

Ordinance No. 09 of 2019  
Amended Ordinance No. 14 of 2020

## City of Pittston Zoning Ordinance



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## ARTICLE I. General Provisions

### **480.1 Title**

Ordinance No. 09 of 2019  
City of Pittston Zoning Ordinance

### **480.2 Short Title**

This ordinance shall be known and may be cited as “The City of Pittston Zoning Ordinance.” It is also hereinafter referred to as the Zoning Code.

### **480.3 Purpose of the Zoning Code**

The purpose of this code is for regulating and restricting the height, number of stories and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, replacement or removal, their density of occupancy, all facilities in or about them, their location and use, the use of them or of land for trade, industry, residence or other purposes, the percentage of lot they may occupy and the size of yards, courts and other open spaces, the establishment, maintenance or setting back of building lines upon the streets, protection and thereof; for establishing classes of buildings, other structures and land for such purposes; for defining certain terms used herein; and for providing for administration and amendment and for the Zoning Hearing Board and for the imposition of penalties for violations thereof.

### **480.4 Severability and Validity**

If any article, section, subsection, provision, regulation, sentence, clause, phrase or word in this chapter or the zoning district boundaries as shown on the Zoning Map shall be for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the remaining provisions of this chapter or the Zoning Map.

### **480.5 Interpretation of Provisions**

In interpreting and applying the provisions of this article, they shall be held to be the minimum requirements for the promotion of the health, safety and the general welfare of the City of Pittston. Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

### **480.6 Application to Public Utility Corporation**

This code shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

## **480.7 Community Development Objectives**

This chapter is compatible and consistent with the goals of the City of Pittston Comprehensive Plan, dated 1987:

- A. To improve and diversify the housing inventory in the City.
- B. To enhance the natural assets and recreational areas of the City for residents and visitors.
- C. To promote redevelopment and infill development of underutilized properties.
- D. To pursue and support downtown revitalization by encouraging increased density and upper story residential development in the Central Business District.
- E. To encourage small business and entrepreneurial ventures throughout the City's commercial and industrial districts.
- F. To maintain and improve public transportation infrastructure while developing additional multi-model transportation options.
- G. To promote property maintenance and increased home ownership throughout the City's residential districts.
- H. To enhance economic development by creating policies and programs that attract and retain businesses in order to provide economic opportunities for residents and improve the City's tax base.
- I. To ensure the overall public safety and improve quality of life of citizens.
- J. To carry out such other objectives for a zoning ordinance as are authorized by the Pennsylvania Municipalities Planning Code (PMPC).

## ARTICLE II. Definitions

### **480.8 Scope**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

### **480.9 Interchangeability**

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

### **480.10 Terms defined in other codes**

Where terms are not defined in this code and are defined in another City of Pittston code or ordinance, such terms shall have the meanings ascribed to them as in those codes.

### **480.11 Terms not defined**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

### **480.12 General Definitions**

**ABANDONED SIGN.** A sign structure that has ceased to be used, and the owner intends no longer to have used for the display of a sign copy, or as otherwise defined by state law.

**ACCESSORY BUILDING.** An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

**ACCESSORY EQUIPMENT.** Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "Accessory Equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

**ACCESSORY LIVING QUARTERS.** An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise uses as a separate sleeping unit.

**ACCESSORY USE.** A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

**ADULT USE.** Shall include:

**Adult Arcade.** Any place to which the public is permitted or invited wherein coin- operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video, or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Bookstore.** An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**Adult Cabaret.** An establishment which features any of the following: topless dancers or bottomless dancers; go-go dancers, strippers, male or female; or similar entertainers or topless or bottomless waitresses or employees.

**Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Retail Establishment.** An establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts; or specified anatomical areas.

**Adult Theater.** A theater, concert hall, auditorium, or similar establishment characterized by [activities featuring] the exposure of specified anatomical

areas or by specified sexual activities.

**Bathhouse.** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.

**Adult Hotel/Motel.** A hotel or motel or similar business establishment offering public accommodations for any form of consideration that (1) provides patrons with closed- circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) rents, leases, or lets any room for less than a twelve hour period, or rents, leases, or lets any single room twice or more in a 24-hour period.

**Adult Modeling Studio.** An establishment whose primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

**Sexual Encounter Establishment.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same household, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

**Sexual Paraphernalia Store.** Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual conduct or used in connection with specified sexual conduct.

**AGRICULTURE.** The tilling of the soil, raising of crops, livestock, horticulture, gardening, beekeeping and aquaculture.

**ALLEY.** Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width, which has been dedicated to the public for public use.

**ALTERATION.** Any change, addition or modification in construction, occupancy or use.



**AMUSEMENT CENTER.** An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

**ANIMATED SIGN.** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

**Electrically activated.** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on- off phases of illumination exceeds 4 seconds.
2. **Patterned illusionary movement.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Environmentally activated.** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

**Mechanically activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**ANTENNA.** An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

**APARTMENT.** A building on a separate lot containing three or more dwelling units with each dwelling unit containing one or more rooms for living purposes, together with enclosed, separate cooking and sanitary facilities. Such a unit is accessible from the outdoors either directly or through an entrance hall shared with other dwelling units and is used and intended to be used by one or more persons living together and maintaining a common household.

**APPLICANT.** A landowner or developer as hereinafter defined who has filed an application for development, including his heirs, successors or assigns.

**APPLICATION.** Every application, whether tentative, preliminary or final, required to be filed and approved prior to start of construction or development.

**ARCHITECTURAL PROJECTION.** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”; “Backlit awning”; and “Canopy, attached and freestanding.”

**ARTISAN MANUFACTURING.** Small-scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production primarily focuses on direct sales rather than the wholesale market. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: sugar and confectionary, fruit and vegetable preserving, tea and coffee, specialty foods, and bakeries; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, micro-distilleries, and wineries; and similar uses.

**AUTOMOTIVE REPAIR, MAJOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

**AUTOMOTIVE REPAIR, MINOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

**AUTOMOTIVE SALES.** An establishment providing for the retail display, sales, and/or rental of motor vehicles, trailers, and other similar large mechanical equipment or vehicles, including accessory service, repair, and storage facilities.

**AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail or other convenience items as a clearly secondary activity and shall be permitted also to include a free- standing automatic car wash.

**AUTOMOTIVE SERVICE MOTOR FUELING DISPENSING FACILITY.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

**AWNING.** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials

and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**AWNING SIGN.** A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

**BACKLIT AWNING.** An awning with a translucent covering material and a source of illumination contained within its framework.

**BANNER.** A flexible substrate on which copy or graphics may be displayed.

**BANNER SIGN.** A sign utilizing a banner as its display surface.

**BASEMENT.** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**BED-AND-BREAKFAST FACILITY.** A building or group of buildings containing no more than three guest rooms, converted or designed for the temporary lodging of transient guests. Such establishment shall furnish to the occupants lodging services, such as maid service and the furnishing and laundering of linen, and typically does provide accessory eating and drinking facilities for serving morning breakfast and/or afternoon tea.

**BILLBOARD.** See “Off-premise sign” and “Outdoor advertising sign.”

**BILLIARD PARLOR/POOL HALL.** An establishment where more than 50% of the business is dedicated to billiards.

**BOARD.** The zoning board of the City of Pittston.

**BOWLING ALLEY.** A building or structure utilized primarily for the sport of bowling, and may include incidental sales or dispensing of food and drink and the sale or rental of bowling equipment.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, MAIN.** A building in which the principal use of the site is conducted.

**BUILDING, TEMPORARY.** A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. Less than ninety (90) days.

**BUILDING CODE.** The Building Codes as adopted by the jurisdiction.

**BUILDING ELEVATION.** The entire side of a building, from ground level to the

roofline, as viewed perpendicular to the walls on that side of the building.

**BUILDING HEIGHT.** The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

**BUILDING LINE.** The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

**BUSINESS OR FINANCIAL SERVICES.** An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

**CANOPY.** A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

**CANOPY (Attached).** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

**CANOPY (Free-standing).** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

**CANOPY SIGN.** A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section 903.

**CARTWAY.** The paved surface of a street available for vehicular traffic.

**CEMETERY.** Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

**CERTIFICATE OF USE AND OCCUPANCY.** A statement based on an inspection and signed by the Zoning Officer setting forth that the use or structure conforms with the provisions of this chapter and may be lawfully employed for a specific use.

**CHANGEABLE SIGN.** A sign with the capability of content change by means of manual or remote input, including signs which are:

**Electrically activated.** Changeable sign whose message copy or content can

be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

**Manually activated.** Changeable sign whose message copy or content can be changed manually.

**CITY.** The City of Pittston, Luzerne County, Pennsylvania

**CLUB OR LODGE, MEMBERSHIP.** An organization catering exclusively to members and their guests or land and buildings used for recreational, social or athletic purposes. Such activity shall not be conducted primarily for gain, and no merchandising, business activities or commercial sales shall be conducted except as required generally for the membership and purpose of the club.

**COLLOCATION.** The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

**COMBINATION SIGN.** A sign that is supported partly by a pole and partly by a building structure.

**COMMERCIAL, HEAVY.** An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

**COMMERCIAL, LIGHT.** An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

**COMMERCIAL CENTER, COMMUNITY.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

**COMMERCIAL CENTER, CONVENIENCE.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

**COMMERCIAL CENTER, REGIONAL.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

**COMMERCIAL PARKING LOT.** A parking facility, area or lot that is used as a commercial enterprise for the parking of motor vehicles and contains parking spaces leased to the general public or reserved for individuals by the hour, day, week or month. This definition shall not include storage of vehicles awaiting repairs pending insurance or legal action or awaiting demolition, vehicles stored for stripping of parts, or parcels containing an automobile sales and/or service use.

**COMMERCIAL RETAIL SALES AND SERVICES.** Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods.

**COMMUNITY GARDEN.** Land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households, or for donation. Community Gardens may be divided into separate plots for cultivation by individuals or used collectively by members of a group.

**COMPREHENSIVE PLAN.** The declaration of purposes, policies and programs for the development of the jurisdiction.

**CONDITIONAL USE.** A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

**CONDOMINIUM.** A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

**CONGREGATE RESIDENCE.** Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery dormitory, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

**CONVERSION.**

An alteration of a building, structure of land by change of use or by increasing dwelling units.

**COPY.** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**COURT.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

**COUNCIL.** The Council of the City of Pittston, Luzerne County, Pennsylvania.

**COUNTY.** Luzerne County, Pennsylvania.

**CURRENCY EXCHANGE.** Any business or person except a bank, trust company, savings bank, savings and loans association or credit union that is engaged in the business of cashing checks, drafts, money orders, or traveler's checks for a fee.

**DAY CARE, FAMILY.** The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

**DAY CARE, GROUP.** An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

**DENSITY.** The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

**DEVELOPMENT COMPLEX SIGN.** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 909.2 of this chapter.

**DISPOSABLE MATERIAL.** Garbage, rubbish, waste material, ashes, refuse or any other material the disposal of which is subject to the Pennsylvania Solid Waste Management Act of 1980, (Act 97 of 1980).

**DIRECTIONAL SIGN.** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**DOUBLE-FACED SIGN.** A sign with two faces, back to back.

**DOWNTOWN MAIN STREET OVERLAY DISTRICT.** A district designed to closely match the city Main Street boundaries, which establishes a framework for development and design principals.

**DRIVEWAY.** A private access road, the use of that is limited to persons residing, employed, or otherwise using of visiting the parcel in which it is located.

**DWELLING, MULTIPLE FAMILY.** See "apartment."

**DWELLING, SINGLE FAMILY DETACHED.** A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

**DWELLING, SINGLE FAMILY SEMIDETACHED.** A building designed for and occupied exclusively as a residence for only one family and having one party wall in common with an adjacent building.

**DWELLING, SINGLE FAMILY ATTACHED.** A building designed for and occupied exclusively as a residence for only one family and having two party walls in common with an adjacent building, except for end units.

**DWELLING, TWO-FAMILY SEMIDETACHED.**

A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other, and having one party wall in common with an adjacent building.

**DWELLING, TWO-FAMILY ATTACHED**

A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other, and having two party walls in common with adjacent buildings.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

**ELECTRIC SIGN.** Any sign activated or illuminated by means of electrical energy.

**ELECTRONIC MESSAGE SIGN OR CENTER.** An electrically activated changeable sign whose variable message capability can be electronically programmed.

**EMERGENCY.** A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

**EQUIPMENT COMPOUND.** An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

**EXTERIOR SIGN.** Any sign placed outside a building.

**EVENT FACILITY.** A facility where special events are permitted to occur under this section. Event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility sue as for a fundraiser for a charitable non-profit organization.



Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include improvements to accommodate special events, including access and circulation improvements, parking areas, water supplies and sewer systems, gathering areas, and other physical improvements necessary to accommodate special events.

**FACE OF BUILDING, PRIMARY.** The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

**FAMILY.** A family is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family.

**FAMILY DAY-CARE HOME.** A building used principally as a residence by one adult caregiver, operated for profit or not for profit in which child day care is provided at one time to four, five or six children who are not relatives of the caregiver. A family day-care home must be registered with the Pennsylvania Department of Public Welfare and must receive an occupancy permit from the Zoning Officer.

**FARM ANIMALS.** Animals other than household pets that are commonly associated with farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including pot-bellied or miniature pigs), goats, bees, and other animals associated with a farm, ranch or stable.

**FASCIA SIGN.** See “Wall or fascia sign,” Section 902.1.

**FCC.** Federal Communications Commission.

**FLASHING SIGN.** See “Animated sign, electrically activated,” Section 902.1.

**FLOOR AREA, GROSS.** The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

**FLOOR AREA, NET.** The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

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

**FREE-STANDING SIGN.** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more

columns, poles or braces placed in or upon the ground.

**FRONTAGE.** The width of a lot or parcel abutting a public right-of-way measured at the front property line.

**FRONTAGE (Building).** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

**FRONTAGE (Property).** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE, PRIVATE.** A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

**GRADE (Adjacent Ground Elevation).** The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

**GROUND SIGN.** See "Free-standing sign."

**GROUP HOME.** A facility, required to be licensed by the state, which provides training, care supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering of the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

**HABITABLE SPACE (Room).** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**HEIGHT OF BUILDING.** The vertical distance measured from the average level of the finished grade along the exterior walls of a building to:

- A. The highest point of the roof in case of a flat roof.
- B. The mean height between eaves and ridge in the case of a pitched roof.
- C. The highest point of any structure which rises above the roofline and which floor area equals or exceeds 20% of the ground floor area of the building which supports it.

**HOME OCCUPATION.** The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

**HOSPITAL.** An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

**HOUSEHOLD PETS.** Dogs, cats, rabbits, birds (domesticated or wild fowls are not considered household pets), ferrets, hamsters, gerbils, non-constricting, non-poisonous and non-venomous reptiles or amphibians not exceeding three (3) feet, non-poisonous and non-venomous spiders or scorpions, for family use only (noncommercial) with cages, pens, etc.

**ILLUMINATED SIGN.** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**INDUSTRIAL OR RESEARCH PARK.** A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

**INTERIOR SIGN.** Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

**JUNKYARD.** An area of land, with or without buildings, used for storage, outside a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery or vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

**JURISDICTION.** As used in this code, jurisdiction is any political subdivision that adopts this code for administrative regulations within its sphere of authority.

**KENNEL.** An establishment where four or more dogs, cats or like domesticated animals more than one year old are kept, boarded, groomed, trained, raised or bred for compensation.

**KITCHEN.** Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

**LAND DEVELOPMENT.** Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas,

leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended through December 21, 1988.[18]

**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/she is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land shall be deemed to be a landowner for the purpose of this chapter.

**LANDSCAPING.** The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

**LEGISLATIVE BODY.** The political entity of the adopting jurisdiction.

**LIVESTOCK.** Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

**LOT.** A single parcel of land.

**MANSARD.** An inclined decorative roof-like projection that is attached to an exterior building façade.

**MANUFACTURED HOME.** A single-family dwelling which is designed, after assembly and fabrication, for transportation on streets and highways with or without its own running gear, and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes, and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile housing. Manufactured Home shall also mean Mobile Home, but shall not mean Modular Home.

**MANUFACTURED HOME PARK.** Any plot of ground upon which two or more Manufactured Homes occupied for dwelling or sleeping purposes are located.

**MANUFACTURING, HEAVY.** All other types of manufacturing not included in the definitions of not included in the definitions of light manufacturing and medium manufacturing.

