to assure compliance with the overall requirement. See also the buffer yard provisions in Section 1313.03.
 - (1) Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
 - (2) Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
 - (3) The percent landscaping requirement may be partly met by landscaped areas placed within a portion of a public right-of-way if approved by the City. For example, if there is a wide right-of-way that is not entirely needed for a sidewalk, plantings may be approved between the sidewalk and a right-of-way line.
- (b) Parking Lot Trees. See Section 1387 of the Subdivision and Land Development Ordinance, which requires the planting or preservation of trees based upon the amount of impervious coverage on a lot.
- (c) Landscaping Maintenance and Replacement. All trees and other landscaping required by this Ordinance or the Subdivision and Land Development Ordinance shall be perpetually maintained by the property-owner. If any landscaping that is needed to meet an Ordinance requirement dies, is removed, or is severely damaged, it shall be replaced by the current property-owner, within a maximum of 180 days. For a required street tree, this requirement for a replacement tree shall apply where physically feasible. A dead street tree is required to be cut down to the ground level. Note - In certain cases the developer will be responsible for replacement within an initial time period under a subdivision requirement.
- (d) Street Trees. See also Section 159.07 of the City’s Codified Ordinances. Where trees are required by this Ordinance, the species shall meet the standards of the City’s Shade Tree Commission, and to be found acceptable for the location based upon the Street Tree Fact Sheets used by the Commission. Where a street tree is required to be planted by the Subdivision and Land Development Ordinance, the provisions of that Ordinance shall apply to the street trees instead of this Subsection “(d).” Street trees shall be required when a new principal non-residential or multi-family apartment building is proposed, or along a new street or an extension of an existing street. Street trees are not required where the City determines that existing healthy trees proposed to be preserved will serve the same function.

- (1) The Zoning Officer may approve other species of trees than those listed below if the applicant provides written evidence to the satisfaction of the Zoning Officer that the trees would be sturdy, attractive and resistant to disease and road salt.
 - (2) The species of trees are not regulated for trees that are not required by City ordinances and that are not planted within a public right-of-way.
 - (3) If more than 10 trees are required to be planted, then no more than 50 percent shall be of one species.
 - (4) Quality of Trees. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated. The developer shall water trees as needed until a property is sold.
 - (5) Minimum Sizes and Standards. The trunk diameter (measured at a height of 2 feet above the finished grade level) of deciduous shade trees required by this Ordinance shall be a minimum of 2 inches.
 - (6) Planting and Maintenance.
 - A. Trees shall be planted in conformance with good landscaping practices, such as ANSI A 300.
 - B. Trees adjacent to or within parking areas shall be properly protected from damage by vehicles by raised curbs, raised earth, protective devices and/or sufficient setback.
 - (7) Required Number and Spacing of Street Trees. Where required, an average of one street tree shall be planted for every 50 feet of distance along the street right-of-way line on each affected side of the street. Trees shall be distributed along the length of the street, but are not required to be evenly spaced.
 - (8) Location of Street Trees. The locations of required street trees shall be approved by the City. The City may approve the trunks of trees to be planted outside of but immediately adjacent to the street right-of-way.
 - (9) Removal of Street Trees. Written approval of the City shall be required to remove any required street tree. This City approval is needed even if the required tree was allowed to be planted outside of the right-of-way. The City shall require the replacement by the current property-owner of a street tree that had been required with a new tree meeting City standards, where practical. The City may require that any approved site plan, subdivision plan or land development plan include a note to highlight the requirements of this subsection (9).
- (e) If a tree has all of its branches removed to the extent that the tree will not survive, then the trunk shall also be cut to result a trunk height of less than 3 feet above the ground level.

1313.05 Non-conformities.

- (a) Proof and Registration of Non-conformities. It shall be the responsibility of a party asserting a non-conformity to provide the evidence that it is lawful. The burden of proof is upon applicant to show that a nonconformity is lawful. A property owner may request a written statement of non-conformity from the Zoning Officer after providing sufficient evidence.
- (b) Continuation of Non-conformities.
 - (1) A lawful non-conforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 - (2) Any expansion of, construction upon or change in use of a non-conformity shall only occur in conformance with this section.
 - (3) If an existing use was not lawfully established, it shall not have any right to continue as a non-conforming use.
- (c) Expansion of or Construction Involving Non-conformities. The following shall apply, unless the structure is approved under Section 1313.05(d).
 - (1) Non-conforming Structure.

- A. The Zoning Officer shall permit a non-conforming structure to be reconstructed or expanded provided:
 - 1. that such action will not increase the severity or amount of the non-conformity (such as the area of the building extending into the required yard) or create any new non-conformity, or
 - 2. that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, unless allowed otherwise by this section.
 - B. In the case of a non-conforming structure which is used by a non-conforming use, any expansion shall also meet the requirements of this Section regarding non-conforming uses.
- (2) Non-conforming Lots.
- A. Permitted Construction on a Non-conforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a non-conforming lot provided all of the following additional requirements are met:
 - 1. The lot must be a lawful non-conforming lot of record;
 - 2. Minimum setback requirements shall be met, except as is allowed in subsection "C." below;
 - 3. State and Federal wetland regulations shall be met; and
 - 4. If a septic or well is used, the requirements for such shall be met.
 - B. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause the lot to be considered to be a non-conforming lot.
 - C. Reduction of Side Yards. On an existing lawful lot with a non-conforming width, as a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in each side setback if the applicant proves such reduction is necessary to allow a customary addition to an existing dwelling, a replacement of an existing undersized dwelling with a new dwelling, or to avoid the construction of a new dwelling that would be inconsistent with the building width of adjacent dwellings. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.
 - D. Expansion Along a Nonconforming Setback. Where part of an existing one family dwelling (including a townhouse) has a side yard that is smaller than would normally be required, other parts of that dwelling may be expanded along that same side, provided that the building extension does not go beyond the side setback that already exists along that side.
- (3) Expansion of a Non-conforming Non-Residential Use. A non-conforming use or a building used by a non-conforming use shall only be expanded if there is compliance with the following provisions:
- A. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board.
 - B. The 1) total building floor area used by a non-conforming use or the 2) total land area covered by the non-conforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the non-conforming use at the time the use first became non-conforming.
 - 1. The above maximum increase shall be measured in aggregate over the entire life of the non-conformity. All expansions of the non-conforming use and/or building(s) that occurred since the use originally became non-conforming shall count towards the above maximum increase. For example, a 40 percent expansion may occur one year, followed by a 10 percent expansion in a different year.
 - 2. The 50 percent maximum expansion of the total land area covered by the use shall be reduced to 10 percent for a non-conforming junkyard or scrap yard.

3. If the non-conforming use first became non-conforming before October 27, 1986, then the extent of the use as of October 27, 1986 shall be used as the basis for determining the allowed expansion.
- C. Any expansion of a non-conforming use shall meet the required setbacks, maximum height and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a Non-conforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of non-conformities are created and d) a non-conformity is not made more severe.
- (5) Non-conforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a non-conforming sign. Instead, any expansions or extensions of a non-conforming sign shall comply with this Ordinance. See also Section 1312.12.
- (d) Damaged or Destroyed Non-conformities. A non-conforming structure or non-conforming use that has been destroyed or damaged may be rebuilt in a non-conforming fashion only if: a) the application for a construction permit is submitted within 12 months after the date of damage or destruction, b) work begins in earnest within 12 months after the construction permit is issued and continues, and c) no non-conformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- (e) Abandonment of a Non-conformity.
 - (1) If a non-conforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the District in which it is located, except as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section in subsection (d) above.
 - (2) The applicant shall be responsible to provide clear and convincing evidence that the non-conformity was not abandoned.
 - (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- (f) Changes from One Non-conforming Use to Another.
 - (1) Once changed to a conforming use, a structure or land shall not revert to a non-conforming use.
 - (2) A non-conforming use may be changed to a different non-conforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful non-conforming retail store use to another retail store use or from one lawful non-conforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 - (3) Where special exception approval is required for a change of a non-conforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing non-conforming use with regard to:
 - A. Traffic safety and generation (especially truck traffic),
 - B. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, 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.

- (4) A non-conforming use shall not be changed to a non-conforming Adult Use.
- (g) District Changes. Any uses, structures or lots that become non-conforming because of a Zoning District change shall be regulated under this Section on non-conformities.
- (h) Voluntary Replacement of a Non-conforming Structure. A non-conforming structure may be partially or completely replaced with a new non-conforming structure if the following requirements are all met:
 - (1) A building permit shall be issued within a maximum of 6 months after the building is demolished; and
 - (2) A new non-conformity shall not be created and any existing non-conformity shall not be made more serious or increased. For example, a vehicle garage with a non-conforming setback may be replaced with a new garage with the same setback on the same side.

1313.06 Dumpster Screening and Location.

- (a) For dumpsters outside of the public right-of-way, site plans submitted to the City shall show the proposed location of any garbage dumpsters. The Zoning Officer may require that such proposed location be modified to provide compatibility with nearby dwellings, in order to avoid odor, vector and noise nuisances to the maximum extent feasible. If a garbage dumpster is not stored within a building, then it shall be screened from view of any public street or dwelling by decorative masonry wall or weather-resistant solid board fence, with a mostly solid gate.
- (b) A permit from the City Department of Public Works Staff shall be needed to place a temporary dumpster within a street right-of-way. Such location shall not obstruct traffic or safe sight distances. A maximum time period shall be established on the permit.

1313.07 Portable Storage Containers.

- (a) This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use on the same lot.
- (b) The following regulations shall apply on a principally residential lot:
 - (1) A portable storage container shall not be kept on a principally residential lot for a total of more than 2 months in any calendar year, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
 - (2) A maximum of one portable storage container shall be allowed per lot. A mobile home, trailer or a portion of a vehicle shall not be used as a portable storage container on a residential lot.
- (c) On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless the container is necessary to temporarily hold materials for active on-site construction.
- (d) The following shall apply to any portable storage container:
 - (1) The container shall not obstruct safe sight distances at intersections.
 - (2) The container shall not obstruct travel lanes of a street or a public sidewalk, unless specifically authorized by a City permit where there is no alternative.
 - (3) The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the City. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
 - (4) The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.

- (5) A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

1313.08 **Green Incentives.**

- (a) See Section 1305.05 regarding solar dimensional provisions. That section allows some flexibility in dimensional requirements.
- (b) See Section 1305.02, which allows solar energy collection devices to exceed the maximum height.
- (c) If a building or parking structure includes an approved "Green Roof", the area covered by the Green Roof may exceed allowed maximum building coverage, up to a maximum increase of 20 percent. For example, if a District includes a maximum 30 percent building coverage, and a building footprint equal to 20 percent of the lot is covered by a green building roof, then the maximum total allowed building coverage shall be 50 percent. In such example, an area equal to a minimum of 20 percent of the lot area would need to be covered by a green roof, but not the entire building roof.
- (1) In order to be considered a "Green Roof," such area shall be exposed to direct sunlight at noon-time and shall be covered with vegetation that is designed to absorb stormwater runoff. Vegetation shall be planted in soil or other growing material with a minimum of 4 inches of depth. Up to 10 percent of an area of a Green Roof may include walkways or skylights. If such vegetation dies, it shall be required to be replaced within 150 days.
- (d) Pervious pavement used for vehicle parking and vehicle movement shall be considered impervious for the purposes of the zoning ordinance impervious coverage requirement, except as follows. The maximum impervious coverage of a lot or a tract may be increased by up to 10 percent of the lot area if a corresponding land area is covered by City-approved pervious pavement.
- (1) For example, if a lot includes 10,000 square feet, and has a 50 percent maximum impervious surface requirement, and the lot will include 1,000 square feet of pervious pavement, then a maximum of 6,000 square feet of the lot may be covered by impervious surfaces instead of 5,000 square feet. In such example, 5,000 square feet of the lot could be covered with building roofs and paving surfaces that are impervious.
- (e) This subsection "(e)" applies if the applicant proves that a new building will be "Certified" or meets a higher standard under the published standards of the Leadership in Energy and Environmental Design (LEED) Certified building, following the latest published standards of the U.S. Green Building Council or its successor entity for New Construction or Building Rehabilitation. In such case, the Certified building may exceed maximum building coverage and/or the maximum impervious coverage by 10 percent for the lot. This incentive may not be added on top of the other building and impervious incentives in this Section.
- (1) The applicant is required to have a LEED-certified professional provide a statement in writing to the City at each of the following times: a) the land development application, b) at the time of the building permit application and c) at a point half-way through construction. Such statement shall provide a professional opinion that the project will be able to meet the LEED Certification, and specifying the point system that will be used.
- (2) If a building fails to meet the requirements for LEED Certification after occupancy, the Zoning Officer shall have the authority to require that the current building owner make sufficient changes to the building and submittals to obtain the intended certification.
- (f) Applicants are encouraged to provide an electric recharging station for electric motor vehicles, particularly if the use involves a total of 100 or more vehicle parking spaces. Such electric recharging stations shall be permitted by right in all Zoning Districts and may take the place of required parking spaces.

ARTICLE 1314 ADMINISTRATION

1314.01 **Applicability of This Ordinance.** This Zoning Ordinance shall apply throughout the City of Lebanon. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

1314.02 **Purposes and Community Development Objectives.** This Ordinance is hereby adopted:

- (a) in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code (“the MPC”), as amended,
- (b) to carry out the following major community development objectives:
 - (1) to serve the goals and objectives of the City of Lebanon Comprehensive Plan, which are hereby included by reference, and the goals of the Lebanon County Comprehensive Plan,
 - (2) to conserve environmentally sensitive lands,
 - (3) to promote traditional styles of development and strong neighborhoods,
 - (4) to provide compatibility between various types of and uses, and encourage compatible mixes of uses,
 - (5) to provide for a variety of residential densities and housing types,
 - (6) to direct industrial development and intensive commercial development to locations that will minimize conflicts with homes,
 - (7) to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
 - (8) to promote pedestrian-friendly and bicycle-friendly patterns of development.

1314.03 **Permits and Certificates.**

- (a) **Applicability.**
 - (1) Any of the following activities, or any other activity regulated by this Ordinance, shall only be carried out in conformity with this Ordinance, and shall need a zoning permit:
 - A. Erection, construction, movement, placement or extension of a structure, building or sign, including but not limited to a fence or wall that is more than 3 feet in total height,
 - B. Change in the type of use of a structure or land, or expansion of a use,
 - C. Creation of a lot or alteration of lot lines,
 - D. Creation of a new use,
 - E. Demolition of a principal building, or partial demolition of the exterior of a principal building, if that building is regulated under Article 1308,
 - F. Site Alterations or Mineral Extraction as defined by Section 1315.02, and/or
 - G. Construction of a motor vehicle driveway, parking pad or parking lot.
 - (2) **Zoning Permit.** A Zoning Permit indicates that a zoning application complies with this Ordinance, to the best knowledge of the applicable City Staff.
 - A. A Zoning Permit is required to be issued prior to the start of any of the activities regulated by subsection “(a)(1)” above.
 - B. The City may, at its option, issue combined or separate Construction Permits and Zoning Permits and/or may utilize a single or separate applications for such permits.
 - C. Both principal and accessory uses and structures shall need a zoning permit, except that the City may not require an individual zoning permit for accessory uses that are customarily incidental to a principal use that has received a zoning permit.
 - (3) **Certificate of Occupancy.**
 - A. Prior to occupancy of a new or expanded building, or in the change of the type of use of a building, a Certificate of Occupancy may be required under the Uniform Construction Codes (UCC).
 - B. The City Staff may require that a Certificate of Occupancy be delayed or that only a temporary conditional Certificate of Occupancy be issued if there are outstanding ordinance compliance issues.