**MANUFACTURING, LIGHT.** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke dust or pollutants.

**MANUFACTURING, MEDIUM.** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is

capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

**MARQUEE.** See “Canopy (attached).”

**MARQUEE SIGN.** See “Canopy sign.”

**MEDICAL MARIJUANA.** Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16, as amended.

**MEDICAL MARIJUANA ACADEMIC RESEARCH CLINIC RESEARCH CENTER.** An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

**MEDICAL MARIJUANA ACT 16.** Pennsylvania “Medical Marijuana Act” (Act of April 17, 2016, P.L. 84, No. 16, a/k/a Act 2016-16, 35 P.S. § 1023 1.101 et seq, as amended. The related Pennsylvania Department of Health regulations can be found at 28 Pa. Code, Part IX, Chapters 1131 et seq.

**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 Pennsylvania Department of Health (DOH) 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 Pennsylvania Department of Health (DOH) to grow and process medical marijuana.

**MEDICAL MARIJUANA ORGANIZATION OR FACILITY.** A dispensary or a grower/processor of marijuana for medical purposes.

**MENU BOARD.** A free-standing sign orientated to the drive-through land for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such sign utilized for business identification.

**MINISTORAGE FACILITY.** An establishment consisting of attached individual units used exclusively for the storage of goods together with one office area for administrative support, provided that:

- A. No exterior storage shall be permitted on the premises.
- B. No storage of petroleum products, explosives, firearms, volatile or flammable chemicals or any other property or material which would materially increase the hazard or likelihood of fire, explosion or other casualty shall be permitted on the premises.
- C. No storage of foodstuffs, produce or other perishables shall be permitted on the premises.
- D. No storage of pets or animals shall be permitted on the premises.
- E. No unit shall be used for any purpose other than the exclusive use for storage as permitted.

**MIXED USE BUILDING.** A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed single, double, or multifamily residential uses.

**MODIFICATION OR MODIFY.** The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

**MORTUARY, FUNERAL HOME.** An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

**MOTEL, HOTEL.** Any building containing six or more sleeping units intended or designed to be used, or which are used rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**MULTIPLE-FACED SIGN.** A sign containing 3 or more faces.

**MURAL.** A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

**NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.** The existing structure is non-residential in its construction and original use. Neighborhood commercial establishments are limited to the first floor of the structure and three-thousand (3,000) square feet in gross floor area. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted. The following uses are permitted within a neighborhood commercial establishment:

1. Art Gallery
2. Arts Studio
3. Office
4. Personal Services Establishment
5. Restaurant, General or Take-Out
6. Retail Goods Establishment

**NONCONFORMING LOT.** A lot in which the width, area or other dimension did not conform to the regulations when this code became effective.

**NONCONFORMING SIGN.** A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

**NONCONFORMING STRUCTURE.** A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does conform to the zoning regulations.

**NONCONFORMING USE.** See “Use, nonconforming.”

**NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF).** Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

**NURSING HOME.** A facility operated for the purpose of providing therein lodging, board and nursing care to sick, invalid, infirm, disabled or convalescent persons for compensation, provided that the facility has obtained proper government licensing.

**OFF-PREMISE SIGN.** See “Outdoor advertising sign.”

**OPEN SPACE.** Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

**OUTDOOR ADVERTISING SIGN.** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**PARAPET.** The extension of a building façade above the line of the structural roof.

**PARK.** A public area of land, with or without buildings, intended for outdoor active or passive recreational uses.

**PARKING LOT.** An open area, other than a street, used for the parking of automobiles.

**PARKING SPACE, AUTOMOBILE.** A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

**PAWN SHOP.** An establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase of such property on the condition of selling it back again at a stipulated price. “Pawn Shop” includes establishments that buy personal property, such as jewelry or artwork, made of gold or other materials for refining. Consignment shops, antique shops and jewelry stores are not considered “Pawn Shops,” but “Retail Store or Shops.”

**PERSON.** A natural person, heirs, executors, administrators or assigns, and includes a

firm, partnership or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

**PERSON (AS IT RELATES TO WIRELESS COMMUNICATIONS).** Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that "Person" does not include or apply to the City, or to any department or agency of the City.

**PERSONAL SERVICE SHOPS.** Businesses in the Neighborhood Commercial and Central Business Districts which offer personal services such as barber, beautician, shoe repair, dry cleaner, tailor, seamstress, laundromat, dressmaker, photographer, caterer, travel agent and massage therapist licensed by the commonwealth pursuant to the Massage Therapy Law.

**PLANNING COMMISSION.** A committee made up of three or more individuals appointed by City Council to review and act on matters related to planning and development.

**PLANNING DIRECTOR.** The chief administrative officer of the Planning Department of the city.

**PLANNED UNIT DEVELOPMENT (PUD).** A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

**PLOT PLAN.** A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

**POLE SIGN.** See "Free-standing sign".

**POLITICAL SIGN.** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

**POOLS (SWIMMING), HOT TUBS AND SPAS.**

**Above-ground/on-ground pool.** See "Private swimming pool."

**Barrier.** A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Hot tub.** See "Private swimming pool."

**Power safety cover.** A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

**Private swimming pool.** Any structure that contains water over 24 inches in depth



and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

**Private swimming pool, indoor.** Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure. **Private swimming pool, outdoor.** Any private swimming pool that is not an indoor pool. **Public swimming pool.** Any swimming pool other than a private swimming pool.

**Spa.** See "Private swimming pool."

**PORTABLE SIGN.** Any sign not permanently attached to the ground or to a building or building surface. Excludes sandwich board signs.

**PROFESSIONAL OFFICE.** The office of a professional practitioner.

**PROFESSIONAL PRACTICIONER.** A trained and certified or licensed individual, such as a medical practitioner, lawyer, realtor, accountant, design professional or insurance professional.

**PROFESSIONAL SERVICE SHOPS.** Businesses which offer personal services such as barber, beautician, shoe repair, dry cleaner, tailor, seamstress, laundromat, dressmaker, photographer, caterer, travel agent and massage therapist licensed by the Commonwealth pursuant to the Massage Therapy Law.

**PROJECTING SIGN.** A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

**PUBLIC CONSERVATION AREA.** A conservation area is a designation for land that has been donated to and managed by a government entity for the purposes of:

1. Preserving open space.
2. Conserving natural resources.
3. Providing an opportunity for passive, nonmotorized, low-density outdoor recreation and environmental education activities.

**PUBLIC IMPROVEMENT.** Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

**PUBLIC SERVICES.** Uses operated by a unit of government to serve public needs,

such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

**PUBLIC UTILITY STATION.** A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**QUASI-PUBLIC WAY.** Essentially a public use, although under private ownership or control.

**QUORUM.** A majority of the authorized members of a board or commission.

**REAL ESTATE SIGN.** A temporary sign advertising the sale lease or rental of the property or premises upon which it is located.

**RECREATION, INDOOR.** An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

**RECREATION, OUTDOOR.** An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

**RECYCLING FACILITY.** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

**REGISTERED DESIGN PROFESSIONAL.** An architect or engineer registered or licensed to practice professional architecture or engineering as defined by statutory requirements of the professional registration laws of the state in which the project is to be constructed.

**REHABILITATION CENTER (HALFWAY HOUSE).** An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

**RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY.** A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble

for worship.

**RENOVATION.** Interior or exterior remodeling of a structure, other than ordinary repair.

**REPLACEMENT (AS IT RELATES TO WIRELESS COMMUNICATIONS).** The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

**RESTAURANT.** An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

**Restaurant, fast food.** An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

**Restaurant, general.** An establishment that sells food for consumption on or off the premises.

**Restaurant, take-out.** An establishment that sells food only for consumption off the premises.

**RETAIL STORE OR SHOP.** An enterprise engaged in the sale of goods or merchandise to the general public, and the rendering of services incidental to such sale, for items such as antiques, books, beverages, confections, dry goods, flowers and plants, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, paint, periodicals, stationary, tobacco or wearing apparel.

**REVOLVING SIGN.** A sign that revolves 360 degrees about an axis. See also "Animated sign, mechanically activated."

**RODENT.** Small gnawing mammal: a small animal of an order with large gnawing incisor teeth that continue growing throughout the animal's life, e.g. a mouse, rat, squirrel, or marmot.

**ROOF LINE.** The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

**ROOF SIGN.** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs.

**ROOMING HOUSE.** A building or parts of a building occupied by four or more persons for living and sleeping purposes, unrelated to the tenant or occupant residing on the

premises for income purposes. The term includes boarding and lodging houses for accommodations exceeding a one- week period.

**SANDWICH BOARD SIGN.** “Sandwich Board” or “A Board” signs are a special type of signage and are defined as “a portable sign constructed of two (2) equal or roughly equal portions, hinged at the top such that when placed on the ground the sign is self-supporting. Sandwich boards signs typically form the shape of the letter “A” when opened and resting on the ground.”

**SANITARY LANDFILL.** Any place where disposable material is dumped, stored, treated, buried or otherwise disposed of.

**SCHOOL, COMMERCIAL.** A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

**SETBACK.** The minimum required distance between the property line and the building line.

**SHOPPING CENTER.** An integrated group of commercial establishments planned, constructed, operated and managed in a unified manner, where customer and employee parking are provided on site and provision for the delivery of goods is separated for customer access.

**SIGN.** An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

**SIGN.** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

**SIGN AREA.** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

**SIGN COPY.** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**SIGN FACE.** The surface upon, against or through which the sign copy is displayed or illustrated, not including structural nonstructural or decorative trim, or any areas that are

separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**SIGN STRUCTURE.** Any structure supporting a sign.

**SIGNS, COMMUNITY.** Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings.

These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

**SITE PLAN.** A plan that outlines the use and development of any tract of land.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**SMALL WIRELESS COMMUNICATIONS FACILITY.** A wireless communications facility that meets the following criteria:

- (1) The wireless support structure on which antenna facilities are mounted—
  - (i) is 50 feet or less in height, or
  - (ii) is no more than 10 percent taller than other adjacent structures, or
  - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities, whichever is lesser; and

- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

**SOCIAL SERVICE FACILITY.** A facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.

**SPECIAL EVENT.** A Special Event is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a single-family residential use private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event and are not regulated under this section.

**SPECIAL EXCEPTION.** A ruling or formal permission to use a property in a particular way, the granting of which is a function of the Zoning Hearing Board in accordance with the provisions of Article IV, whereby the Zoning Hearing Board hears and decides requests for uses, stipulated as uses by special exception in this chapter, in accordance with explicit standards and criteria. The Zoning Hearing Board may grant or deny such requests based on such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

**STEALTH TECHNOLOGY.** Camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**STORY.** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total

perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**STREET.** Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

**STREET, PRIVATE.** A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any pierce of work artificially built up or composed of parts joined together in some definite manner.

**SUBDIVISION.** The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

**TEMPORARY.** Lasting or designed to last not more than 90 days.

**TEMPORARY SIGN.** A sign intended to display either commercial or noncommercial messages of transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**THEATER.** A building used primarily for the presentation of live stage productions, performances or motion pictures.

**TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF).** Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

**TRANSFER STATION.** An intermediate solid waste disposal facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

**TREE LAWN.** That portion of the tree lawn area, which is grass and/or tree lined.

**Tree lawn area.** That area extending from the curb line to the sidewalk area, which is designated by the Municipal Engineer's Office for grass or trees.

**UNDER CANOPY SIGN OR UNDER MARQUEE SIGN.** A sign attached to the underside of a canopy or marquee.

**USE.** The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

**USE, CHANGE OF.** The change within the classified use of a structure or premise.

**USE, NONCONFORMING.** A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now, conform with the use regulations.

**USE, PRINCIPAL.** A use that fulfills a primary function of a household, establishment, institution or other entity.

**USE, TEMPORARY.** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

**V SIGN.** Sign containing two faces of approximately equal size, erected upon common or separate structures, positioned in "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

**VARIANCE.** A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

**WALL OR FASCIA SIGN.** A sign that is in any manner affixed, including painted, to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia sign and roof signs.

**WAREHOUSE, WHOLESALE OR STORAGE.** A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

**WBCA.** Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.).

**WINDOW SIGN.** A sign affixed or painted to the surface of a window with its message intended to be visible and readable from the public way or from adjacent property.

**WIRELESS.** Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY (WCF).** An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.



**WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT).** Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other City-owned land or property.

**WIRELESS SUPPORT STRUCTURE.** A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

**YARD.** An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this code.

**YARD, FRONT.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

**YARD, REAR.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high-water line and a line parallel thereto.

**YARD, SIDE.** An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high-water line.

## ARTICLE III. Administration and Enforcement

### **480.13 Zoning Code Official**

The zoning code official and/or designee shall be appointed by Council and referred to hereafter as “the Zoning Officer.” The Zoning Officer’s duties shall include, but not be limited to:

- A. To enforce all provisions of this chapter and all amendments thereto.
- B. To receive and examine all application for building and other permits and issue building and other permits for any use which is addressed in this chapter.
- C. To refer application for special exemptions to the Zoning Hearing Board.
- D. To issue permits for construction of structures requiring a special exception or variance only upon order of the Zoning Hearing Board. Permits requiring the approval of the City Council, such as conditional approval, shall be issued only after authorization from the City Council.
- E. To receive applications for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. To conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
- G. To issue stop, cease and desist orders and order, in writing, correction of all conditions found to be in violation of this chapter. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of violation of this chapter.
- H. To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this chapter and of the subsequent action taken on each such complaint.
- I. To maintain or cause to have maintained a map or maps showing the current zoning classification of all land in the City.
- J. To approve a reasonable accommodation for handicapped persons pursuant to the provisions of the Federal Fair Housing Act.

#### **480.14 Zoning Permits, Building Permits, Certificates of Use and Occupancy, and Other Permits**

A. The following general requirements apply to zoning permits, building permits and certificates of use and occupancy as reviewed and issued by the Zoning Officer.

1. Persons desiring to undertake any new construction, structural or site alteration or changes in use of a building or lot shall apply to the City Zoning Officer for a permit by filling out the appropriate application form and by submitting the required fee.
2. The Zoning Officer shall either issue the appropriate permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction activities, alterations or land use activities may require approval of the City Council, Planning Department and/or Zoning Hearing Board. If the permit is refused by the Zoning Officer, the applicant may appeal to the zoning hearing board with the required hearing fee.
3. Once the applicant has received the permit, the applicant may undertake the action that is specifically referenced on the approved permit application. Upon completion of such action, the applicant may apply to the Zoning Officer for an occupancy permit (where such a permit is required). If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit, building permit and any other required permit approvals, the Zoning Officer shall issue an occupancy permit allowing the premises to be occupied.

B. The following specific requirements apply to an application for a zoning permit and/or building permit within the City.

1. No person shall erect, alter, convert, move or add to any building, structure or sign, or alter the use of any land or structure, until the Zoning Officer issues a zoning permit and/or building permit to the person or applicant for said construction.
2. Unless otherwise specified by the Zoning Ordinance, a zoning permit is not required for normal maintenance and repairs.
3. The following provisions shall apply to the types of procedural requirements for a use permitted by right, special exception or conditional use:
  - a. A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted by right, subject to the provisions and requirements of the Zoning Ordinance.
  - b. A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a zoning variance application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Zoning Ordinance.

- c. A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a special exception application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Zoning Ordinance.
- d. A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a conditional use application which has been approved by City Council and subject to the provisions and requirements of the Code.

C. Each license, permit or approval issued shall expire after 180 days, if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration. Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

#### **480.15 Fees**

A. The City Council shall establish, by resolution, a schedule of fees, charges and expenses and collection procedures for building permits, occupancy permits, sign permits, conditional uses, special exceptions, variances, validity challenges, curative amendments, petitions for a zoning change, appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in City Hall and may be altered or amended only by the City Council.

B. No action shall be taken on any application for any conditional use, special exception, variance, validity challenge, curative amendment, petition for a zoning change or appeal until all application fees, charges and expenses have been paid in full.

C. The applicant shall reimburse the City for any fees of the City Engineer or other experts and consultants for reviews on applications for conditional use, petitions for zoning change, curative amendments and the like.

#### **480.16 Notice of Violation**

A. If it appears to the City that a violation of any provision of this chapter or any amendment thereto, any detailed statement or a plan approved under the provisions of this chapter or any amendment thereto or any condition of a variance or special exception granted by the Zoning Hearing Board or of a conditional use granted by the City Council has occurred or is occurring, the Zoning Officer, his designated agent or other enforcement officer shall initiate enforcement proceedings by providing notice thereof to the owner of record of the parcel, to any person who has filed a written request to receive such a notice regarding that parcel and to any other person requested, in writing, by the owner of record of the parcel.

B. The enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the City intends to take-action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board or otherwise as prescribed herein within a prescribed period of time in accordance with procedures set forth in this chapter.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board or otherwise as provided in this chapter, constitutes a violation, with possible sanctions clearly described.

#### **480.17 Violations and Penalties**

Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced hereunder, pay a judgment up to \$500, plus all court costs, including reasonable attorney's fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. In the event that any such person against whom a judgment has been rendered by the District Justice neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure. 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 chapter shall be paid over to the City.

#### **480.18 Remedies**

In case any building, sign or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, sign, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or of any regulations pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

## ARTICLE IV. Zoning Hearing Board

### **480.19 Establishment**

A Zoning Hearing Board shall be appointed by the City Council in the manner prescribed in the Municipalities Planning Code and as provided below.

A. There shall be a Zoning Hearing Board consisting of three residents of the City who shall be appointed by the City Council to serve a term of three years. Additionally, one member of the legislative body may be permitted to be appointed as liaison to the board. The terms shall be so fixed that the term of office of one member shall expire each year. City Council shall fill any vacancy on the Board by appointing a new member to serve for the unexpired portion of such vacant term. The City Council may reappoint members at the expiration of their term. Members of the Board shall hold no other office in the City.

B. Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the City Council, taken after the Board member has received fifteen (15) days' advance written notice of the intent to take such a vote, and a hearing shall be held in connection with such vote if the member shall so request in writing.

C. The City Council may appoint at least one resident, but no more than three by resolution to serve as an alternate member of the Zoning Hearing Board for a three-year term.

### **480.20 Organization and Procedure**

A. The Board shall elect from its own membership its officers, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be required, consisting of not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf. The Board may make, alter and rescind rules and forms for its procedure consistent with this chapter and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business and shall submit a report of its activities to the City Council once each year.

B. Within the limits of funds appropriated by the City Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, attorneys, consultants and other technical and clerical services. However, the Solicitor for the Zoning Hearing Board shall be a different individual than the Solicitor for the City Council.

### **480.21 Hearings and Decisions**

The Board shall conduct hearings and make decisions in the following manner:

#### **A. Procedure**

1. The first hearing before the Zoning Hearing Board shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.

2. Each hearing subsequent to the initial hearing shall be held within 45 days of the prior hearing, unless otherwise agreed by the applicant in writing or on the record.
3. The applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
4. The applicant shall be given at least seven hours of hearing time within that one- hundred-day period, assuming that number of hours is required or requested.
5. Protestants, if any, shall complete their case in opposition to the application within 100 days of the first hearing held after completion of the applicant's case-in-chief.
6. The applicant may request additional hearings to complete his case-in-chief, provided protestants are given an equal number of additional hearings.
7. Protestants may be given additional hearings to complete their opposition, provided the applicant is granted an equal number of additional hearings for rebuttal and both the applicant and the Zoning Hearing Board give their written consent or their consent is stated on the record.

B. Notice of hearings shall be given in the following manner:

1. To the public, by providing public notice, which is notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
2. To the applicant, the Zoning Officer, the City Administrator, the Planning Director, to abutting owners and owners within 500 feet along the frontage of the lot and within a one-hundred-fifty-foot radius of the side and rear lot lines and to any person who has made timely request for the same, or their legal counsel, if such counsel shall have filed appearance with the City, by mailing notice of the time, place and purpose of the hearing at least 14 days in advance of the date fixed for hearing.
3. Notice of hearings, both published and written, shall state, in addition to the time, place and purpose of the hearing, the location of the lot or structure involved and the nature and extent of the relief sought and the general nature of the question involved. Notice of said hearing shall be conspicuously posted on the affected tract of land.

4. In the event that more than one hearing is required to consider any application or a hearing is continued while in progress to another date, announcement at the hearing to be continued of the next hearing date shall be deemed adequate notice of said continued or subsequent hearing. In the event that the date or time of the hearing is changed, then public notice must again be provided as set forth above.

C. Hearings shall be conducted by the Board, or hearing officer, and the Chairperson or, in his absence, the Acting Chairperson, shall administer oaths and may issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

D. The parties to the hearing shall be the City, any person affected by the application who has made a timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. All persons who wish to be considered parties must enter appearances in writing.

E. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.

F. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copies or copy. In all other cases, the party requesting the original transcript shall bear the cost thereof.

G. The Board, or hearing officer, shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his respective counsel unless all parties are given an opportunity to be present.

H. The Zoning Hearing Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this chapter, the Pennsylvania Municipalities Planning Code ("MPC"), or any rule or regulation in the City Code shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is



conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

Except for challenges filed under § 916.1 of the MPC, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this chapter. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

I. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him in accordance with the law; and to all other persons who have filed their names and addresses with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place where the full decisions or findings may be examined.

#### **480.22 Powers and Duties**

The Board shall have and perform the following functions:

##### **A. Appeals from the Zoning Officer.**

The Board shall hear and decide appeals where it is alleged by the applicant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of any ordinance or map or any rule or regulation governing the action of the Zoning Officer.

##### **B. Variances.**

1. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that the following findings are made where relevant in a given case:

- a. 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 the Zoning Ordinance in the neighborhood or district in which the property is located.

- b. 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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - c. That such unnecessary hardship has not been created by the applicant.
  - d. 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.
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation or ordinance in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Municipalities Planning Code.

C. Special exceptions. The Board shall hear and decide special exceptions as permitted under the provisions of this chapter, and, in granting special exceptions, the Board may attach such reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement of the purposes of this chapter.

1. The Zoning Hearing Board shall consider the comments issued by City Council, Planning Commission, Planning Director, City Engineer, Zoning Officer and/or other agencies that could assist the Zoning Officer and/or other agencies that could assist the Zoning Hearing Board with the special exception application. All such comments shall be submitted in writing and presented as evidence during the hearing or as part of the sworn testimony.
2. The Zoning Hearing Board shall consider the following issues prior to rendering its decision on a special exception application:
  - a. That such use is consistent with the City Comprehensive Plan.
  - b. That such use shall be one which is specifically authorized as a special exception use within the zoning district wherein the applicant seeks a special exception.
  - c. That such a special exception shall only be granted subject to any applicable conditions and safe guards as required by this chapter.

- d. That such use shall not adversely affect the health, safety and/or welfare of residents or property owners within the general neighborhood.
- e. That there will be no adverse effect of the proposed special exception upon the logical, efficient and economical extension of public facilities and services, including public water, sanitary sewers, streets, police and fire protection, public schools and all other similar facilities and services that are considered appropriate by the Zoning Hearing Board.
- f. The Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking and sanitation.

#### **480.23 Extension; Time Limits**

Any variance or special exception granted in accordance with this chapter shall be void if the applicant fails to obtain the necessary City approvals and permits within 12 months from the date of the grant of a variance or special exception or, having obtained the necessary approvals or permits, fails to commence work thereunder within six additional months. If the Zoning Hearing Board finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.

#### **480.24 Appeals and Application Procedures**

A. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board.

B. Every appeal or application shall refer to the specific provision of this chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this chapter, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

C. Applications and appeals, together with the required filing fee as established by the City, shall be submitted to the Zoning Officer.

D. No action by the Zoning Hearing Board will begin until a complete application form is filed along with the required fee.

E. All applications and appeals shall be forwarded to the City Planning Commission, which may review and offer comment on such applications and appeals at its discretion. At his own discretion, an applicant or appellant may appear before the Planning Commission to review his submission. Similarly, the Planning Commission shall not be required to schedule such appearances prior to acting, if any, on a particular application or appeal. The failure of the

Planning Commission to offer comment on any application or appeal shall not invalidate any action taken by the Board.

## ARTICLE V. Zoning Districts

### **480.25 District Classification**

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter.

### **480.26 Establishment of Districts**

Each of the zoning districts shall be categorized as one of the following:

1. OS (Open Space)
2. R1 (Low-Density Residential)
3. R2 (Medium-Density Residential)
3. R3 (High-Density Residential)
4. NC (Neighborhood Commercial)
5. CB (Central Business District)
6. I (Industrial)
7. ROD (Retail Overlay District)
8. MSOD (Main Street Overlay District)

### **480.27 Uses Not Specifically Regulated**

In cases where a use is not permitted by right, conditional use or as a special exception use by this ordinance within any non-residential 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 the following conditions would be met:

1. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
2. The proposed use would be closely similar in impacts and character to uses permitted in that District,
3. The use would meet the standards that would apply under Section 480.22 C to a Special Exception Use, and
4. The use is not specifically prohibited in that District.

**Table 480.26 Zoning District  
Use Chart**

	OS	R1	R2	R3	NC	CB	I	ROD
<b>Public Conservation Area</b>	P							
<b>Park and Recreation Area</b>	P	P	P	P	P	P	P	
<b>Forestry</b>	P							
<b>Community Garden</b>	P	P	P	P				
<b>Residential Uses</b>								
<b>Single Family Detached</b>		P	P	P	SE			
<b>Single Family Attached or Semi-Detached</b>			P	P	SE			
<b>Two Family Attached or Semi-Detached</b>			P	P				
<b>Multifamily Dwelling</b>				P	SE	SE		
<b>Nursing Homes and Housing for the Elderly</b>				SE	SE			
<b>Group Homes</b>					SE			
<b>Rooming House</b>				SE	SE			
<b>Mixed Use Buildings</b>						P		
<b>Home Occupations</b>		A	A	A				
<b>Conversions, Single Family to Two Family or Multifamily</b>				SE				
<b>Manufactured Home Park</b>				SE				
<b>Institutional and Cultural Uses</b>								
<b>Educational Uses</b>				SE	SE	SE		
<b>Cemetery</b>			SE					
<b>Religious Uses</b>		SE	SE	SE	SE	SE		
<b>Municipal Uses</b>			P		P	P		
<b>Public Safety Services</b>					P	P		
<b>Cultural Institutions</b>						P		
<b>Postal Services</b>						P		

	OS	R1	R2	R3	NC	CB	I	ROD
<b>Commercial Uses</b>								
Funeral Homes			SE	SE	SE			
Amusement Center						P		
Family Day Care Homes			SE	C				
Day Care, Group					P	P	SE	
Bed and Breakfast Facilities			SE					
Club/Lodge						P		
Neighborhood Commercial Establishment				C				
Retail Stores and Shops					P	P	P	P
Pawn Shop					SE	C		
Billiard Hall/Pool Hall					SE	C		
Restaurants					P	P		P
Fast Food Restaurants					P			
Currency Exchange					SE			
Personal Service Shops					P	P		P
Professional Offices					P	P	P	
Banks and Financial Institutions					P	P		P
Fitness Facilities					P	P		P
Bowling Alley					C			
Automotive Sales					SE		P	
Automotive Repair Facilities							P	
Automotive Service Stations					SE		P	
Car Wash Facilities					P		P	
Mini Self Storage					SE		P	
Commercial Parking Lots					C			
Dog Kennels					C			
Veterinarian Offices					C			
Social Services					C	P		
Hotel					SE	C		C

	OS	R1	R2	R3	NC	CB	I	ROD
Motel					SE	C		C
Shopping Center					SE		P	
Hospital					SE			
Automotive Self-Service Motor Fuel Dispensing					SE		P	
Automotive Service Motor Fueling Dispensing Facility					SE		P	
Movie and live theaters						C		C
Event Facilities						C		C
Medical Marijuana Dispensaries							SE	
Adult Uses							SE	
Industrial Uses								
Artisan Manufacturing					SE	C	P	C
Light Manufacturing								
Heavy Manufacturing							P	
Wholesale Warehousing and Distribution							P	
Rail and Freight Yards							P	
Brewing and Distilling Facilities							SE	
Medical Marijuana Grower and Processor Facilities							SE	
Junkyard							SE	
Sanitary Landfill							C	
Transfer Station							A	

A- Accessory Use C- Conditional Use P- Permitted Use  
SE- Special Exception



## ARTICLE VI. Zoning Map

### **480.28 General**

The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the legislative authority. Said map and subsequent amendments thereto shall be considered as a part of this code.

### **480.29 Interpretation of Boundaries**

The zone boundary lines are intended to follow existing property lines, the mean and/or flood level of water bodies, municipal boundary lines, and the center of streets and alleys when a district is separated from a different district by a street or alley.

### **480.30 Determination of Location of Boundaries**

In the event of uncertainty as to the true location of a zone boundary line in a particular instance, any decision of the zoning officer may be appealed as indicated under Article IV of this chapter.



## ARTICLE VII. Conditional Uses

### **480.31 General**

The principal objective of this zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the property location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various use districts established by this code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of the unusual characteristics of the service they provide the public. These conditional uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. In granting any conditional use, the City Council may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.

### **480.32 Hearings and Decision**

The City Council shall hear requests for conditional use applications, as permitted under the provisions of this chapter.

A. City Council shall schedule and hold a public hearing on the application pursuant to public notice within 60 days from the date of the applicant's request for a hearing. The request for a hearing shall be accompanied by a completed application on the required form. The date for scheduling the first hearing may be extended by the applicant on the record or in writing addressed to the City Council, in which event the date agreed upon by the applicant shall be considered timely for purposes of this subsection.

B. The applicant shall provide written notification of the filing of an application for conditional use to all property owners within 200 feet of the subject property as follows:

1. The 200 feet shall be measured at a right angle from all points on every property line.
2. The names and addresses of the adjacent property owners shall be obtained from records of the Luzerne County.
3. The notification shall be sent by regular first-class mail, postage prepaid, a minimum of 14 days prior to the first scheduled public hearing of the City Council. The applicant shall provide a copy of the actual notice mailed and the list of names and addresses to which the notice was sent.

C. Prior to the commencement of the conditional use hearing or during the proceedings of the conditional use hearing, the City Council may consider the comments of the Planning Commission, Planning Director, Zoning Officer, City Engineer, the appointed professional

consultants and/or other agencies that could assist the City Council with the merits of the conditional use application.

D. City Council shall conduct the hearing or may appoint an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the City Council. The applicant in addition to the City Council, may, prior to the hearing, waive decision of findings by the City Council and accept the decision or findings of the hearing officer as final. All hearings must be completed no later than 100 days after the completion of the applicant's case in chief.

E. Any substantial revisions to the application or plan made by the applicant subsequent to filing of the application may be subject to further review and recommendation by City staff or consultants. In such cases, the Zoning Officer shall secure from the applicant a written extension of the date within which City Council must hold a public hearing according to the provisions of this chapter. If the applicant fails to execute the extension, the City Council shall decide the conditional use application based on the original plan and application on file.

F. A stenographic record of the hearing shall be made by a certified court reporter, whose appearance fees shall be reimbursed through the application fee paid to the City as part of the initial application. The cost of the original transcript shall be paid by the City or by any party requesting an original transcript. The cost of additional copies shall be paid by the party requesting such copies.

G. City Council shall render a written decision or make written findings when no decision is called for on the conditional use application within 45 days after the last hearing before City Council. The date of the decision may be extended by the applicant either on the record or in writing addressed to the City Council. In cases where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon.

H. If, after the conclusion of the public hearing(s), the application is amended or revised, City Council shall hold one or more public hearings thereon as may be necessary and shall issue a new decision. In the event that City Council fails to commence the public hearing within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because City Council failed to commence the hearings, complete the hearings or render a decision as required by this section, City Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

I. Unless otherwise specified by City Council in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, in cases where a building permit is not required, a use and occupancy permit, within 12 months from the date of the written approval of the conditional use application. An applicant may make a written request to City Council for an extension of time based upon a reasonable cause shown. No formal hearing shall be required for such an application. An extension may be granted by City Council for a period of time City Council considers appropriate.

## ARTICLE VIII. Open Space (OS) District

### **480.33 Purpose**

The OS Zoning District seeks to protect environmentally-sensitive areas of the City that also have significant value for passive recreation pursuits. Specifically, forested areas, steep slopes, and floodplains are included. Permitted uses within this district encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria.

### **480.34 Use Regulation**

#### **A. Permitted Uses**

1. Public conservation areas
2. Park and recreational areas, game refuges and similar non-intensive public uses
3. Front, side and rear yards of uses in other abutting districts within the same lot
4. Forestry
5. Community gardens

## ARTICLE IX. Low-Density Residential (R1)

### **480.35 Purpose**

The R1 Zoning District is designed to encompass the lower-density neighborhoods of the City, which are comprised of mainly single-family detached residences. The purpose of the district is to protect and enhance the residential character of the existing neighborhoods.