- (b) Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure or other activity regulated by this Ordinance shall not require a Zoning Permit. (However, a Construction Permit may be needed for such work.)
- (c) Types of Uses.
- (1) Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if the application meets all of the requirements of this Ordinance.
 - (2) Special Exception Use. This type of use requires a written approval by the Zoning Hearing Board following a hearing.
 - C. Conditional Use. This type of use requires a written zoning approval by the City Council under Section 1314.17.
- (d) Applications.
- (1) Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the City. Such completed application, with required fees, shall be submitted to a designated City staff-person.
 - (2) Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of parking spaces. The site plan shall be drawn to scale and show the following:
 - A. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - B. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - C. locations of any watercourses and any 100 year floodplain,
 - D. proposed lot areas, lot widths and other applicable dimensional requirements,
 - E. locations and widths of existing and proposed sidewalks,
 - F. a north arrow and scale.
 - (3) Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - A. the address of the lot,
 - B. name, mailing address and daytime phone number of the applicant, and of the owner of the property if different from the applicant, and of a person (such as an attorney, contractor, architect or engineer) who is serving as an agent for the applicant on this project, as well as email addresses if available,
 - C. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease or a signed letter from the landowner, to demonstrate that the applicant has the legal right to make the application,
 - D. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
 - E. all other applicable information listed on the official City application form,
 - F. if the applicant is incorporated, the legal name and day telephone number and mailing address of at least one primary officer of the organization/corporation,
 - G. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance,
 - H. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting, and/or a description with a date of any such relevant approvals that were previously granted for the property, and
 - I. signed acknowledgment of the application by the applicant.
 - (4) Submittals to the Board. In addition to the information listed in parts "(2)" and "(3)" above, an application requiring a site plan and action by the Zoning Hearing Board or conditional use shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
 - A. the present Zoning District and major applicable lot requirements,
 - B. for a non-residential use:
 1. a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck

- traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - 2. a list of the maximum hours of operation,
 - C. a listing of any sections of this Ordinance for which a variance is being requested, with the reasons for such request,
 - D. approximate locations of principal buildings and locations of streets and alleys and Zoning District boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
 - E. information on proposed exterior lighting,
 - F. name and address of person who prepared the site plan, and
 - G. such additional information required under applicable sections of this Ordinance.
- (5) Ownership. No person other than a "landowner" or their specifically authorized agent or a tenant or lessee with written authority or permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 1315, which includes an equitable owner).
- (6) Site Plan Review. If the Zoning Officer determines that an application will have significant impacts upon surrounding properties or will involve complex site plan matters, the Zoning Officer may offer the Site Plan for review by the Planning Commission and/or City Council. In such case, the applicant may be required to submit additional copies of the site plan to the Zoning Officer in advance of the meeting. The Council or Planning Commission may provide advice to the Zoning Officer concerning ordinance matters, as well as advisory comments to the applicant.
- A. This process is primarily designed for situations when a Land Development Plan will not be required under the Subdivision and Land Development Ordinance, or when zoning approval matters are intended to be addressed prior to the Land Development Plan submittal.
- (e) Issuance of Permits.
- (1) The zoning permit and construction permit involve two different sets of regulations. Any zoning permit is issued with an automatic condition that the applicant must also meet all applicable Construction Codes.
 - (2) At least one copy of each zoning permit application and any other zoning approval shall be retained in City files.
 - (3) PennDOT Permit. Where necessary for access onto a State road or work within a State right-of-way, a City zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
 - (4) The City may delay the final issuance of a Construction or Occupancy Permit until a required PennDOT Highway Occupancy Permit has been issued, any required subdivision and land development approval has been obtained, a new lot has been recorded, and/or erosion and sedimentation control approvals have been obtained.
 - (5) Compliance with Subdivision and Land Development Ordinance (SALDO). If a application under this Ordinance would also be regulated by the SALDO, then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.
- (f) Revocation of Permits; Appeal of Permit or Approval.
- (1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - A. a material false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - B. upon violation of any condition lawfully imposed a special exception use approval, conditional use approval, variance or subdivision or land development approval;
 - C. any work being accomplished or use of land or a structure in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - D. for any other just cause set forth in this Ordinance.

- (2) Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions and determinations under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC), provided that the time periods for such appeals in the MPC are met. (As of the adoption date of this Ordinance, such provisions were primarily in Sections 914.1 and 1002.A.).

(g) Zoning Permit for Temporary Uses and Structures.

(1) Temporary Uses.

- A. A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:
1. Only an established nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a City-sponsored festival or City-sponsored special event shall be eligible to receive approval for commercial-type activities in a District where a commercial use would not otherwise be permitted;
 2. Such total events in a residential district shall each be limited to a maximum of 10 total days per calendar year (except for activities sponsored by the City of Lebanon); and
 3. The Zoning Officer may require that the applicant prove that sufficient parking, sanitary facilities, emergency access, refuse collection, and traffic control will be available for the special event.
 4. The applicant shall also comply with the City's requirements for Transient Retail Businesses, as applicable, in Section 313 of the City's Codified Ordinances.
- B. A Zoning Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid City permit.
- C. In addition, temporary natural Christmas Tree sales shall be permitted by right in Commercial and Industrial Districts, and on property owned by the City with permission of the City, or as an accessory use to a Place of Worship.
- D. The City may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. Alternatively, a modular sales office may be allowed by the City, provided it is removed completely when the development is complete.
- E. Portable Storage Containers – See Section 1313.07.
- F. Tents shall meet setbacks that apply to accessory uses and shall not obstruct safe sight distances.
1. Tents within commercial districts are permitted to be erected for no longer than 60 total days per calendar year.
 2. Tents within non-commercial districts are permitted to be erected for no more than 20 total days per calendar year.
 3. Tents are also regulated by the Fire Code, including requirements for fire-safe materials and emergency access.
- G. Accessory Retail Sales of the following items that were grown by a resident of the same property are allowed in any district: fruits (and their juices), vegetables (and their juices), flowers, plants, herbs and spices.
- H. Garage sales are allowed as provided in Article 1306.
- (2) Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause, and may be issued for more than one year for a recurring event.
- (3) Temporary Commercial Sales.
- A. Except as may otherwise be allowed by subsection "(1)A." above or other sections of this Ordinance, a lot shall only be used for temporary commercial sales if all of the following conditions are met:
1. The property shall be located within a Zoning District that allows such use.
 2. No more than 10% of the off-street parking spaces or 6 parking spaces, whichever is greater, that are required to serve occupied permanent uses shall be obstructed by the temporary use.