### **480.36 Use Regulations**

#### A. Permitted Uses

1. Single-Family detached dwellings
2. Public owned and operated parks, recreation and playgrounds
3. Community gardens

#### B. Accessory Uses

1. Accessory uses on the same lot and incidental to the principal uses (garages, accessory living quarters)
2. Home occupations

#### C. Special Exception

1. Religious uses

### **480.37 Bulk Regulations**

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.37

A. Maximum lot coverage for an R1 Zoning District shall be 40 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.37**  
**LOW-DENSITY RESIDENTIAL (R1) DISTRICT BULK REGULATIONS**  
(In feet, unless otherwise noted)

USE	MIN LOT AREA/SITE (square feet)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (a)
		Min lot width	Min lot depth	Minimu m front yard	Minimu m Side yard	Minimu m rear yard	
Single Family	3,200	40	80	15	10 (b)	30	35

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the zoning official.

(b) A side yard shall be on each side of the structure (not front and back) and the minimum dimension above shall be divided for two side yards where one is not less than five (5) feet.



## ARTICLE X. Medium-Density Residential (R2)

### **480.38 Purpose**

The purpose of the R2 Zoning District is to accommodate a mix of housing types with low intensity commercial and municipal uses.

### **480.39 Use Regulations**

#### A. Permitted Uses

1. Single-Family detached dwellings
2. Single-Family attached or semidetached dwellings
3. Two-Family attached or semidetached dwellings
4. Municipal uses
5. Public owned and operated parks, recreation and playgrounds
6. Community gardens

#### B. Accessory Uses

1. Accessory uses on the same lot and incidental to the principal uses (garages, accessory living quarters)
2. Home occupations

#### C. Special Exception

1. Bed and Breakfast facilities
2. Religious uses
3. Funeral homes
4. Family day-care homes
5. Cemetery

**480.40 Bulk Regulations**

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.40

A. Maximum lot coverage for an R2 Zoning District shall be 60 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.40  
MEDIUM-DENSITY RESIDENTIAL (R2) DISTRICT BULK REGULATIONS  
(In feet, unless otherwise noted)**

USE	MIN LOT AREA/SI TE (square feet)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (a)
		Min lot width	Min lot depth	Minimu m front yard	Minimu m Side yard	Minimu m rear yard	
Single Family	3,200	40	80	10	10 (b)	20	35
Non- Residential	5,000	50	100	20	20 (c)	30	35
Two- Family	4,000	50	80	10	10 (b)	20	35

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the zoning official.

(b) A side yard shall be on each side of the structure (not front and back) and the minimum dimension above shall be divided for two side yards where one is not less than five (5) feet.

(c) Shall not be located less than ten (10) feet from a side property line.

## ARTICLE XI. High-Density Residential (R3)

### **480.41 Purpose**

The purpose of the R3 Zoning District is designed to encourage a mix of high-density multifamily and single-family development with complimentary commercial and municipal uses.

### **480.42 Use Regulations**

#### **A. Permitted Uses**

1. Multifamily dwellings
2. Single-Family detached, attached or semidetached dwellings
3. Two-Family attached or semidetached dwellings
4. Municipal uses
5. Public owned and operated parks, recreation and playgrounds
6. Community gardens

#### **B. Accessory Uses**

1. Accessory uses on the same lot and incidental to the principal uses (garages, accessory living quarters)
2. Home occupations

#### **C. Conditional Uses**

1. Neighborhood commercial establishment
2. Bed and Breakfast facilities
3. Family Day Care Homes

#### **D. Special Exception**

1. Religious uses
2. Funeral homes

3. Educational uses

4. Nursing homes and housing for the elderly

5. Rooming Houses

6. Conversions of single family to two family or multifamily (see Article XXXIII for additional standards)

7. Manufactured Home Park

**480.43 Bulk Regulations**

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.43

A. Maximum lot coverage for an R3 Zoning District shall be 75 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.43**  
**HIGH-DENSITY RESIDENTIAL (R3) DISTRICT BULK REGULATIONS**  
(In feet, unless otherwise noted)

USE	MIN LOT AREA/SI TE (square feet)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (a)
		Min lot width	Min lot depth	Minimum fron t yar d	Minimu m Side yard	Minimu m rear yard	
Single Family	3,200	40	80	5	10 (b)	10	35
Non- Residential	10,000	100	100	10	15 (c)	20	45
Two- Family	7,000	50	80	5	10 (b)	10	35
Multi- Family	1,000 (d)	60	100	10	15 (c)	20	55
Manufactured Home Park	See Article XXXIV						

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the code official.

(b) A side yard shall be on each side of the structure (not front and back) and the minimum dimension above shall be divided for two side yards where one is not less than five (5) feet.

(c) Shall not be located less than ten (10) feet from a side property line.

(d) Minimum dimension for each dwelling unit.

## ARTICLE XII. Neighborhood Commercial (NC)

### **480.44 Purpose**

The purpose of the NC Zoning District is to encourage a variety of commercial uses and professional services along major thoroughfares traversing the City.

### **480.45 Use Regulations**

#### A. Permitted Uses

1. Retail stores and shops
2. Restaurants, General and Take-Out
3. Fast Food Restaurants
4. Personal service shops
5. Professional offices
6. Municipal uses
7. Banks and financial institutions
8. Fitness facilities
9. Public library
10. Car wash facilities
11. Public safety services
12. Public owned and operated parks, recreation and playgrounds
13. Day Care, Group

#### B. Conditional Uses

1. Commercial parking lots
2. Dog kennels

3. Veterinarian offices

4. Social services

5. Bowling Alley

C. Special Exception

1. Artisan manufacturing

2. Educational uses

3. Religious uses

4. Hotel

5. Motel

6. Funeral homes

7. Shopping center

8. Hospital

9. Multifamily dwellings

10. Automotive self-service motor fuel dispensing facility

11. Automotive service motor fueling dispensing facility

12. Group Homes

13. Nursing homes and housing for the elderly

14. Pawnshop

15. Billiard Hall/Pool Hall

16. Currency exchange

17. Automotive sales

18. Mini Self Storage

**480.46 Bulk Regulations**

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.46

A. Maximum lot coverage for an NC Zoning District shall be 80 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.46  
NEIGHBORHOOD COMMERCIAL (NC) DISTRICT BULK REGULATIONS  
(In feet, unless otherwise noted)**

<b>MIN LOT AREA/SITE (square feet)</b>	<b>LOT DIMENSIONS</b>		<b>SETBACK REQUIREMENTS</b>			<b>MAXIMUM BUILDING HEIGHT (a)</b>
	<b>Min lot width</b>	<b>Min lot depth</b>	<b>Minimum front yard</b>	<b>Minimum Side yard</b>	<b>Minimum rear yard</b>	
5,000	50	100	5 (c)	0 (b)	0 (b)	55

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the code official.

(b) Although no side yard or rear yard is otherwise required, where the side or rear property line of a CB use adjoins a property zoned R-1, R-2, or R-3 then such non-residential uses shall be set back from such side or rear property line a distance of not less than 15 feet.

(c) The front yard setback of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, but not less than five (5) feet.



## ARTICLE XIII. Central Business (CB)

### **480.47 Purpose**

The purpose of the CB Zoning District is to encourage a variety of commercial uses and professional services along major thoroughfares traversing the City. A portion of the CB Zoning District is encompassed in the Retail Overlay District (ROD). The ROD is intended to establish a cluster of retail uses along Main Street that encourage pedestrian traffic and visitor growth.

### **480.48 Use Regulations**

#### **A. Permitted Uses**

1. Retail stores and shops
2. Restaurants, General and Take-Out
3. Cultural institutions
4. Personal service shops
5. Professional offices
6. Municipal uses including public parking facilities
7. Bank and financial institutions
8. Fitness facilities
9. Social services
10. Postal services
11. Mixed-use buildings
12. Public owned and operated parks, recreation and playgrounds
13. Public Safety Services
14. Club/Lodge
15. Amusement Center
16. Day Care, Group

B. Conditional uses

1. Movie and live theaters
2. Hotel/Motel
3. Artisan manufacturing
4. Event facilities
5. Pawn Shop
6. Billiard Hall/Pool Hall

C. Special exceptions

1. Multifamily dwellings
2. Religious uses
3. Educational uses

**480.49 Bulk Regulations**

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.49

A. Maximum lot coverage for an CB Zoning District shall be 80 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.49**  
**CENTRAL BUSINESS (CB) DISTRICT BULK REGULATIONS**  
(In feet, unless otherwise noted)

MIN LOT AREA/ SITE (square feet)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MINIMUM BUILDING  HEIGHT (Applicable to new/infill construction) (a)	MAXIMU M BUILDING  HEIGHT (a)
	Min lot width	Min lot dept h	Minimu m front yard	Minimu m Side yard	Minimu m rear yard		
2,500	30	75	0	0 (b)	0 (b)	45	105

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the code official.

(b) Although no side yard or rear yard is otherwise required, where the side or rear property line of a CB use adjoins a property zoned R-1, R-2, or R-3 then such non-residential uses shall be set back from such side or rear property line a distance of not less than 15 feet.

**480.50 Use regulations within the Retail Overlay District (ROD)**

A. The use regulations for the ROD shall apply to the first 35 feet in depth of the first floor/ground floor of a building located in the ROD.

B. The following uses shall be permitted individually or in combination within any single structure:

1. Retail stores and shops
2. Restaurants, General and Take-out
3. Personal service shops
4. Fitness facilities
5. Banks

C. Conditional uses

1. Hotel/Motel
2. Movie and live theaters
3. Artisan Manufacturing
4. Event facilities

## ARTICLE XIV: Industrial (I)

### **480.51 Purpose**

The I Zoning District is located in areas of the City that have a long history of industry. The purpose of this district is to provide sufficient space to meet the current and future needs for industrial activity while prohibiting the use of such land for new residential development to protect residences by separating them from such industrial activities.

### **480.52 Use Regulations**

#### **A. Permitted Uses**

1. Artisan manufacturing
2. Professional offices
3. Light manufacturing
4. Heavy manufacturing
5. Automotive repair facilities
6. Cleaning, processing and repair facilities
7. Automotive sales and service facilities
8. Retail stores and shops
9. Shopping center
10. Car wash facilities
11. Wholesale warehousing and distribution
12. Rail and freight yards
13. Automotive sales facilities
14. Automotive self-service motor fuel dispensing facility
15. Automotive service motor fueling dispensing facility
16. Mini Self Storage

## B. Accessory Uses

1. Accessory warehousing and storage yards
2. Transfer Station accessory with Sanitary Landfill

## C. Special Exceptions

1. Brewing and distilling facilities
2. Medical marijuana grower and processor facilities
3. Medical marijuana dispensaries
4. Adult uses
5. Junkyard
6. Day Care, Group
7. Sanitary Landfill

### 480.53 Bulk Regulations

The minimum area, setbacks, density and maximum height shall be as prescribed in Table 480.53

A. Maximum lot coverage for an CB Zoning District shall be 80 percent.

B. There shall not be more than one principal dwelling structure and not more than two accessory buildings.

**TABLE 480.53**  
**INDUSTRIAL (I) DISTRICT BULK REGULATIONS**  
(In feet, unless otherwise noted)

MIN LOT AREA/SITE  (square feet)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM  BUILDING HEIGHT (a)
	Min lot width	Min lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
7,500	50	150	50	20 (b)	20	75

(a) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the code official.

(b) A side yard shall be on each side of the structure (not front and back) and the minimum dimension above shall be divided for two side yards where one is not less than ten (10) feet. Except where abutting an R-1 or R-2 district, then 40 feet shall be required with the minimum dimension for each side yard to be not less than 20 feet.

## ARTICLE XV. Main Street Overlay District

### **480.54 Purpose**

The Main Street Overlay District (MSOD) is designed to closely match the City's Main Street boundaries. The MSOD key objectives are to establish a vibrant pedestrian friendly mixed-use neighborhood, promote development strategies that encourage the rehabilitation of existing buildings, support cultural character and quality of the City's commercial Main Street through design standards that incorporate urban design principles. All Use Regulations in the MSOD are governed by the underlying zoning district's requirements. The MSOD governs additional design standards for structures and signage.

### **480.55 Building Design Standards**

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

The standards in this article apply to all new development, redevelopment and alterations to existing buildings or sites within the Main Street Overlay, with the following exceptions:

1. For alterations to existing buildings or sites, the standards shall apply to the element being developed or altered, rather than the entire site.

2. Flexibility in the interpretation of any standard may be granted by the Planning Director only in cases where specific physical conditions of a building or site would make compliance difficult or inappropriate.

#### **B. Requirements and standards.**

1. New development. New development shall relate to the design of identified historic buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, rooflines, building materials and colors and proportions of openings.

2. Building placement. Buildings shall be placed at or close to the sidewalks to the extent practical. At intersections, buildings shall hold the corner, that is, have front and side facades aligned at or near the sidewalks of both streets.

3. Entrance orientation. The primary building entrance of all new buildings shall be oriented to the primary abutting public street. Secondary entrances may be oriented to a secondary street or parking area.

4. Facade articulation. A building width of 40 feet or less is encouraged. New buildings of more than 40 feet in width shall be divided into smaller increments, between 20 feet and 40 feet in width, through the articulation of the facade. This can be accomplished by the following techniques:

- a. Stepping back a portion of the facade.
- b. Vertical divisions using fixtures or different materials.
- c. Division into storefronts with separate display windows.
- d. Awnings, window bays, arched windows or balconies at intervals equal to the articulation interval.

5. Walls. No blank walls shall be permitted to face the public street. Buildings shall be designed with a base, middle and a top created by variations in detailing, color and materials.

6. Door and window openings. For existing structures, windows must fit existing openings with no exception. If the building has already been altered to change existing openings, windows must fit the original openings that existed prior to the alteration. For new commercial, mixed-use or civic buildings, windows and doors or openings shall comprise at least 50% of the length and at least 40% of the area of the ground-floor primary street facade. Glass on windows and doors shall be clear, allowing views into and out of the interior. For windows in areas that are not shaded use either blue or green tinted glass with maximum transparency (minimum visible transmittance rating of .70)

7. Colors and finishes. Exterior colors and finishes shall match existing buildings. Bright colors or colors patterns not currently used are prohibited.

8. Ground-floor residential uses. Ground-floor residential uses are prohibited.

9. Equipment and service area screening. An outdoor storage, service, laundry or dumpster area visible from a public street or walkway shall be screened by a decorative fence (chain-link and vinyl fencing disallowed), wall or screen of planted material at least six feet in height. Fences and walls shall be architecturally compatible to the primary structure.

10. Screening of rooftop equipment. Rooftop equipment shall be screened by the building parapet or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1 1/2 times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment, such as duct work or restaurant venting, shall not be located on the primary building facade.

11. Nonresidential or mixed-use buildings.

a. Buildings shall be constructed of high-quality materials, such as brick, stone, textured cast stone, or tinted masonry units. The following materials are not acceptable:

- i. Unadorned, plain or painted concrete block.
- ii. Tilt-up concrete panels.
- iii. Prefabricated steel or sheet-metal panels (unless designed by an architect for a specific design element of an overall facade design).
- iv. Reflective glass.
- v. Aluminum, vinyl, fiberglass, asphalt or fiberboard siding.



#### **480.56 Parking Structure and Parking Area Design Standards**

A. Parking Structure. The ground floor of any parking structure abutting a public street or walkway shall be designed and detailed in a manner consistent with new commercial or mixed- use buildings as follows:

1. Upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the facade.
2. Windows or openings shall be provided to echo those of surrounding buildings.
3. Entrance drives to structured or underground parking shall be on a secondary street where feasible.

B. Parking Area. Screening is required wherever parking abuts public streets, sidewalks or paths or is adjacent to residential or open space uses. These areas must include the following:

1. A landscape buffer strip of a minimum of four feet. The buffer strip shall consist of drought-tolerant shade trees, low shrubs or perennial plants and a decorative fence (not chain-link or vinyl) or masonry wall. Plantings and parking lot screen walls or fences shall be between two to three feet in height to allow views into and out of parking areas.
2. Parking bays shall have landscaped islands at each end, and bays in excess of 15 spaces in length shall be divided by intermediate landscape islands. Landscape islands at ends of bays shall provide at least 250 square feet of area for trees, shrubs or ground loops. Intermediate landscape shall provide at least 180 square feet of planting area.
3. All parking lot signage must be approved by the Planning Director and must comply with the look and design of Main Street Overlay signage.

C. Security roll down grills are prohibited.

#### **480.57 Fencing Design Standards**

A. Chain link, barbed wire and blade fencing materials shall not be used.

B. Fences shall not to exceed (4) four feet in height, except for equipment and service area screening which shall not exceed seven (7) feet in height.

C. Use continuous brick screen wall or a raised curb with a landscaping buffer along the perimeter of the parking area(s).

D. Integrate pedestrian light posts within the masonry screen wall to provide lighting for pedestrian areas.

E. Use decorative metal fencing as an inset panel between brick piers at the perimeter of site (area not covered by building). Picket style fencing, outward pointing or curved picket fencing are prohibited.

4. Security fencing along the street/sidewalk is prohibited.

5. Use high quality materials for fencing, such as steel and wrought iron. Aluminum fencing is not recommended

#### **480.58 Entryways Design Standards**

A. Create identifiable entry to building lobbies and building uses that are open to the public by emphasizing and enhancing the level of architectural details such as change in plane, differentiation in material and color, and enhanced lighting

B. Clearly identify and locate an active entrance to the building directly from public sidewalk.

C. Locate utility, mechanical room, or service entrance doors away from public sidewalks of major and secondary streets.

D. Use glass entry doors with the same solar qualities as those of the storefront window design.

E. Maximize entrances to individual retailers and businesses from public sidewalks.

F. Locate entryways to residential levels so they are accessible to and from the public sidewalks.

#### **480.59 Awnings, Canopies and Marquees Design Standards**

A. Locate awnings and canopies at a minimum of (8 1/2 feet) above the sidewalk, and at no higher than 12 feet above finished grade

B. Extend awnings and canopies over the sidewalk not more than one half the width of the sidewalk and not to exceed (10 ½ feet).

C. Anchor and support marquees so no structural support is projecting in the public sidewalk or projecting in the public sidewalk or within an (8) feet (6) inch envelop above the sidewalk.

D. Provide awning and canopy material such as metal or glass. Vinyl and plastic are prohibited.

E. Signage text and/or graphics on awnings and canopies are prohibited. Product advertising is unacceptable.

F. Use lighting above or to the sides of awnings to illuminate the sidewalk and the storefront. Internally illuminated awnings are unacceptable.

G. Use awning to define individual storefront openings. Continuous awnings along blank walls are prohibited.

H. Design awnings and canopies so not to conceal architectural features such as pilasters, piers or transom windows.

I. Use color schemes to coordinate with building façade colors. Shiny, glittering colors or

stripping is prohibited.

J. Use simple and triangular shape awnings with valance face not to exceed (10) ten inches.

#### **480.60 Lighting Design Standards**

A. Use special lighting to accentuate building façade. Floodlighting shall only be used for enhancement of civic, architecturally or historically significant landmark buildings.

B. Locate, aim and shield lighting fixtures so that they do not produce light spill, glare and distracting reflections. Bulbs shall not be visible.

C. Neon and flashing strobe lights are prohibited.

D. For buildings, use wall mounted decorative lighting fixtures such as wall sconces to illuminate building piers or highlight building cornice above. The use of industrial “wallpack” light fixtures is prohibited.

E. Use goose neck type or other extended arm light fixtures to externally illuminate façade signs or sign bands above transom windows.

F. Incorporate display window lighting to illuminate storefronts.

G. Use coordinated lighting design to illuminate architectural features, entries, sidewalks, parking area, signage and alleys.

#### **480.61 Landscaping Design Standards**

A. Create landscape design that is integral with the overall appearance and function of the Development.

B. Incorporate landscaping with architectural features to screen loading and trash areas, meters and other unattractive views.

C. Integrate a special landscape feature, such as a seating area or a fountain.

D. Maintain and replace plant materials, as required, to preserve the quality of landscaping.

E. Provide mechanical irrigation system as part of the overall concept to ensure landscaping maintenance.

F. Provide immediate visual impact in the quality of development by using mature trees and other plant materials.

- G. Use architectural landscape lighting to heighten the effect of right-of-way trees and other special landscape features.
- H. Provide planting, trees and shrubs to soften hard surfaces of pavement and building façades and to link the development to the existing network of streets and adjacent developments.
- I. Coordinate planting materials with building façade design and signage.
- J. Screen the back of commercial uses with planting materials and/or other landscaping buffer.
- K. Protect edges of landscape areas from vehicle aisles, parking and circulation areas by raised curbs or another hard surface treatment.

#### **480.62 Signage Design Standards**

This section applies only within the Main Street Overlay District and shall be used in addition to the general provisions for signs found throughout this chapter. Where differences occur between the Main Street Overlay District Standards of this section and those found elsewhere in this chapter, the Main Street Overlay Sign Standards of this section shall prevail.

A. Special definitions. The following special definitions shall apply throughout the Central Business (C-2) District Sign Standards.

**PROJECTING SIGN.** Any business or identification sign which sole means of support is by attachment to a legal structure on a zoned lot and which projects more than twelve (12) inches into a public right of way. A projecting sign shall contain no more than two (2) sign faces which include lettering and these sign faces shall be back-to-back. These signs may be attached to a building wall and no part of the sign shall project more than four (4) feet at a height below one hundred twenty (120) inches from the grade beneath the sign. Signs attached to the building at a height above one hundred twenty (120) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

B. Number of signs.

1. Street level business. Each street level business, a maximum of one (1) wall sign or two (2) window signs and one (1) projecting sign shall be permitted for each façade of a structure facing a street.
2. Upper floor business. Each upper floor business, a maximum of two (2) window signs, one (1) door sign and one (1) projecting sign shall be permitted for each façade of a structure facing a street.
3. Area of all signs. The maximum area of all signs shall be fifteen percent (15%) of the area of the face of the building on which the signs are

proposed.

4 For individual businesses that have multiple right-of-way exposure, a maximum of three signs are permitted regardless of sign type used.

C. Sign Placement.

1. In the Main Street Overlay District, the sign may project into the public right-of-way, but may not be erected closer than three feet to any street curb line.

D. Portable signs.

1. Portable signs are not permitted in the Main Street Overlay District. Sandwich board signs are permitted.

E. Sandwich board signs.

1. Design standards

a. Area. Sign face area shall not exceed ten square feet per sign face.

b. Width. Sign face width shall not exceed three feet measured at the widest point of the sign face.

c. Height. Sign height shall not exceed five feet measured from the ground to the top of the sign.

d. Ballast. A ballast shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.

e. Portability. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

f. Color/illumination. The sign shall not be painted traffic yellow or construction zone orange, nor shall it be reflective, fluorescent or illuminated.

g. Signs shall not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.

h. A maximum of one sandwich board sign per individual business shall be permitted. No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sign.

i. The sandwich board shall be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal and be free-standing and self-supporting and not be affixed to or mounted on wheels.

j. The sign shall be fold-over or breakaway in design, as to not be capable of producing serious injury to pedestrians, bicyclists, and motorists.

k. The sign shall be maintained in good repair.

l. The sign shall not obstruct building exits.

## 2. Placement

a. Sidewalk width. Signs shall be placed only on sidewalks where a minimum four-foot clear sidewalk is maintained. The sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building facade.

b. Removal. Sandwich board signs may be displayed only during the period a business is open to the public and shall be removed at close of business each day. Sandwich board signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich board signs shall not be placed on snow banks. Businesses that utilize sandwich board signs will hold the city harmless from damage to the signs due to snow removal.

c. Location. Signs shall be located according to the following standards:

i. No sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

ii. Signs shall be placed a minimum of 36 inches from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Signs shall be placed a minimum of 8 feet from a building corner of pedestrian crosswalk. Signs shall not be closer than 1 foot from the face of the street curb.

iii. Signs shall not block or interfere with any permanent or temporary traffic control devices.

d. ADA compliance. Sign placement shall meet all Americans with Disabilities Act (ADA) requirements. (4) Enforcement. More than two violations of the sandwich board sign standards in one calendar year shall result in the removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

#### F. Wall Signs

Wall Signs shall be flush-mounted or professionally painted directly on the wall. Wall signs shall be made of MDO, plywood, sandblasted or carved wood, raised letters or metal. Wall signs shall not conceal important building elements.

##### 1. Design standards

- a. Wall signs shall not project more than 8 inches from the building surface which must also include the mounting brackets.
- b. Wall signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- c. Wall signs shall not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.
- d. Wall signs shall not be mounted above the second-floor windowsill in multi- storied buildings.
- e. For multiple story buildings in Main Street Overlay District, wall signs shall only be permitted as follows (except as provided for in this chapter): a. On the building frieze; b. In the area between the first floor and the window sill of the second story window; if no windows are present, then no higher than 20 feet.
- f. In the Main Street Overlay District, no wall sign shall be erected within 10 feet of any other projecting sign; however, this provision shall not prohibit at least one wall sign per property tax parcel.
- g. In the Downtown Main Street Overlay District, the width of the sign shall not exceed the width of the storefront.
- h. Existing buildings with signage above the height of the window sill of a second story window may replace sign copy with a sign of the same size, shape, and lettering.
- i. Wall signs shall only be externally lit, See 480.60 Section E.

#### G. Projecting Signs

Projecting Signs shall be two-sided signs that shall be professionally painted and made of medium-density overlay (MDO), plywood, wood or metal. Projecting signs shall be mounted so that the bottom of the sign is at least seven (7) feet above the sidewalk and project out no further than four (4) feet from the building face. Projecting signs shall only be lit externally by separate gooseneck light fixtures.

#### H. Window Signs

Window Signs shall be professionally painted letters or letters applied to the interior side of

the glass. Window signs shall not occupy more than 25 percent of the glass area.

I. All other signs that are not expressly permitted in this section shall be prohibited.



## ARTICLE XVI. Off-Street Parking

### 480.63 General

Off-street parking shall be provided in compliance with this chapter whenever any building is erected, altered, enlarged, converted or increased in size or capacity.

### 480.64 Parking Space Requirements

A. The off-street parking spaces required for each use permitted by this code shall not be less than that found in Table 480.64, provided that any fractional parking space is computed as a whole space.

B. These regulations shall not apply to the Central Business District.

**TABLE 480.64  
OFF-STREET PARKING SCHEDULE**

Use	Number of Parking Spaces Required
<b>RESIDENTIAL</b>	
Single-Family Dwelling (Detached, Attached, Semidetached)	2 per dwelling unit
Two-Family Dwelling (Attached or Semidetached)	1.5 per dwelling unit
Multifamily dwelling	1 per dwelling unit
Group home	1 per rooming unit
<b>INSTITUTIONAL</b>	
Religious Uses	1 per 250 square feet of gross floor area
Municipal Uses	1 per 500 square feet of gross floor area
Nursing Homes and housing for the elderly	1 per 2 employees, computed on the basis of the estimated maximum number of employees on duty at one time, plus 1 space per four resident beds
Hospital	1 per employee, computed on the basis of the estimated maximum number of employees at any one time, plus 1 space for each three patient beds
Public library	1 per 300 square feet of gross floor area
Public safety services	1 per 500 square feet of gross floor area
Social services	1 per 250 square feet of gross floor area
Postal services	1 per employee, computed on the basis of estimated maximum number of employees at any one time, plus 1 per 300 square feet of gross floor area

<b>COMMERCIAL</b>	
Family Day Care Homes	1 per caregiver living off premises, plus 1 for each 6 children
Day Care Center	1 per 500 square feet of gross floor area + 1 per staff present during the busiest shift, and a passenger loading zone
Bed and Breakfast	1 per guest room, plus 1 per nonresident employee, plus parking for any dwelling unit type
Funeral Homes	1 per 75 square feet of assembly room space
Retail stores and shops	1 per 400 square feet of gross floor area
Amusement center	1 per 400 square feet of gross floor area
Pawnshop	1 per 400 square feet of gross floor area
Billiard Hall/Pool Hall	1 per 400 square feet of gross floor area
Currency Exchange	1 per 400 square feet of gross floor area
Club/Lodge	1 per 400 square feet of gross floor area
Restaurants, general, take-out and fast-food restaurants	1 per 100 gross floor area devoted to use by the public, plus 1 per 3 employees, computed on the basis of the estimated maximum number of employees on duty at any one time
Personal service shops	1 per 250 square feet of gross floor area
Professional offices	1 per 400 square feet of gross floor area
Banks and financial institutions	1 per 400 feet of square feet of gross floor area
Fitness facilities	1 per 250 square feet of gross floor area
Automotive sales and service facilities	1 per 250 square feet of gross floor area, plus 1 per employee
Car wash facilities	3 stacked per bay + 5 stacking for automated facility
Dog kennels	1 per 400 square feet of gross floor area
Veterinarian offices	1.5 per 400 square feet of gross floor area
Medical offices	1.5 per 400 square feet of gross floor area
Hotel	1 per guest room, plus 1 per 250 square feet of gross floor area for all other interior space
Motel	1 per guest room, plus 1 per 250 square feet of gross floor area for all other interior space
Shopping center	4.5 per 1,000 square feet of gross floor area
Mini self-storage	1 per 5,000 square feet of storage area
<b>EDUCATIONAL</b>	
Nursery School	1 per 1,000 square feet of classroom use
Elementary or Junior High School	2 per classroom, plus 2 per administrative office
High School; business or trade school, college classroom	2 per classroom, plus 2 per administrative office, plus 1 per 15 students

<b>INDUSTRIAL</b>	
Artisan, light and heavy manufacturing	1 for each 3 employees, computed on the basis for the estimated maximum number of employees on duty at any one time, but not less than 1 per 1,000 square feet of gross floor area
Warehouse, wholesale and distribution	1 per 1,000 square feet
<b>CULTURE, ENTERTAINMENT AND RECREATION</b>	
Movie and live theaters	1 per 4 seats or 10 per 1,000 square feet, whichever is greater
Event facilities	1 per 100 square feet of gross floor area of event space
Bowling Alley	1 per 250 square feet of gross floor area

C. Mixed-use projects shall provide parking according to a shared parking analysis that projects parking needs based on the peak hour of parking demand. For example, a building with first- floor retail and office space and upper-floor residential will be able to adjust total parking demand to address the fact that peak residential parking demand will occur in the evening, while peak office parking demand will occur during the day.

D. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet radially from the subject lot within the same or less- restrictive zoning district.

E. Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code. Passenger loading zones shall be designed and constructed in accordance with ICC A117.1.

#### **480.65 Central Business District Parking Space Requirements**

A. Parking is not required for buildings in the Central Business District (CB).

B. There shall be, regardless of use, no parking structures, parking lots or parking areas in their entity or portion permitted to front Main Street in the CB.

C. Off-lot parking for uses in the CB is permitted, subject to the following:

1. The owner of the use shall own the lot or lots to be used for off-lot parking.

2. The lot or lots to be used for off-lot parking are not permitted to front Main Street in the CB.

3. The owner of the use must submit a site plan showing the location of the off-lot parking area and the number of spaces to be provided on such lot.

#### **480.66 Parking Stall Dimensions**

A. A minimum width of 9 feet shall be provided for each parking stall.

##### **Exceptions:**

1. Parallel parking stalls shall be permitted to be 8 feet wide.
2. The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.
3. Accessible parking spaces shall be designed in accordance with ICC A117.1.

B. A minimum length of 20 feet shall be provided for each parking stall.

##### **Exceptions:**

1. Parallel parking stalls shall be a minimum 22 feet in length.

#### **480.67 Design of Parking Facilities**

A. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

1. Private driveways at least 9 feet.
2. Commercial driveways:  
Twelve feet for one-way enter/exit.  
Twenty-four feet for two-way enter/exit.

B. The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the zoning officer and the jurisdiction's engineer.

C. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

D. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1:2.

E. A 4-foot-high buffer at the public way shall be provided for all parking areas of five or more parking spaces.

F. All parking stalls shall be striped.

**Exception:** A private garage or parking area for the exclusive use of a single- family dwelling.

G. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

#### **480.68 Shared Parking**

Where multiple uses on one lot share the same off-street parking facilities, reduced total demand for parking spaces may result due to differences in parking demand for each use during the course of the day. Table 480.68 indicates the percentage of parking space usage during different times of the day.