3. Any signs visible from a public street shall comply with this Ordinance.
 4. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
 5. A zoning permit shall be required from the City, which shall be displayed while the activity is open for business.
 6. The use shall not obstruct safe sight distances at intersections and driveways.
 7. Any fireworks sales or storage shall only occur in a structure that has met City construction code and fire safety inspections, and the operator of any fireworks sales use shall make any area or vehicle used for fireworks sales or storage available for regular inspection by local police, codes and fire officials. See also the requirements of the Fire Code.
 8. Electric generators that generate noise heard inside a dwelling on another lot and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
- B. This subsection “(1)” shall not regulate temporary vendors who are authorized to operate during a City-sponsored parade or festival.
- (4) Sidewalk Cafes, Sidewalk Food Cart or Food Trucks. See Section 1306.03.

1314.04 **General Procedure for Permits.**

- (a) After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- (b) After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other City Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

1314.05 **Interpretation and Uses Not Regulated.**

- (a) **Minimum Requirements.** Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable City Ordinance.
- (b) **Uses Not Specifically Regulated.** See Section 1302.06.
- (c) **Interpretation of Ordinance Text and Boundaries.**
 - (1) The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the City Solicitor’s Office to aid in the Zoning Officer’s determination.
 - (2) If an applicant disagrees with the Zoning Officer’s determination and believes that the Ordinance should be interpreted in the applicant’s favor, the applicant may appeal to the Zoning Hearing Board. See Section 1314.11.
- (d) **Undefined Terms/ Interpretation of Definitions.** See Section 1315.02.

1314.06 **Enforcement, Violations and Penalties.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code (MPC), as amended are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

- (a) **Violations.** Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
 - (1) Failure to secure a zoning permit prior to any of the following: a change in accessory or principal use of land or structure, or the erection, construction or alteration of any principal or accessory structure or portion thereof, or the placement of a sign, or a change in the area

- of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
- (2) Placement of false statements on or omitting relevant information from an application for a zoning permit;
 - (3) Undertaking any action in a manner which does not comply with a zoning permit;
 - (4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
 - (5) Violation of any condition imposed by a decision of the City Council in granting a conditional use or other approval; or
 - (6) Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- (b) Enforcement Notice. If the City has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the City shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the MPC. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- (c) Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board. The denial of a conditional use, special exception use or variance may also be appealed to the County Court.
- (d) Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the MPC are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)
- (1) Violations and Penalties. Any person who 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 five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. 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 a Magisterial District Judge who determined that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the City for the general use of the City. Imprisonment is not authorized under this Ordinance.
 - (2) Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
- (e) Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.
- 1314.07 Fees. A City fee schedule for permits and applications may be established, which may be amended by ordinance of City Council (unless the City Charter may allow use of a written resolution). No application or appeal shall be considered filed until all fees are paid. Unless a later fee schedule is enacted by City Council, the following fees shall apply:

City of Lebanon Zoning Ordinance – As Adopted June 22, 2020

Zoning Permit Fees Based Upon the Total Value of the Proposed Improvements:

Improvement is under \$2,000	\$ 30
Improvement is between \$2,001 to \$5,000	\$ 60
Improvement is between \$5,001 to \$10,000	\$ 90
Improvement is between \$10,001 to \$50,000	\$ 150
Improvement is between \$50,001 to \$100,000	\$ 300
Improvement is over \$100,001 to \$500,000	\$ 600
Improvement is over \$500,001 to \$1,000,000	\$ 1,000
Improvement is over \$1,000,001 and above	\$ 1,500

Additional Fees:

<u>Zoning Hearing Board application:</u>	
a) Involving a variance	\$600
b) Involving a challenge of a Zoning Officer decision, interpretation, special exception application, substantive challenge to the ordinance, or any other matter before the Board	\$700
c) In addition, the applicant shall reimburse the City for all legal advertising costs that are necessary after the first hearing date.	
<u>City Council hearing application:</u>	
a) Involving a curative amendment challenge or a request for a zoning amendment (unless the zoning amendment was proposed by the City)	\$700
b) Involving a conditional use	\$600
Zoning ordinance book	\$ 25
Zoning map	\$ 8
Subdivision and land development ordinance book	\$ 20
Letter of zoning certification	\$ 30

Sign Zoning Permit Fees:

Note - A Construction Permit may also be required, and an Electrical Permit is also typically required for signs with electric service, with their own fees.

<u>Sign Type:</u>	<u>Fee:</u>
Temporary sign that is required to have a zoning permit	\$ 25
Any sign that is required to have a zoning permit and has less than 2 square feet of sign area, other than a temporary sign (Note - The Sign Article of the Zoning Ordinance does not require a sign permit for most such signs)	\$ 20
Any sign with 2 square feet or more of sign area but less than 50 square feet, other than a temporary sign, that does not have electric service	\$ 50
Any sign with 2 square feet or more of sign area but less than 50 square feet, other than a temporary sign, that does have electric service	\$ 100
Any sign with 50 square feet or more of sign area, other than a temporary sign, that does not have electric service	\$100
Any sign with 50 square feet or more of sign area, other than a temporary sign, that does have electric service	\$ 150

Notes:

1. Work started, or signs installed, without a permit are subject to twice the regular permit fee.
2. Projects cancelled or permits not picked up within 30 days of issue date will be invoiced for 50% of City permit fee and third party plan review fees. Fees unpaid for 90 days may be subject to a 10% interest rate or maximum allowable by law. Unpaid fees after one year are subject to a lien upon the property.
3. Owners of property with illegally-installed signs or with signs that are not removed within the allowed time frame may be charged for the costs of sign removal and/or storage and disposal of the signs.

1314.08 **Amendments to this Ordinance.** Within the requirements of the MPC, the City Council may amend, or repeal any or all portions of this Ordinance on: 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

1314.09 **Curative Amendments.** The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

1314.10 **Zoning Officer.**

- (a) **Appointment.** The Zoning Officer(s) shall be appointed by the Mayor. The Mayor may designate other City Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer, under the direction of the Zoning Officer. The Zoning Officer shall not hold any elective office within the City, but may hold other appointed offices.
- (b) **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:
 - (1) administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 - (2) conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 - (3) keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the City and being available for public inspection;
 - (4) review proposed subdivisions and land developments for compliance with this Ordinance;
 - (5) take enforcement actions as provided by the MPC, as amended;
 - (6) maintain available records concerning non-conformities, provided that the City is not required to document every non-conformity; and
 - (7) serve such other functions as are provided in this Ordinance.

1314.11 **Zoning Hearing Board Actions and Variances.**

- (a) **Membership of Board.** The Zoning Hearing Board shall consist of 5 residents of the City appointed by the Mayor with confirmation by a majority vote by resolution of the City Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the City and shall not be employed by the City in another capacity.
 - (1) **Alternate Members.** City Council may appoint alternate members of the Zoning Hearing Board, within the applicable provisions of the MPC, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
 - (2) **Expenditures.** Within the maximum amount of funds appropriated by the City Council, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. City Council may by resolution authorize compensation for members and alternate members for the performance of their duties.
- (b) **Vacancies.** Appointments to fill vacancies shall be only for the unexpired portion of a term.
- (c) **Organization.** The applicable provisions of the MPC shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- (d) **Zoning Hearing Board Jurisdiction and Functions.** The Zoning Hearing Board shall be responsible for the following:
 - (1) **Appeal of a Decision by the Zoning Officer.**
 - A. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the City Council that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - B. See time limitations for appeals in Section 1314.11.
 - (2) **Challenge to the Validity of the Ordinance or Map.** The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
 - (3) **Variance.**

- A. The Board shall hear requests for Variances filed with the City Staff in writing on the official City application form. The City Planning Commission should be provided with an opportunity to review a zoning variance application. However, action by the Zoning Hearing Board is not required to be delayed to allow for a Planning Commission review.
- B. Standards. The Board shall only grant a variance within the limitations of State law. As of the adoption date of this Ordinance, the MPC provided that all of the following findings must be made, where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located;
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
 - 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 property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - 5. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- D. A variance runs with the property, and can apply to future owners of the property. A variance applies in perpetuity, unless it is limited by a condition of the Zoning Hearing Board. A variance cannot be transferred to a different property.
- (4) Special Exception. See Section 1314.
 - A. The Board shall hear and decide requests for all Special Exceptions filed with the City Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance.
 - B. A special exception runs with the property, and can apply to future owners of the property.
- (5) Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
 - A. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - B. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - C. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the MPC. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- (e) Time Limits for Appeals. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- (f) Stay of Proceedings. The Stay of Proceedings provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

(g) Time Limits on Permits and Approvals.