**TABLE 480.68  
SHARED  
PARKING**

Land use Classification	Weekdays			Weekend s		
	2400-0700	0700-1800	1800-2400	2400-0700	0700-1800	1800-2400
Office and Industrial	5%	100%	5%	0%	5%	0%
Retail	5%	100%	70%	5%	100%	80%
Restaurant	50%	70%	100%	70%	45%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	20%	100%	100%	50%	100%
Theater/ Entertainment	5%	20%	100%	5%	50%	100%
Place of Worship	0%	30%	50%	0%	100%	75%

**Calculation:** For each applicable land use category, calculate the number of spaces required for a use if it were the only use. Use those figures for each land use to calculate the number of spaces required for each time period for each use. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

## ARTICLE XVII. Fences, Retaining Walls and Hedges

### 480.70 General

Fences, retaining walls and hedges shall be maintained to an individual lot.

### 480.71 Maximum Height

Fence, retaining wall and hedge heights in required yards shall not exceed those found in Table 480.74.

### 480.72 Construction

Fences shall be of quality fencing materials and kept in good condition and comply with Table 480.74.

### 480.73 Setbacks

Fences, retaining walls and hedges shall be permitted to abut the property line.

#### Exceptions:

1. Where the property line abuts a street or alley, the fence, retaining wall or hedges shall be set back and maintained a minimum of three (3) feet.
2. Fences, retaining walls and hedges shall not be located less than two (2) feet from any portion of any structure including cornices, canopies, eaves or other architectural features on the adjacent property.
3. Fences, retaining walls and hedges shall not be located within the area formed by the right-of-way lines of intersecting streets and a straight-line connecting point on such right-of-way lines, at a distance of thirty-five (35) feet from their points of intersection.

### 480.74 Screening

Where a NC, CB or I use abuts a R-1, R-2, or R-3 use, an eight (8) foot high buffer is required at the property line abutting the residential use.

**TABLE 480.74  
MAXIMUM  
HEIGHTS**

YARDS	DISTRICT	HEIGHT (feet)	
		Fence & Retaining Wall	Hedge
Front	ALL	4.0	
Rear	R-1, R-2, or R-3	6.0	8.0
	NC, CB, or I	8.0	
Side	R-1, R-2, or R-3	6.0	8.0
	NC, CB, or I	8.0	

## ARTICLE XVIII. Location of Accessory Buildings

### **480.75 General**

Accessory buildings shall occupy the same lot as the main use or building.

### **480.76 Separation from Main Building**

All accessory buildings shall be separated from the main building by ten (10) feet.

### **480.77 Setbacks**

Accessory structures in R-1, R-2, and R-3 districts shall be permitted in the rear and side yards only and set back five (5) feet from the side and rear property line.

#### **Exceptions:**

1. If the rear or side property line abuts an alley, the accessory structure shall be set back ten (10) feet.
2. Storage buildings not larger than one-hundred twenty (120) square feet without utilities are permitted to be located not closer than three (3) feet from the side and rear property lines.

### **480.78 Private Garages**

An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that setbacks are maintained and the structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot has more than a 10-foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines.

### **480.79 Height Limits**

Accessory structures in all districts shall not exceed a maximum height of eighteen (18) feet.

## ARTICLE XIX. Swimming Pools, Hot Tubs and Spas

### **480.80 General**

Swimming pools, hot tubs and spas shall occupy the same lot as the main building.

### **480.81 Location**

Swimming pools, hot tubs and spas are not permitted to be located in the front yard. Shall not be closer than 6 feet from any lot line, and shall be 10 feet from the main building.

**EXCEPTION:** Hot tubs and spas shall be permitted to be closer than 10 feet from, or inside, the main building.

Decking and walking pads are permitted to be inside the setback requirements, but not closer than 3 feet to any lot line or 5 feet from the main building.

### **480.82 Barrier Requirements**

Residential swimming pools, hot tubs and spas shall meet all the requirements of the International Residential Code.



## ARTICLE XX. Allowable Projections into Yards

### **480.83 General**

Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than 12 inches. Chimneys shall be permitted to project no more than 2 feet, provided the width of any side yard is not reduced to less than 30 inches.

### **480.84 Front Yards**

Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than 6 feet into the required front yard, provided such porch does not extend above the first level and is no more than 6 feet above grade at any point.

### **480.85 Rear Yards**

Windows shall be permitted to project into a required rear yard no more than 6 inches.

## ARTICLE XXI. Animals

### **480.86 General**

Only household pets shall be permitted in the City of Pittston.

**Exception:** Farm animals or livestock are only permitted as a special exception in open space (OS) or industrial (I) zoning districts.

### **480.87 Number**

In no case shall the maximum number of household pets exceed three (3).

The number of household pets permitted per dwelling shall be in accordance with the following:

A. The maximum number of household pets is based on the type of dwelling and number of bedrooms.

B. In single family dwellings, one (1) household pet is permitted per bedroom to a maximum of three (3).

C. In two family dwellings, one (1) household pet is permitted per bedroom per dwelling to a maximum of three (3) per dwelling.

D. In multiple family dwellings, a maximum of one (1) household pet per dwelling unit is permitted.

E. In commercial buildings, household pets are not permitted.

**Exception:** Permitted uses in which the primary use or purpose of the structure or building is related to the sale, care or storage of household pets.

## ARTICLE XXII. Landscaping Requirements

### **480.88 General**

Landscaping is required for all new buildings and additions over 500 square feet as defined in this section. Said landscaping shall be completed within 1 year from the date of occupancy of the building.

### **480.89 Front Yards**

Front yards required by this code shall be completely landscaped, except for those areas occupied by access driveways, walls and structures.

### **480.90 Street-side Side Yards**

All flanking street-side yards shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls and structures.

### **480.91 Maintenance**

All live landscaping required by this code shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized and irrigated on a regular basis.

## ARTICLE XXIII. Loading Spaces

### 480.92 General

Off-street loading spaces shall be provided in compliance with this chapter whenever any building is erected, altered, enlarged, converted or increased in size or capacity.

**Exception:** These regulations shall not apply to the Central Business District.

### 480.93 Loading Space Requirements

A. The off-street loading spaces required for each use permitted by this code shall not be less than that found in Table 480.92, provided that any fractional parking space is computed as a whole space.

**Exception:** These regulations shall not apply to the Central Business District. The required number of off-street loading spaces shall be determined by the Planning Commission and the Zoning Hearing Board.

**TABLE 480.92  
OFF-STREET LOADING SPACE SCHEDULE**

USE	BUILDING AREA (SQUARE FEET)				
	0 < 20K	20 < 50K	50 < 100K	100 < 200K	Per Addition al 100K
Automotive	0	1	2	3	1
Business Park	1	1	2	3	1
Commercial Recreation	0	1	2	3	1
Financial	0	0	1	2	1
Food Service	0	1	1	1	1
Health Care, Including Assisted Living/Long Term Care Centers	0	1	2	3	1
Industrial Service	0	1	2	3	1
Office	0	1	2	3	1
Personal Services	1	2	3	4	1
Public Facilities	1	2	3	4	1
Residential	NA	NA	NA	NA	NA
Retail	0	0	1	2	1
Transportation	0	1	1	2	1
All Others	0	1	1	2	1

B. Where there is a combination of uses on a lot, the required number of loading spaces shall be the sum of that found for each use.

C. The loading spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet radially from the subject lot within the same or less-restrictive zoning district.

D. Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code. Passenger loading zones shall be designed and constructed in accordance with ICC A117.1.

E. Each loading space shall have a clear height of 14 feet and shall be directly accessible through a usable door not less than 3 feet in width and 6 feet, 8 inches high. The minimum area of a loading space shall be 400 square feet and the minimum dimensions shall be 20 feet long and 10 feet deep.

## ARTICLE XXIV. Passageways

### **480.93 Residential Entrances**

There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than 6 feet in width. The passageway shall be increased by 2 feet for each story over two.

### **480.94 Separation Between Buildings**

There shall be at least 10 feet of clear space between every main building and accessory building on a lot. There shall be at least 20 feet of clear space between every residential building and another main building on the same lot.

### **480.95 Location of Passageways**

Passageways shall be permitted to be located in that space set aside for required yards. Passageways shall be open and unobstructed to the sky and shall be permitted to have such projections as allowed for yards, provided the users of said passageway have clear walkway to the public way. Any space between buildings or passageways that has less width than that prescribed herein shall not be further reduced.

## ARTICLE XXV. Approval for and Availability of Essential Services

### **480.96 General.**

All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full compliance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

## ARTICLE XXVI. Home Occupations

### **480.97 General**

Home occupations shall be permitted as a special exception in all zones; provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

### **480.98 Conditions.**

- A. The home occupation shall not exceed 15 percent of the floor area or more than four- hundred (400) square feet of the primary structure.
- B. An accessory building may also be utilized, provided the four-hundred (400) square feet provision is maintained.
- C. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
- D. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
- E. There shall be no exterior display or storage of goods on said premises.
- F. Home occupations involving beauty shops or barber shops shall require a conditional-use permit.
- G. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
- H. Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements in Article XIII.

**Exception:** The Zoning Hearing Board may determine the additional off-street parking is not required, provided the home occupation is such that doesn't generate vehicular traffic.



## ARTICLE XXVII. Adult Uses

### **480.99 General.**

A conditional-use permit shall be obtained for all adult-use businesses.

### **480.100 Provisions.**

A. No adult-use business shall be located within 1,000 feet of a park, school, day care center, library, religious or cultural activity.

B. No adult-use business shall be located within 1,000 feet of any other adult-use business or any open space or residential zone boundary.

C. Such distances shall be measured in a straight line without regard to intervening structures, topography and zoning.

D. Said business shall be located in I zones and shall not be permitted as a home occupation.

## ARTICLE XXVIII. Sign Regulations

### **480.101 Purpose**

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

### **480.102 General**

Sign types and the computation of sign area shall be as depicted in Figures 480.102(1) through 480.102(2). Sign permissions are listed in Table 480.102 (3).

### **480.103 Conformance to Codes**

Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within the City of Pittston.

### **480.104 Signs in Rights of Way**

No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations in the City of Pittston or by specific authorization of the code official.

### **480.105 Projections Over Public Ways**

Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 10 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the City of Pittston.

### **480.106 Traffic Visibility**

No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

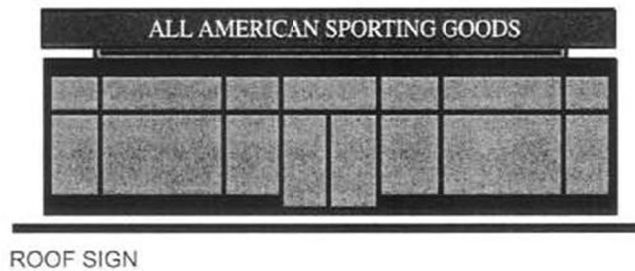
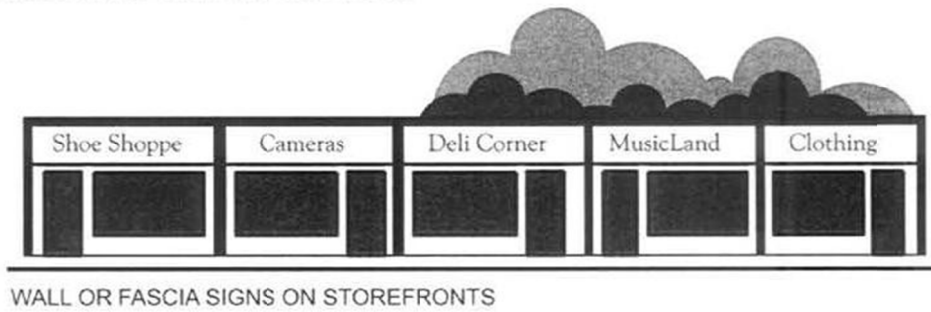
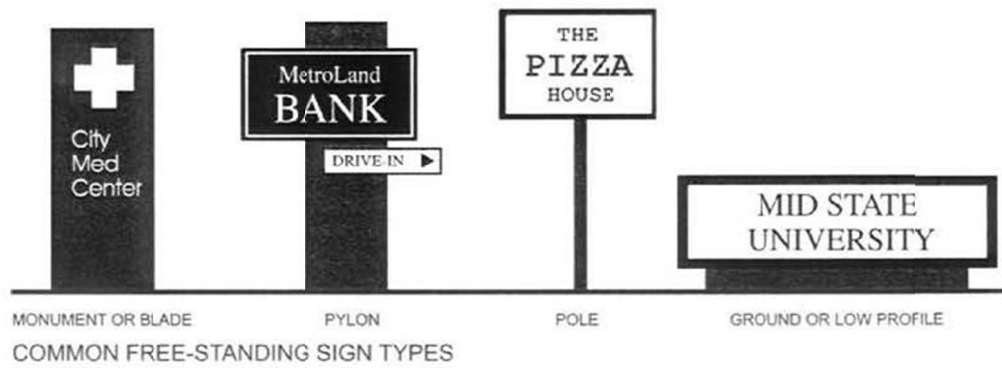
### **480.107 Computation of Frontage**

If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

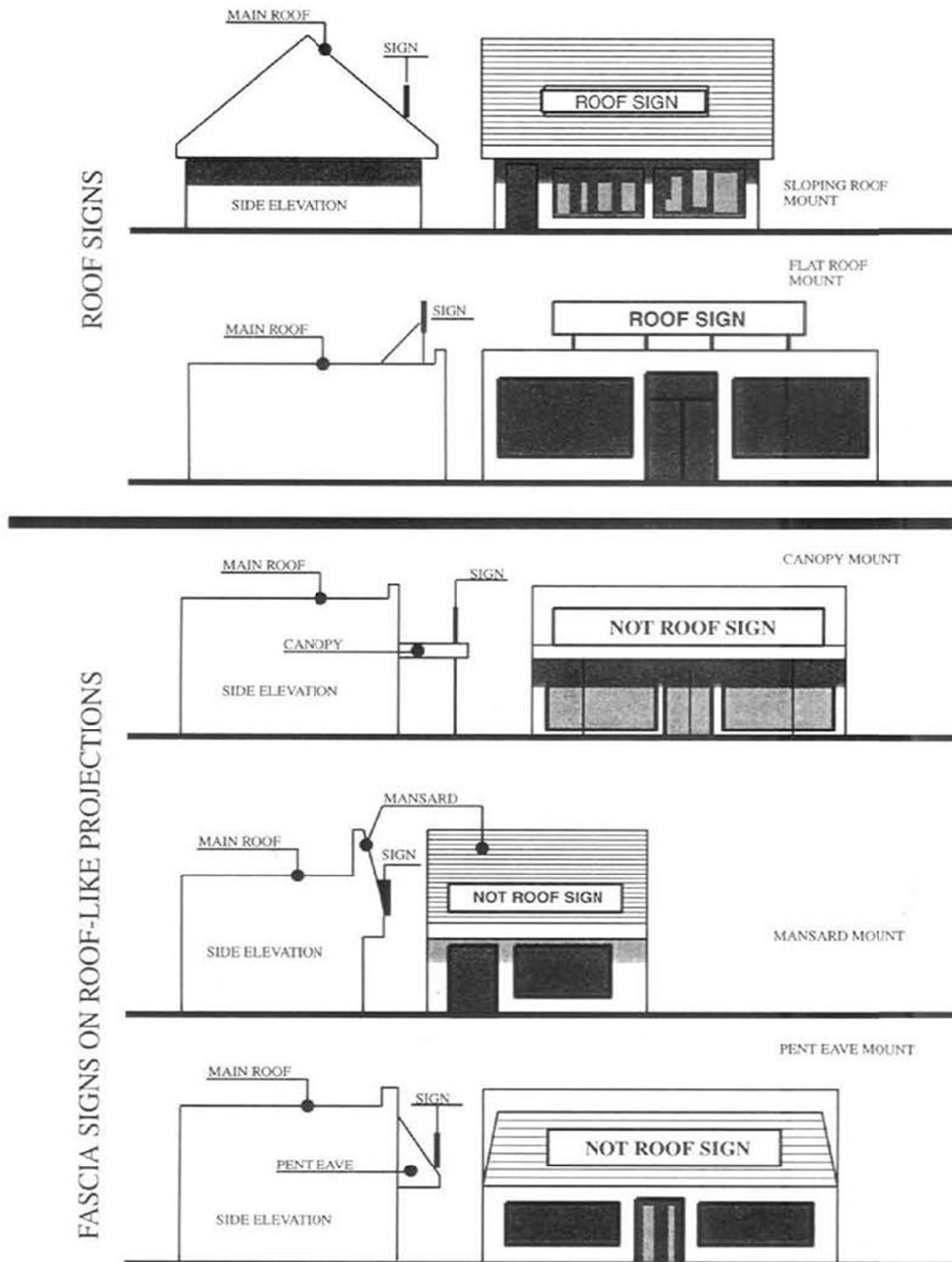
### **480.108 Animation and Changeable Messages**

Animated signs and changeable message signs are not permitted.

**EXCEPTION:** Manually activated changeable signs are permitted in NC, CB & I Zones.



**FIGURE 480.102**  
**(1) GENERAL**  
**SIGN TYPES**



**FIGURE 480.102 (2)**  
**COMPARISON – ROOF AND WALL OR FASCIA SIGNS**

**TABLE 480.102 (3) SIGNAGE BY ZONING DISTRICT**

**NP-Not Permitted**

	<b>OS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>NC</b>	<b>CB</b>	<b>I</b>	<b>MSO</b>
<b>Billboards</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>Permitted (See Article XXVIII)</b>	<b>NP</b>
<b>Directional Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Free-Standing Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Projecting Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>Permitted (See Article XV)</b>
<b>Portable Signs</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>Permitted (See Article XXVIII)</b>	<b>Permitted (See Article XXVIII)</b>	<b>NP</b>	<b>NP</b>
<b>Roof Signs</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>Permitted (See Article XXVIII)</b>	<b>Permitted (See Article XXVIII)</b>	<b>Permitted (See Article XXVIII)</b>	<b>NP</b>
<b>Menu Boards</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Sandwich Board Signs</b>	<b>Permitted (See Article XV)</b>							
<b>Temporary Signs</b> <ul style="list-style-type: none"> <li>• Real Estate Signs</li> <li>• Development and Construction Signs</li> <li>• Special Promotion, Grand Opening, Event Signs</li> <li>• Special Events in Public Rights of Way</li> <li>• Political Signs</li> </ul>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Wall Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>Permitted (See Article XV)</b>
<b>Window Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>Permitted (See Article XV)</b>
<b>Canopy and Marquee Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Awning Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Freestanding/Pylon/Ground Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Signs for Development Complexes</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>
<b>Under Canopy Signs</b>	<b>Permitted (See Article XXVIII)</b>							<b>NP</b>

#### **480.109 Maintenance, Repair and Removal**

A. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning officer in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the zoning officer shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

B. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the zoning officer is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

C. Any sign legally existing at the time of the passage of this ordinance that does not conform in uses, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 above need not be permitted.

#### **480.110 Exempt Signs**

A. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section **480.106**.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.

3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.

#### **480.111 Prohibited Signs**

A. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or other-wise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs.
  - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

- c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- 6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- 7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.
- 8. Any type of sign on a tree, its tree guard or ground of a tree lawn.
- 9. Outdoor advertising and off-premise signs.

#### **480.112 Permits, Construction and Changes**

- A. Unless specifically exempted, a permit must be obtained from the zoning officer for the erection and maintenance of all signs erected or maintained within this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from the responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.
- B. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.
- C. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- D. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within the City of Pittston.



#### **480.113 Identification Signs**

A. Wall signs. Every single-family residence, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 480.113(1). For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than 500 square feet.

B. Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be 3 square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 15 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

**TABLE 480.113(1)  
IDENTIFICATION SIGN STANDARDS –  
WALL SIGNS**

<b>LAND USE</b>	<b>AGGREGATE AREA (square feet)</b>
Single-family residential	3
Multiple-family residential	4
Nonresidential in a residential zone	6
Commercial and Industrial	2 square feet l area for every lineal food of building frontage, up to the maximum of 40 square feet

#### **480. 114 Temporary Signs**

A. Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 4 feet in height and 10 square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 6 square feet in area nor 4 feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.
3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 12 square feet in area nor 6 feet in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 15 feet in height, and 75 square feet for property of 10 acres or less, or 100 square feet for property exceeding 10 acres.
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

B. Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than 12 feet in height and 64 square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 10 feet in height and 50 square feet in area.
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 10 feet in height and 50 square feet in area.

4. Such signs for commercial or industrial projects shall be limited to one sign per street front not to exceed 15 feet in height and 75 square feet for projects on parcels 5 acres or less in size, and not to exceed 15 feet in height and 100 square feet for projects on parcels larger than 5 acres.

5. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any of all portions or the project.

C. Special promotion, event and grand opening. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.

2. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.

3. The total area of all such signs shall not exceed 32 square feet in any single-family residential district, 48 square feet in any multiple-family residential district, and 64 square feet in any commercial or industrial district.

D. Special event signs in public ways. Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the Zoning Officer as to the size, location and method of erection. The Zoning Officer may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

E. Portable signs. Portable signs shall not be permitted in the Main Street Overlay District. Portable signs will be permitted only in the CBD and NC districts, as designated in this code, only subject to the following limitations:

1. No more than one such sign may be displayed on any property, and shall not exceed a height of 15 feet or an area of 32 square feet.

2. Such signs shall be displayed not more than 20 days in any calendar year.

3. Any electrical portable signs shall comply with the Electrical Code, as adopted in this jurisdiction.

4. No portable sign shall be displayed prior to obtaining a sign permit.

F. Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such sign shall not exceed a height of 3 feet or an area of 8 square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
3. Such signs shall not be placed in any public right-of-way, tree lawn or obstruct traffic visibility.

G. Sandwich board signs.

Refer to Article XV, Chapter 480.61, Section E

**TABLE 480.113 (3)**  
**IDENTIFICATION SIGN STANDARDS – FREE-STANDING**  
**SIGNS (a)(b)(c)**

<b>LAND USE</b>	<b>NUMBER OF SIGNS</b>	<b>HEIGHT (feet)</b>	<b>AREA (square feet)</b>	<b>SPACING</b>
Single-family residential	1	4	3	1 per subdivision entrance (a)
Multiple-family residential	1 (2 on corner lot)	6	4	1 per driveway (a)
Nonresidential in a residential zone	1 (2 on corner lot)	10	6	n/a
Commercial	2	20	50% of lot frontage	150 (b)
Industrial	2	30	65% of lot frontage	150 (b)

- (a) For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.
- (b) For shopping centers or planned industrial parks, two monument-style free-standing signs not exceeding fifty percent (50%) each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table 418.88 (2).
- (c) For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned industrial parks, one free-standing sign per street front shall be permitted to be increased in sign

area by up to fifty percent (50%).

#### **480.115 Requirements for Specific Sign Types**

##### **A. Canopy and marquee signs.**

1. The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to twenty-five percent (25%) of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

##### **B. Awning signs.**

1. The copy area of awning signs shall not exceed an area equal to twenty-five percent (25%) of the background area of the awning or awning surface to which such sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

##### **C. Projecting signs.**

1. Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with a public entrance to such an occupancy, and shall be limited in height and area to ten square feet per each ten lineal feet of building frontage, except that no such sign shall exceed an area of 100 square feet.
2. No such sign shall extend vertically above the highest point of the building façade upon which it is mounted by more than ten percent of the height of the building facade.
3. Such signs shall not extend over a public sidewalk in excess of fifty percent (50%) of the width of the sidewalk.
4. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

##### **D. Under canopy signs.**

1. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy and shall be limited to an area not to exceed 6 square feet.

2. Such signs shall maintain clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.

E. Roof signs.

1. Roof signs shall be permitted in commercial and industrial districts only.
2. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than ten percent (10%) of the height of the roofline in commercial/factory districts.
3. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

F. Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and commercial/factory districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed twenty-five percent (25%) of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
2. Window signs shall not be assessed against the sign area permitted for other sign types.

G. Menu boards. Menu board signs shall not be permitted to exceed 36 square feet.

H. Freestanding/Pylon/Ground Signs.

1. The required setback distance of 10 feet shall be measured from the outermost edge of the sign and not from the supporting structure. If an existing building has a front yard setback which is less than 10 feet, any proposed new sign shall be attached flat against the building as a wall sign.
2. Whenever possible, freestanding signs shall be designed with two support posts or columns to help frame the message board, versus a single pole or pylon, to better integrate the signage architecture with the landscape.
3. Whenever possible, ground signs shall be installed and maintained, versus freestanding signs, to better integrate the signage architecture with the landscape.
4. Freestanding/Pylon/Ground signs shall not exceed 50 square feet in area or 12 feet in

height, unless a sign area bonus is achieved in accordance with Subsection 5.

5. The square footages of freestanding signs and ground signs may be increased up to ten percent above the areas listed, if the Zoning Officer determines that enhanced landscaping will be installed and maintained in accordance with the value-added attributes set forth below.

i. Value added attributes of well-designed signage and landscaping.

(1) In order to achieve a sign area bonus of up to ten percent, the applicant shall demonstrate, through the submission of plans and images, that the proposed signage will provide the features described below, and will be constructed and maintained with quality materials.



Large Ground/Monument Sign

(a) Low walls of masonry material and generous landscaping.

(aa) Stone walls.

(bb) Stone piers.

(cc) Seasonal flowers and evergreen shrubs in a continuously mulched planting bed.



Freestanding Sign with  
Double Posts or Columns

- (b) Masonry materials, and generous landscaping at base of freestanding/pylon sign.
  - (aa) Brick posts or columns with detailing.
  - (bb) Finial cap on columns.
  - (cc) Seasonal flowers in a continuously mulched planting bed.



Ground/Directional Sign

- (c) Varied masonry materials and complimentary landscaping.
  - (aa) Stone base.
  - (bb) Brick body.
  - (cc) Sandstone cap.
  - (dd) Seasonal flowers, perennial flowers, and evergreen groundcovers in a continuously mulched planting bed.

#### **480.116 Signs for Development Complexes**

A. All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres in size, such as shopping centers or planned industrial parks, shall submit to the Zoning Officer a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illuminations.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for non-business signage, including directional and informational signs.



B. In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

C. All applications for sign permit for signage within a multiple-occupancy development complex shall comply with the master sign plan.

D. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

#### **480.117 Billboards**

Billboard signs are only permitted in the Industrial (I) district and are subject to the following:

A. The total sign size or sign area shall not exceed 312.5 square feet, and the sign shall have no more than two sides or faces. In no event shall the sign exceed 625 square feet.

B. Signs shall comply with applicable federal and state laws and regulations.

C. No sign shall be permitted upon the roof of a building.

D. No sign shall be placed within 30 feet of the street right-of-way line or within 10 feet of a side or rear lot line.

E. No sign shall be erected or maintained within a five-hundred-foot radius of any other billboard sign, or within a five-hundred-foot radius of a residential zone or lot line of an existing residential use.

F. No sign shall exceed 35 feet in height.

G. Lighting shall conform to all applicable regulations. No lighting shall be permitted to spill over onto adjoining property, nor shall it be permitted to interfere with, or be hazardous to, persons using public highways.

H. All signs must be of unipole construction.

I. Stacking of signs is prohibited.

J. Any sign that does not have advertising for more than a year must be removed.

K. Billboard signs are prohibited in all other zoning districts.

L. Digital, electronic messaging and/or LED signs shall only be permitted by Special Exception.

## ARTICLE XXIX. Murals

### **480.118 Purpose**

The City recognizes the importance of providing opportunities to create or preserve original artwork murals throughout the City's Central Business (CB), Neighborhood Commercial (NC) and Industrial (I) districts. It is necessary to recognize such murals by registering them, and protect them against vandalism. The following differentiates murals from commercial signage and graffiti, ensuring compatibility with the built environment, enhancing community character, and protecting public safety.

### **480.119 Eligibility.**

To be eligible for registration, all proposals for new and pre-existing murals shall meet the following criteria:

- A. The mural shall meet the definition listed in Article IV in that it contains only original artwork with a non-commercial message;
- B. The mural shall be located on private property that can be viewed by any persons utilizing any public right-of-way;
- C. The mural shall not be located on property in R1, R2 or R3 Districts;
- D. The mural shall not display any unlawful act, business, or purpose or contain any obscene matter;
- E. The materials in the proposal shall be limited to paint. Any other materials may be considered and approved on a case-by-case basis by the City;
- F. The paint and any other materials approved by the City shall be durable, graffiti-resistant, and weather-resistant for a minimum period of FIVE years;
- G. The mural shall not exceed the width or height of the wall of the building;
- H. Elements of the mural shall not project over the public right-of-way;
- I. The mural may include an artist's signature and date, which shall not cover more than twelve by twelve inches of the mural's area, however, this requirement may be modified at the discretion of the City;
- J. The mural may include the names of sponsors and/or donors which shall not cover more than twenty-four inches by twenty-four inches of the mural's area, except that the mural shall not contain any names of sponsors or donors that are for-profit commercial entities;
- K. For pre-existing murals, evidence shall be provided that the mural is graffiti-free and maintained in fair to excellent condition, and meets all other criteria listed in this Section

#### **480.120 Application and Administration Procedures.**

- A. The Pittston Office of Community Development shall be responsible for the mural review and registration process.
- B. The application submittal shall contain all of the materials required by the Mural Registration Checklist.
- C. Upon receipt of the application, the Office of Community Development shall review for completeness and eligibility.
- D. After the Office of Community Development confirms that the mural meets the definition and all materials are complete, the Office of Community Development shall consult appropriate Downtown entities and City Officials as it deems appropriate for additional comments. The Office of Community Development will refer the application to the Zoning Official and Facilities for review of the structural elements other than paint that will be attached to the building wall, or if the mural requires the temporary use of public right-of-way. The Fire Department will review any application for a mural that contains elements or materials that has been or will be plastered or mounted onto doors, windows, vents, or any other parts of a building which may affect ingress or egress or firefighting operations, including ventilation.

#### **480.121 Agreement between Artist and Property Owner.**

The property owner and the mural artist shall enter into a signed agreement, of which the City is a third-party beneficiary, to ensure compliance with the City's mural guidelines, terms and conditions. The agreement shall be in effect for a minimum period of 60 months from the time the mural is installed, unless an agreement with the mural artist provides for a shorter term, and copies shall be furnished to the Office of Community Development.

The agreement may be extended another 24 months, with up to a maximum of five extensions.

#### **480.122 Registration.**

- A. For new murals, upon confirmation that the mural meets all requirements:
  - 1. The Office of Community Development shall notify the property owner or the owner's designee to proceed with the mural. The property owner or the owner's designee shall notify the Office of Community Development upon completion of the artwork and provide photographs. The Office of Community Development shall register the mural into the City of Pittston Mural Registry.
- B. For pre-existing murals, the Office of Community Development shall register the mural into the City of Pittston Mural Registry.

#### **480.123 Responsibilities for Maintenance, Repair and Removal.**

- A. Maintenance. It shall be the responsibility of the property owner or the owner's designee to ensure that the mural is maintained in good condition, free from graffiti, and free from chipped,

peeled, torn or faded paint or materials, for the duration of the term in the agreement. Failure to properly maintain the mural according to the terms of the agreement, including removal of graffiti, will subject the mural to abatement or removal by the City.

B. Damage and Restoration. In the event that a mural is damaged, vandalized, removed, altered, or destroyed, including graffiti abatement, the property owner or the owner's designee, in consultation with the mural artist, shall be responsible for restoring the mural to the original condition, at the property owner's expense, within 60 days from the date a notice is sent to the property owner or the owner's designee by the City regarding damage to the mural. In the event the mural is not timely restored, the City may, with notice sent to the property owner or the owner's designee, remove the mural in its entirety.

C. Removal of Mural. In the event that a mural requires excessive or unreasonable maintenance or receives significant adverse public reaction, the City may at its discretion, with notice sent to the property owner or the owner's designee, remove the mural in its entirety

## ARTICLE XXX. Nonconforming Structures and Uses

### **480.124 Continuance**

Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code may be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

### **480.125 Registration.**

All structures or uses legally established prior to the adoption date of this code shall register the structure or use with the Zoning Officer with 1 year of the adoption date.

### **480.126 Discontinuance.**

A. Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 6 months shall not thereafter be occupied, except by a use that conforms to this code.

B. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value or floor area, as determined by the code official, it shall not thereafter be reconstructed as such.

### **480.127 Changes, Enlargements and Modifications.**

A. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

B. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

C. When authorized by the Zoning Hearing Board as a special exception, a nonconforming use may be changed to another nonconforming use if the Zoning Hearing Board finds that all of the following standards are met:

1. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.
2. The proposed change shall be less objectionable in external effects than the previous nonconforming use, and will be more consistent physically with its surroundings.
3. There will be no increase in traffic generation or congestion including both vehicular and pedestrian traffic.
4. There will be no increase in the danger of fire or explosion.
5. There will be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or electrical disturbance.
6. There will be no increased threat to public health, safety, and general welfare.