(1) After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and construction permits shall be secured by the applicant within 18 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within the time period specified in related construction permits. If construction permits are not required, then the work shall be completed within 18 months after issuance of a zoning permit, unless an extension is granted under subsection “B.” below.

A. However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved.

B. The Zoning Hearing Board or City Council may provide for a differing time period in their approval, such as to allow time for a phased project to be completed.

(2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work under a zoning permit.

(3) If an applicant fails to obtain the necessary permits or fails to begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed rescinded by the City.

(h) Multiple Applications. No more than one application for the same portions of the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

1314.12 Zoning Hearing Board Hearings and Decisions. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

(a) Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

(1) Ad. Public Notice shall be published, as defined by Section 107 of the MPC. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered and the affected street address.

(2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. If the City Staff does not volunteer to post the property, then the applicant shall be required to post it. The applicant shall make a good faith effort to make sure that such notice remains posted until the hearing.

(3) Persons Given Notice. The City shall provide written notice to the Applicant of the time and place of the hearing. The City should also provide notice to the Mayor and to the primary last known owner of each lot that is abutting or immediately across a street, alley or railroad from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be provided to the last known address.

A. This distance for notice shall be increased to a 200 feet radius from the lot lines of the subject property if the application will involve a use variance or a special exception use.

(b) Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

(c) Decision/Findings.

(1) The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

(2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.

(3) References shall be provided to the most pertinent section(s) of this Ordinance and/or the MPC.

(d) Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be provided to the applicant. (Note: As of the adoption date of this Ordinance, such

provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

(e) See also Section 908 of the MPC.

1314.13 **Appeals to Court.** The provisions for appeals to court that are stated in the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

1314.14 **Limited Public Utility Exemptions.** See the provisions of the MPC. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

1314.15 **City and Municipal Authority Exemption.** This Zoning Ordinance shall not apply to uses or structures owned by Lebanon City or by a municipal authority created solely by the City of Lebanon for uses and structures that are intended for a municipal, water supply, sewage, stormwater, public recreation, emergency service, emergency communication, public health and safety, or similar governmental purpose.

1314.16 **Special Exception Use Process.**

(a) **Purpose.** The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

(b) **Special Exception Procedure.**

(1) A Site Plan shall be submitted, which shall contain the information required in Section 1314.03(d). If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.

(2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.

(3) The Zoning Hearing Board shall follow the procedures provided in Section 1314.12.

(4) Time Limits. See Section 908 of the MPC.

(5) The City Planning Commission may be provided with an opportunity to review a special exception application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.

(c) **Consideration of Special Exception Applications.** When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

(1) **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.

(2) **Compliance with Other Laws.** The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable City, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the City prior to the issuance of any zoning permit, construction permit, certification of occupancy and/or recording of an approved plan.

(3) **Traffic.** The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.

(4) **Site Planning.** The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.

(5) **Neighborhood.** The proposed use shall not substantially negatively change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.

(6) **Safety.** The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

(7) **Natural Features.** The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

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

1314.17 **Liability**.

- (a) Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the City shall not constitute a representation, guarantee or warranty of any kind by the City, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- (b) If the Zoning Officer mistakenly issues a permit under this Ordinance, the City shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 1315 DEFINITIONS

1315.01 **General Interpretation.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- (a) Words in the present tense shall include the future tense.
- (b) "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- (c) "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- (d) "Sale" shall also include rental.
- (e) Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- (f) The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- (g) The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- (h) If a term is not defined by this Ordinance, but is defined in the City Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply. If a term is not defined by either ordinance, the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted by the Zoning Officer.

1315.02 **Terms Defined.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting Lot. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent Lot. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, video and other electronic media, periodicals, coin- or token-operated video, paraphernalia or novelties which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A club or commercial use that allows the entry into the premises and the consumption of alcohol by multiple members or customers within the premises after 2 AM and before 6 AM.

Alley. A vehicle thoroughfare serving 3 or more lots and which has a cartway of less than 14 feet of pavement, and which typically provides rear or secondary access to the lots.

Alteration. As applied to a structure, a change to or rearrangement of the structural parts or exterior appearance of such structure, or any expansion thereof, whether by extension of any side or by any increase in height, or the moving of such structure from one location to another.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Amusement Park. A commercial entertainment use that includes outdoor and/or indoor rides, as well as food sales and related recreation activities, but which does include any "Adult Use."

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Animal Day Care. A commercial use that provides activities and supervision for 5 or more dogs at a time, and which may also serve other domestic animals, and which does not primarily provide overnight boarding unless the requirements are also met for a kennel.

Animal Shelter. A type of "Kennel" that serves a non-profit purpose and promotes the adoption of animals.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Municipalities Planning Code (MPC), who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall

primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as such by the Commonwealth of Pennsylvania.

Attic. An upper level space of a building that does not meet the standards of a “story.”

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 1306.02.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 1306.02.

Auto Service Station (or “Gas Station”). An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 1306.02.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 1306.02 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 1306.02.

Billboard. See Article 1312.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of “unrelated persons.” A Boarding House shall not include a use that meets the definition of a Hotel, Dormitory, Motel, Personal Care Center, Bed and Breakfast Inn, Group Home or Nursing Home. A Boarding House may either involve or not involve the providing of meals to residents, but shall not include a Restaurant open to the public unless the use also meets the requirements for a restaurant. A Boarding House shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 1313.03.

Build-to-Line. A line parallel to the street right-of-way that may be established to require a certain front building setback.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate

definition of "Structure." Any Structure involving a permanent roof (such as a covered porch or a carport) that is attached to a Principal Building shall be considered to be part of that Principal Building. A parking structure of two or more levels shall also be considered to be a Building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof, except for incidental roof overhangs.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. If there is any question about which side is the front of the building, it shall be the side that is closest to a public street. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building Permit. See "Construction Permit."

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

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

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

BYOB Club. A club or commercial use that is open to customers past the hour of midnight and which involves payment of a membership fee or a cover charge for entry, and which allows customers to bring alcoholic beverages that they consume on the premises. This shall not include a use that derives more than 80 percent of its revenues from the sale of food and non-alcoholic drinks. Such use shall not be open between the hours of 2 AM. and 6 AM. Such use shall not include an Adult Use unless the requirements for an Adult Use are met.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Occupancy. A form signed by an authorized City official that certifies that the use of the property is in compliance with City Ordinances, to the best knowledge of such City official.

Change of Use. The initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category on the Use Tables in Articles 1303 and 1304, shall not be considered a change of use.

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

Church. See "Place of Worship."

City. City of Lebanon, Lebanon County, Pennsylvania.

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Clear Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 1313.03.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 1306.02. This term shall not include a "standard antenna."

Commercial District. The CBD, CN, CG and OI Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Community Garden. An open space area that is used for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one household.

Conditional Use. A use listed as a conditional use under the Tables of Allowed Uses, and which is only allowed after review by the City Planning Commission and approval by City Council, under Section 1314.17.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Construction Permit. A permit that is issued by a City Construction or Codes Official that authorizes the completion of certain work that is authorized under the Uniform Construction Codes.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A type of retail store that includes less than 10,000 square feet of building floor area and that mainly serves ready-to-eat food and beverages for primarily off-site consumption, as well as other common household items. This use may also include a gas station if the requirements for such use are also met.

Cottage Neighborhood Development. A residential development that meets the requirements of Section 1306.02 and that: a) involved required common open space, with many of the dwellings facing onto that open space, b) includes pedestrian-friendly site designs that help to create an identifiable neighborhood, and c) minimizes the views of garage doors along public streets.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Livestock and Poultry, Keeping Of."

Criminal Halfway House. A use involving any one or a combination of the following:

- A. A use (other than a prison or a State-licensed hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
 - 1. criminal rehabilitation, such as a criminal halfway house; and/or
 - 2. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. 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, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. 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 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.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 1306.03. When registration is required by State regulations, such use shall provide evidence to the Zoning Officer of having a certificate of registration from the applicable State agency*.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 1306.02.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Human Services.

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

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

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

Dormitory. A building housing full-time students of a boarding school or an institution of higher education, and which does not meet the standards for individual dwelling units.

Drive-through Facility or Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. An improved privately-owned vehicle travel-way from a street to provide motor vehicle access to a parking area or building on a lot.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building and that meets the floor area requirements of Section 1313.01(c).
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse), or one or more dwelling units above a commercial use. The individual dwelling units may be leased or sold for condominium ownership. A Two Family Dwelling is an type of apartment building that only includes 2 dwelling units.
- D. "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.
- E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
 - 1. Mobile/Manufactured Home. For a dwelling constructed after 1976, this term shall mean a dwelling that was constructed under the Federal construction requirements for "Manufactured Housing" under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed the HUD Standards were effective, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

This term is different from a "Modular home," which is defined above. See standards for "Mobile/manufactured home" in Section 1306.02.

- F. Single Family Semi-Detached. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- G. Townhouse (or Single Family Attached Dwelling). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 1306.02.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 1306.02.

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

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater

management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage, civil union or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household, occupy shared kitchen and living spaces and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 1306.02 residing within a licensed group home, as defined herein. Through those provisions and the ability to request a reasonable accommodation under Section 1314.11(d), it is the City's intent is to comply with the Federal Fair Housing Act and the Americans With Disabilities Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 1306.03.

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

Floodplain. See definitions of this term and related terms in Article 1309.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Fraternity or Sorority House. A building that provides residences for organized incorporated groups of full-time college students as well as facilities for shared dining and social activities, and which does not involve separate dwelling units with their own kitchens and bathrooms.

Gaming Facility, Licensed. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 1306.03.

Gas Station. Shall have the same meaning as "Auto Service Station."

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 1310.07.

Government Facility, Other than City Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by City of Lebanon or an authority created solely by City of Lebanon. This term shall not include uses listed separately in the Table of Allowed Uses, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the

initiation of the use. A Group Home typically involves an individual residing on the premises for more than one year at a time.

- A. Group homes shall be subject to the same limitations and regulations by the City as the type of dwelling unit they occupy.
 - B. It is the express intent of the City to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
 - C. A Group Home shall not include a "Treatment Center."
 - D. See standards in Section 1306.02, and accommodations provisions in Section 1314.11(d).
- * NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Half Story. See the definition of "Story."

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes materials which are included on the latest edition of the following list:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 1312 entitled "Signs."

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 1306.03.

- A. General Home Occupation. A Home Occupation that does not meet the definition of a Low Impact Home Occupation.
- B. Low Impact Home Occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no more than one employee, other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights, except for one home occupation sign allowed by Article 1312.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

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

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable District regulations.

Industrial Districts. The LIC and GIC Districts.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way will not exist), as opposed to regulating each individual townhouse lot.

Impervious Surfaces. Areas covered by buildings, paving, concrete, vehicle parking areas, or driveways, as well as any other man-made surfaces that have a runoff coefficient of 0.4 or greater. The City Department of Public Works may require an applicant to provide written documentation concerning the runoff coefficient of a surface material. In any case, areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under this Ordinance. (Note - A different definition may apply under the Stormwater Ordinance or a Stormwater Fee Ordinance.)

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

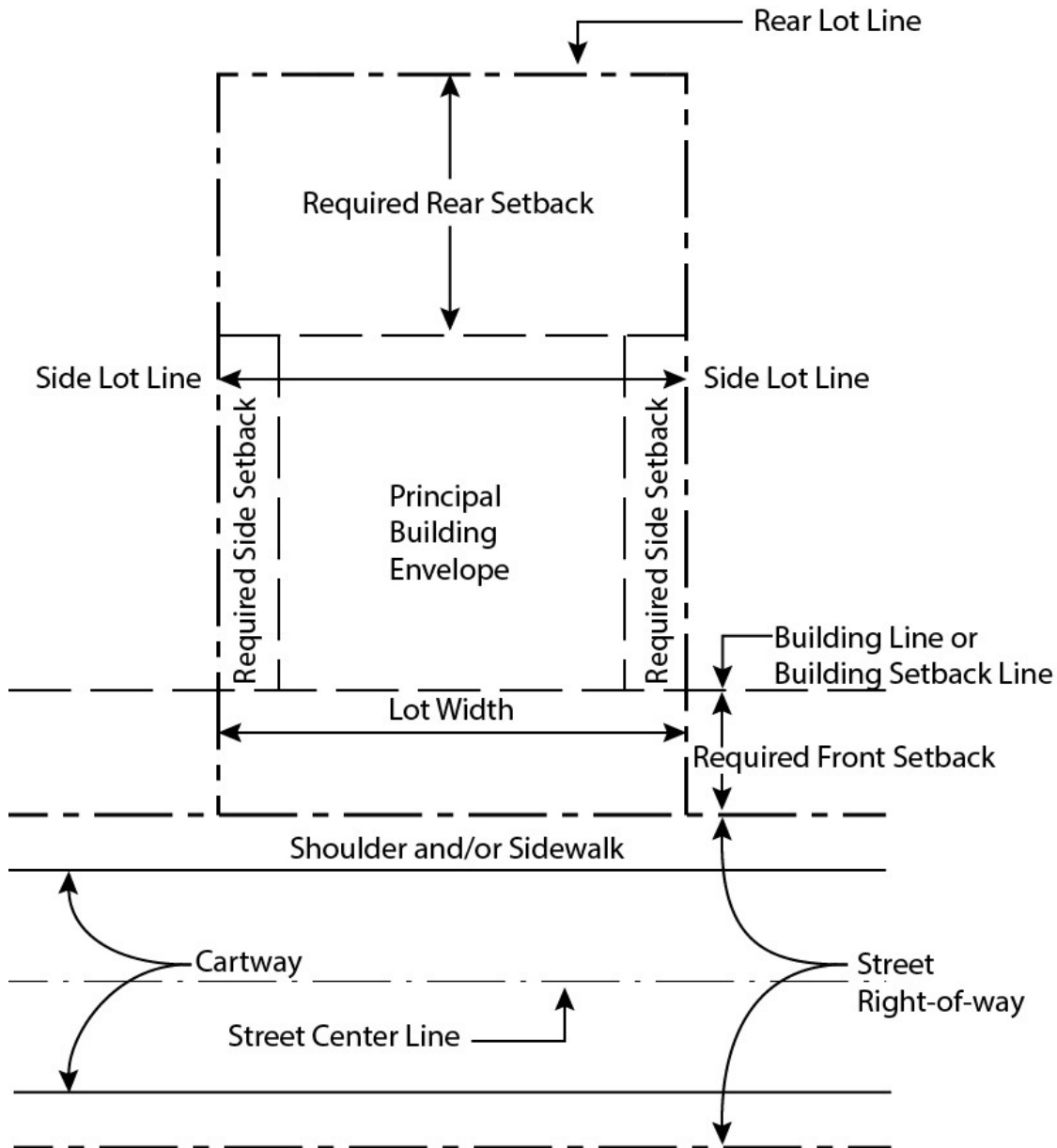
Junk Vehicle. A motor vehicle that has been declared totaled as a result of damage, or that has the engine separated from the vehicle, or that is missing one or more tires, or is missing a door or windshield or trunk or hood or a bumper, other than vehicles that are actively under current repair.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - 1. "Junk." (see definition) covering more than one percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 1306.02.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Terms for Lot Requirements

For Illustrative Purposes Only



Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, on a non-residential lot, if 7 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Live Work Unit. A dwelling unit that is also allowed to be used for certain business purposes by a resident of the dwelling and which meets the standards of Section 1306.02.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 1306.02 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

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

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

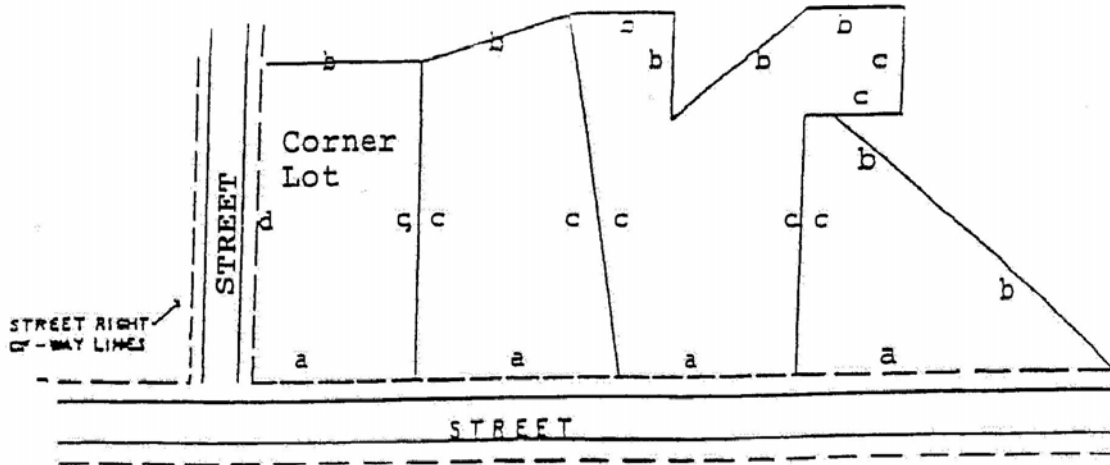
Lot, Through. A lot that is adjacent to two different streets but which is not a "Corner Lot."

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. In the event that a pre-existing lot is not adjacent to a street, the front lot line shall be the lot line that is closest to and approximately parallel to the nearest street. For a corner lot, see Section 1313.01.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.
- D. Second Front Yard Required for a Corner Lot. See Section 1313.03(b).



Not

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The letters in the above graph refer to the letters above for front lot line, rear lot line and side lot line.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Marina. A use along a waterway that provides docking facilities for watercraft, and which may also include sales, rental, storage, service and repair of watercraft.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by the State or by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

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 State Department of Health to dispense medical marijuana.

Medical Marijuana Grower / Processor. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the State Department of Health to grow and process medical marijuana.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 1306.02. See also "After Hours Club", which is a distinct use.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mixed Use. Unless otherwise stated, shall mean a combination of residential and commercial uses, or commercial and industrial uses, within the same lot or building.

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

Mobile/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means. A motorized scooter or motorized wheelchair used by a person with disabilities is not considered a Motor Vehicle.

MPC or Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

Multi-Family Conversion. The conversion of an existing building to result in one or more new multi-family dwelling units, such as the conversion of a single family detached dwelling into a building with 3 dwelling units.

Mural. An original work of art that is attached to or painted on a building wall and which does not include a commercial message or serve an advertising purpose.

Nightclub. A use that sells alcoholic beverages and meets all of the following conditions: a) it offers live or recorded music, b) it offers opportunities for dancing, c) it is open to customers after midnight, and d) it has a capacity for more than 250 customers.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the District where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 1313.05(c).

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or 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. See Section 1313.05(c).

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 1306.02.

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

Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development. Common open space shall not include any of the following: streets, street rights-of-way, parking areas, sewage facilities, areas with a width of less than 50 feet (except as is appropriate for recreation trail connections), and stormwater facilities (except stormwater areas where the applicant proves to the satisfaction of the City that they will serve as a scenic asset or a suitable recreational area).

Ordinance, This. The City of Lebanon Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

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

Parking Area. A land area designed and used for the parking of 3 or more motor vehicles.

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

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A Personal Care Home should be defined as "A facility which provides 24-hour supervised living arrangements for 4 or more unrelated persons 18 years of age and above which does not provide medical services, hospice services or skilled nursing services, and is licensed by the Commonwealth. See also "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, massage therapy by a certified professional, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 1306.03.

Place of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that typically attract more than 20 persons at a time, and that are incorporated as part of a non-profit organization and are operated for nonprofit and non-commercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 1306.02.

Principal Building. A "Principal Structure" which is also a "building."

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

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

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest or as a result of persons being found by a court to be delinquent and in need of confinement.

Public Hearing. A meeting held by City Council or the Zoning Hearing Board to meet requirements of the MPC.

Public Notice. Notice required by the MPC. (Note – As of the enactment date of this Ordinance, such definition was: “Notice published once each week for 2 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 7 days from the date of the hearing.”)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Article 1304.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Article 1304, such as a firearms target range.

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

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

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

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The RLD, RMLD, RMD and RHD Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than one acre, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. This use shall not include a “Tavern” or a “Nightclub” unless the requirements for such uses are also met. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a use that allows the sale or consumption of alcohol between 2 AM and 6 AM. Stricter hour limits may apply in some Zoning Districts.
- C. See "Drive-Through Service" in this section.

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

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the City or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 1313.03.

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

Setback Line. "The line within a property defining the required minimum distance between any structure and the right-of-way or property line."

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shopping Center. A lot that includes five or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. Murals are addressed separately in Section 1312. The following definitions apply in regards to signs:

- A. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- B. Sign Area. The square footage area on each side of a sign face, as measured under Section 1312.10.
- C. Sign, Externally Illuminated. A sign that only has lights shining onto the sign from the outside of the sign.
- D. Sign, 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.
- E. Sign Height. 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 Ordinance when attached to a tower or spire of a place of worship.
- F. Sign, Internally Illuminated. A sign with a face of translucent material with artificial lighting located behind the sign face.
- G. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

- H. Sign, Projecting. A sign that is attached to a building wall and extends from that wall by more than 18 inches.
- I. Sign, Temporary. A sign that meets the requirements of Article 1312 and that is intended to be kept in view of the public for less than 30 total days in any 365 day period, unless specifically stated otherwise, such as for that type of sign in Article 1312.
- J. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
- K. 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.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Single Room Occupancy Use (SRO) with On-Site Supervision. This is a residential use that does not include individual dwelling units and is designed to house persons with “disabilities” under Federal regulations, but that includes a larger number of residents than is allowed in a Group Home, and which is operated by an established incorporated non-profit organization. This use shall meet the requirements for on-site supervision as provided in Section 1306.02.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solar Energy Collection System. Mechanisms used to capture the energy of the sun for use for electricity, hot water or similar purposes.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use allowed in a particular Zoning District pursuant to Articles VI and IX of the MPC. A special exception use shall need approval from the Zoning Hearing Board, following a public hearing, provided the use complies with the conditions and standards required by this Ordinance. See Section 1314.16.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of ‘Adult Use.’

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6 feet 8 inches or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet 8 inches shall be considered a "half-story."

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic and pedestrians, whether public or private. The term street does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, water supply wells, U.S. mailboxes, paving, and on-lot septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements, unless stated otherwise.

Subdivision. The definition in the City Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The City of Lebanon Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 1306.03.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tattoo Parlor. A commercial use that applies permanent words or designs using ink on to human skin.

Tavern. A use that primarily sells alcoholic beverages, as opposed to primarily selling food, and which is regularly open to the public after midnight, and which does not allow customers to enter the premises after 2 AM or to occupy the premises after 2:30 AM. This use shall not include a "Nightclub" unless the requirements for a Nightclub are also met.

Temporary Shelter. The use of a building to house persons who would otherwise be homeless or who are seeking a refuge from domestic abuse. This use shall not include a Criminal Halfway House, unless the requirements for such use are also met.

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

Tire Storage, Bulk. The outdoor storage of more than 5 used motor vehicle tires on a residential lot or more than 20 used tires on a vacant or non-residential lot, except that a lawful tire retail store may include the temporary storage of used tires while they are actively offered for sale or while they are awaiting regularly scheduled pickup, without being regulated by this term. See "Outdoor Storage" in Section 1306.03.

Townhouse. See "Dwelling Types."

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

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transitional Housing. A facility that otherwise meets the definition and standards of a Group Home, except that it involves any of the following: a) the housing of a larger number of persons than are allowed in a Group Home, b) it does not involve on-site supervision by staff, c) it does not involve a "dwelling unit", or d) it involves individuals residing on the premises for typical periods of less than one year at a time.

Treatment Center. A use involving one or more of the following:

- A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of current addiction to a controlled substance that was used in an illegal manner or alcohol.
- B. A Methadone Treatment Facility, which shall be defined as an out-patient facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons with drug addictions.
- C. A use involving the lawful sale and distribution of marijuana products for medicinal purposes.

See standards in Section 1306.02. See the modification provisions of Section 1314.11(5).

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Article 1306.

Unlicensed Vehicle. See any regulations that may exist in any City Property Maintenance Code.

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

Variance. The granting of specific permission under the provisions of Articles VI and IX of the MPC by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. See Section 1314.11.

Wall. See "Fence."

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

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to, an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

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

Yard. An area unobstructed from the ground to the sky between a structure and a property line and that is on the same lot as the subject structure or use. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each District prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 1313.03.
- B. Private Streets. For a yard measured from a private street, the distance shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front. A "yard" measured from the closest front wall of a principal structure to the street right-of-way line (as exists after the completion of any subdivision or land development). In the event that the front lot line is not a street right-of-way line, the front yard shall be measured from such front lot line. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 1313.03 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear.

- A. A "yard" which is the space extending the full width of the lot and which is measured from along the rear line and which is located between a subject structure and the rear lot line, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side.

- A. A "yard" which is the space between a subject structure and each side lot line, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 1313.03.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as “Garage Sales”, which is defined in this Section.

Zoning Map. The Official Zoning Map of the City of Lebanon, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

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

Zoning Permit. A permit issued by the Zoning Officer that allows a use, activity or improvement that is authorized under this Ordinance. At the option of the City, a portion of a Construction Permit may be allowed to serve as a Zoning Permit.

INDEX

This index is provided as a tool, but is not intended to be an exhaustive list.

	<u>Section No.</u>
Accessory Structures and Uses	1305.03 & 1306.03
Administration	Article 1314
Age-Qualified Housing	1304.06
Applications	1314.03
Buffer Yards	1313.03(d)
Building Setbacks, Maximum in Certain Districts	1305.04
CBD District, Additional Requirements for	
City Use Exemptions	1314.15
Creek Setbacks	1310.04
Curative Amendments	1314.09
Definitions	Article 1315
Definitions, Interpretation of	1315.01
Design Standards and Guidelines	Article 1307
Dimensional Exceptions	1313.03
Dimensional Requirements by Zoning District	Article 1305
Disabilities, Accommodations for	1314.11
Dumpster Screening and Location	1313.06
Dust	1310.06
Dwellings, Minimum Size of	1313.01
Enforcement	1314.06
Environmental Protection	Article 1310
Erosion Control	1310.01
Fees	1314.07
Floodplain Definitions	1309.08
Flood-prone Area Regulations	Article 1309
Fire Lanes	1311.05
General Regulations	Article 1313
Green Incentives	1313.08
Height Exceptions	1305.02
Historic Buildings, Additional Uses Allowed in	1308.04
Historic Buildings, Demolition Controls	Article 1308
Historic Buildings List	1308.06
Interpretation	1314.05(c)
Intersection, Clear Sight Distances	1313.03(c)
Landscaping	1313.04
Liability	1314.17
Lighting Control	1310.07
Loading Spaces	1310.04
Noise	1310.05
Nonconformities	1313.05
Nonconformities, Limits on Hours of Operation	1304.05
Nuisances and Hazards to Public Safety	1310.02
Odors	1310.06

INDEX (Cont.)

	<u>Section No.</u>
Parking Requirements	Article 1311
Parking Space Sizes	1311.03
Penalties	1314.06
Permits	1314.03 & 1314.04
Principal Uses, Additional Requirements for Certain Uses	1306.02
Purposes of This Ordinance	1314.02
Sight Distances, Clear at Intersections	1313.03(c)
Sign Area, Measurement of	1312.10
Signs	Article 1312
Signs, Nonconforming	1312.12
Signs, Off-Premises (includes Billboards)	1312.06
Signs, Political	1312.03
Signs, Prohibited	1312.05
Solar Energy Collectors, Dimensional Provisions	1305.05
Special Exception Use Process	1314.16
Steep Slopes	1310.03
Storage Containers, Portable	1313.07
Street Frontage Required	1313.01
Street Trees	1313.04(d)
Temporary Uses	1314.03(g)
Time Limits on Hours of Operation in Certain Cases	1304.05
Time Limits on Permits and Approvals	1314.11(g)
Uses, Additional Requirements for Specific Accessory Uses	1306.03
Uses, Additional Requirements for Specific Principal Uses	1306.02
Uses Allowed in Primarily Business Districts	Article 1304
Uses Allowed in Primarily Residential Districts	Article 1303
Uses Not Specifically Regulated	1302.05
Variances	1314.11(d)
Waterway Setbacks	1310.04
Wetlands	1310.04
Yard Exceptions	1313.03(b)
Zoning District Boundaries	1302.03
Zoning District Purposes and Abbreviations	1302.01
Zoning Hearing Board	1314.11 & 1314.12
Zoning Map	1302.02 and at back of Ordinance
Zoning Officer	1314.10
Zoning Permits	1314.03