D. All additions to nonconforming structures and parking areas shall conform to the requirements of this code. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

## ARTICLE XXXI. Wireless Communications Facilities

### **480.128 Purpose.**

The purposes of this section include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014) and Declaratory Ruling and Report and Order of September 27, 2018, FCC 18-133 (rel. Sep. 27, 2018); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. in City of Pittston. Moreover, the City of Pittston desires to plan and accommodate for the managed deployment of infrastructure both in and out of the public rights-of-way that is necessary to accommodate the wireless communications needs of residents, businesses and emergency service providers. While the City of Pittston recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the City of Pittston also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

### **480.129 Definitions.**

For definitions for Wireless Communications Facilities and the regulations found in this Article refer to Article II.

**Permitted and prohibited zoning districts for wireless communication facilities (WCF)**

**TABLE 480.130 (1)  
Permitted Zoning Districts**

<b>WCF TYPE</b>	<b>PERMITTED ZONING DISTRICT</b>	<b>PERMITTED BY RIGHT, CONDITIONAL USE (CU), OR SPECIAL EXCEPTION</b>
Tower-Based WCF located in the Right of Way (ROW)	CB, NC, I	By Right
	Residential Zoning Districts	CU
Tower-Based WCF where the Tower is 40' or less in height, Located Out of ROW	CB, NC, I Municipal owned property in all zoning districts	By Right
Tower- Based WCF where the Tower is more than 40' in height, Located Out of the ROW	CB, NC, I	By Right
	Church, School, Public or Semi-Public or other institutional lots or properties in Residential Zoning Districts	CU
WCF on Existing Structures	All Districts	By Right
Eligible Facilities Request		

**TABLE 480.130 (2)  
Prohibited Zoning Districts**

<b>WCF TYPE</b>	<b>PROHIBITED ZONE</b>
Tower-Based WCF located out of the ROW	Residential lots or properties within Residential Zoning Districts
Tower-Based WCF located in the ROW	Residential Zoning Districts where all public service utilities are primarily located underground within one hundred (100') feet of the proposed Tower or Base Station



**Bulk and Area Requirements  
TABLE 480.131**

		<b>WCF out of ROW</b>	<b>WCF in ROW</b>
<b>Height</b>		Tower-Based WCFs shall be designed to Minimum Functional Height. Applicants must submit documentation justifying the total height	Tower-Based WCFs shall be designed to Minimum Functional Height, not to exceed 40 feet in Residential Zoning Districts and 60 feet in CB, NC or I Zoning Districts. Applicants must submit documentation justifying the total height.
<b>Lot Size</b>	<b>Only use on lot or property:</b>	Subject to underlying zoning district.	Not Applicable.
	<b>Combined with another use on lot or property:</b>	Area needed to accommodate the WCF and guy wires, Accessory Equipment, and if required security fence and landscaping and screening.	
<b>Setbacks</b>	<b>Towers:</b>	Setback from property line, not lease lines, at least (100%-110%) of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum setback in the underlying zoning district, whichever is greater.	Not Applicable.
	<b>Equipment buildings/cabinets:</b>	Subject to applicable minimum accessory use or structure setback in the underlying zoning district.	

#### **480.132 Design, Construction and Operations.**

The following requirements shall apply to all WCFs that do not meet the definition of a Small WCF.

A) All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and Replaced in strict compliance with all current applicable federal and state technical and safety codes.

B) Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.

C) All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

D) Collocation. All Tower-Based WCFs located outside of the right-of-way shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.

E) Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the City.

F) Lighting. Towers shall not be artificially lighted beyond what is required by law.

G) Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by Chapter 322 of the City Code. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.

H) Vehicular Access.

1. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the right-of-way.

2. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

3. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.

4. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

5. An applicant shall present documentation to the City of Pittston that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

6. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.

7. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

8. The requirement for vehicular access may be waived by the City of Pittston when such vehicular access would not be appropriate or feasible.

I) Fencing. A security fence with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the right-of-way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the City of Pittston when the fence would not be appropriate or feasible.

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

K) Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the City of Pittston's Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

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

M) Inspections for all WCFs where the new Tower is more than 40 feet in height.

1. A copy of any required inspection report shall be provided to the City following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the City.

N) Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

#### **480.133 Aesthetics, Landscaping, and Screening**

A) Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

B) Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the right-of-way, shall submit a landscaping and screening design including the following:

1. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
2. Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the City.

#### **480.134 Replacement, Collocation, or Modification**

A) Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the City building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

B) Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the City.

C) Any Substantial Change to an existing Tower-Based WCF shall require Conditional Use approval of the City in accordance with the terms of this Section.

D) An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the City of Pittston building Zoning Officer for compliance with the building code.

#### **480.135 Permit Requirements**

A) Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the right-of-way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a 1/2-mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.

B) Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within 1 year of the filing of its application with respect to the applicant in the area.

C) Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property. If the proposed WCF is to be attached to a Wireless Support Structure owned by a person other than the applicant, the applicant shall submit proof of a valid pole attachment agreement or other authorization permitting the applicant to attach its proposed WCF to the Wireless Support Structure.

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

E) Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.

F) Insurance.

1. Each Person that owns or operates a Non-Tower WCF or Small WCF shall annually provide the City with a certificate of insurance evidencing general liability

coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the WCF.

2. Each Person that owns or operates a Tower-Based WCF shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

3. Notwithstanding the foregoing, a wireless provider may self-insure the required insurance under the same terms and conditions as outlined above.

G) Review timeframes.

**TABLE 480.135  
WCF Review Timeframes**

	<b>The City shall notify the applicant in writing of information that may be required to complete application.</b>	<b>The City shall approve or deny the application unless a shorter time period is applicable under the PA MPC.</b>
<b>New Tower-Based WCFs</b>	Within 30 calendar days of the date the application was filed with the City.	Within 150 days of submission of the complete application for a WCF.
<b>Non-Tower WCFs</b>	Within 30 calendar days of the date the application was filed with the City.	Within 90 days of submission of a complete application for a WCF.
<b>Small WCF (requiring new Wireless Support Structure)</b>	Within 10 calendar days of the date the application was filed with the City.	Within 90 days of submission of a complete application for a WCF.
<b>Small WCF (Collocated)</b>	Within 10 calendar days of the date the application was filed with the City.	Within 60 days of submission of a complete application for a WCF.
<b>Eligible Facilities Requests</b>	Within 30 days of the date the application was filed with the City.	Within 60 days of submission of a complete application for a WCF.

H) Fees. Fees assessable by the City of Pittston for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the governing body by resolution from time to time.

#### **480.136 Discontinuation, Abandonment and Removal**

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

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the Site unless a time extension is approved by the City.
2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.
3. Any unused portions of WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations.

#### **480.137 Regulations Applicable to all Small Wireless Communications Facilities.**

The following regulations shall apply to Small Wireless Communications Facilities:

A) Non-conforming Wireless Support Structures. Small WCF shall be permitted to collocate upon non-conforming Towers and other non-conforming structures. Collocation of WCF upon existing Towers is encouraged even if the Tower is non-conforming as to use within a zoning district.

B) Safety in Rights-of-Way.

1. Schedule of operations. The City of Pittston shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all Small WCFs located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of City of Pittston and the requirements of the Public Utility Code.

2. Alteration of a WCF. Within 60 days following written notice from the City of Pittston, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF located in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Small WCF when the City of Pittston consistent with the lawful exercise of its police powers

and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:

- a. The construction, repair, maintenance or installation of any municipal or other public improvement located in the right-of-way.
- b. The operations of the City of Pittston or other governmental entity in the right-of-way.
- c. Vacation of a street or road or the release of a utility easement.
- d. An emergency as determined by the City of Pittston
- e. No permit is required for such removal, relocation, change or alteration ordered by the City of Pittston.

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

C) Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the City.

D) Wind and ice. All Small WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

E) Public safety communications. Small WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

F) Radio frequency emissions. A Small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled



“Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

G) Accessory Equipment. Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the City.

H) Graffiti. Any graffiti on the Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within thirty (30) days of notification by the City.

I) Design standards. All Small WCF in the City shall comply with the requirements of the City *Small Wireless Communications Facility Design Manual*. A copy of such shall be kept on file at the City Office of Zoning, Stormwater, and Floodplain Management.

J) Relocation or Removal of Facilities. Within ninety (90) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with the lawful exercise of its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

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

K) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the City’s right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Small WCF shall pay an annual fee to the City to compensate the City for the City’s costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

L) Insurance. Each Person that owns or operates a Small WCF shall provide the City Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Small WCF. Notwithstanding the foregoing, a wireless provider may self-insure the required insurance under the same terms and conditions as outlined above.

M) Indemnification. Each Person that owns or operates a Small WCF shall, at its sole cost and expense, enter into an agreement to indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small WCF. Each Person that owns or operates a Small WCF shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Small WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification except to the extent that such liabilities, damages or claims are a result of the gross negligence or willful misconduct of the City or any of its agents.

## ARTICLE XXXII: Planned Unit Development

### **480.138 Approval**

Planned unit developments (PUDs) shall be allowed by planning commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

### **480. 139 Intent**

These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive and otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

### **480.140 Area, Uses, and Design**

A. No planned unit development shall have an area less than that approved by the planning commission as adequate for the proposed development.

B. A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development, which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit.

C. Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district.

D. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

E. The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

F. Density of land use shall in no case be more than 15 percent higher than allowed in the zoning district.

G. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

H. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

I. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:

1. Dedication of the land as a public park or parkway system; or
2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the legislative body.

J. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the planning commission with the application.

K. The size, location design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.

L. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well-being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

#### **480.141 Planning Commission Determination**

In carrying out the intent of this section, the planning commission shall consider the following principles:

A. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.

B. It is not the intent of this section that control of the design of a PUD by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.

C. The planning commission shall be authorized to approve or disapprove an application for a PUD.

D. In an approval, the commission shall be permitted to attach such conditions as it deems necessary to secure compliance with the purposes set forth in this chapter. The denial of an application for a PUD by the planning commission shall be permitted to be appealed to the legislative body of the jurisdiction.

E. The legislative body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

#### **480. 142 Planning Commission Action**

A. The planning commission shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

1. That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said

construction, or approved stages thereof, within 4 years from the date construction begins.

2. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

B. Limitations on application.

1. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in compliance with any conditions attached by the jurisdiction as to its approval.

2. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.

3. The Zoning Officer shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

## ARTICLE XXXIII: Supplemental Standards

### **480.143 Rooming Houses.**

#### A. Applicability.

The provisions established under this section shall apply to all rooming houses permitted by this chapter.

#### B. Standards.

The following standards shall apply to all rooming houses:

1. A rooming house shall contain no less than 3 no more than 9 rooming units.
2. No more than one person shall be housed in each rooming unit.
3. Each rooming unit shall have a minimum of 200 square feet of habitable floor area.
4. For every 2 rooming units there shall be a complete bathroom facility.
5. Each rooming house shall contain a communal kitchen with all facilities.
6. A minimum of one all-weather off-street parking space shall be provided per rooming unit.

#### C. Process.

The Zoning Officer shall review all applications for rooming houses to determine compliance. As part of the review process, all residents within 1,000 feet shall be notified prior to establishing a date for a public hearing. Upon approval and completion or alteration of a rooming house, the Zoning Officer shall inspect the premise prior to issuing an occupancy permit to verify compliance with this chapter. An occupancy permit shall be effective for one year, with annual renewals predicated on inspections. Owners shall be given a ten-day advance notice of the inspection date.

### **480.144 Conversions.**

A. Conversion of existing one-family dwellings to provide two dwelling units for the use of two families is permitted by Special Exception in the R3 district provided that:

1. The size and arrangement of the dwelling units is complying with all the requirements of the Building Code of the City of Pittston.
2. One off street parking space is provided for each unit.

3. Access to all dwelling units within a converted building shall be provided by a common entrance situated in the wall of the building facing the street on which the lot has frontage.

B. An existing principal residential building may be converted to provide more than two dwelling units for use by more than two families by Special Exception in the R3 district, provided that the entire building when so converted shall comply with all requirements of the Building Code of the City of Pittston and provided, further, that:

1. The floor area of each dwelling unit, measured from the inside of the building walls and exclusive of stairs, basements, utility rooms and porches, shall be not less than 1,000 square feet.
2. Fire escapes or stairway leading to the second or any higher floor shall be completely enclosed within the building walls.
3. Access to all dwelling units within a converted building shall be provided by a common entrance situated in the wall of the building facing the street on which the lot has frontage.
4. The size and arrangement of the dwelling units is complying with all the requirements of the Building Code of the City of Pittston.
5. All dwelling units, after conversion, shall contain within the unit complete kitchen and bathroom with shower or tub, lavatory, water closet. Kitchen sink shall not be used as a substitute for lavatory sink.

#### **480.145 Dumpster Enclosures.**

Dumpsters existing as of the effective date of this article and dumpsters constructed subsequent to the effective date of this article shall comply with the following:

A. All dumpsters or outdoor storage areas that are visible from a public street or walkway shall be kept within opaque enclosures that meet all Building Code requirements. Dumpsters or outdoor storage areas located within the MSOD are required to follow the design standards set in Article XV 480.55.

B. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents.

#### **480.146 Visibility at Intersections.**

A. On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

1. Seventy-five (75) feet from the point of intersection of the center lines if intersecting streets are twenty (20) feet or more in width; or
2. If one or both streets are less than twenty (20) feet in width, a clear sight triangle of fifty



(50) feet must be maintained.

#### **480.147 Junkyards.**

Within the (I) Zone, junkyards are permitted by special exception.

A. Standards.

Minimum Lot Area. Ten (10) acres.

1. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8)-foot high sight-tight (visibly screened) fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties.
2. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
3. All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
4. No material may be stored or stacked so that it is visible from adjoining properties and roads.
5. All additional Federal and State laws shall be satisfied.
6. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
7. No oil, grease, tires, gasoline or other similar material shall be burned at any time.
8. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.
- 9.

#### **480.148 Sanitary Landfills and Transfer Stations.**

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PADEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America.

Operators of sanitary landfills shall file, with the City of Pittston, written proof that they have met all permit requirements of the State and/or Federal Government as they may apply to a specific development.

A. Local requirements which must be met prior to permit approval by the Board of Supervisors include:

1. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
2. A barrier of natural forestry at a width of one hundred (100) feet and an eight (8)

foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.

3. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way.
4. A bond to protect City roads utilized by land fill traffic shall be negotiated prior to approval.
5. The operator shall submit to the City of Pittston for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.
6. All such proposed uses shall be on a lot of no less than twenty-five (25) acres. No landfill activities may exceed a height of forty (40) feet above existing grade, defined as average grade prior to any development activities.

B. Transfer stations are permitted as an accessory use with a sanitary landfill.

ARTICLE XXXIV: Manufactured Homes and Manufactured Home Parks  
**480.149 Manufactured Homes.**

A. Applicability.

All manufactured homes and use shall comply with the standards in this chapter.

B. Standards.

1. No Manufactured Home shall be installed unless a permit is first obtained.
2. No Manufactured Home shall be installed unless so installed on masonry or poured concrete footers.
3. Each Manufactured Home must have skirting around the entire perimeter of the dwelling.
4. Each mobile must meet the zoning district setback requirements and are only permitted within Manufactured Home Parks.

**480.150 Manufactured Home Parks.**

Manufactured Home Parks are permitted by Special Exception in the R3 Zoning District.

A. Standards.

1. A Manufactured Home Park or Subdivision shall contain a minimum of eight (8) acres.
2. Maximum density in a Manufactured Home Park and Subdivision shall be ten (10) units per acre.
3. Regardless of lot size, the side yard distances measured from the outside of each Manufactured Home to the lot line shall not be less than twenty (20) feet in total and no one side yard distance less than eight (8) feet. Front and rear yards shall not be less than twenty (20) feet and, in no case, shall the distance between any two Manufactured Homes be less than twenty (20) feet.
4. All streets, roads, and driveways in a Manufactured Home Park or Subdivision shall be paved with an all-weather surface approved by the City Engineer at least twenty (20) feet wide.
5. Each Manufactured Home in a Manufactured Home park must have at least one paved parking space sufficient in size for at least one automobile. The spaces may be provided in a common parking area within the Manufactured Home Park-not necessarily individual spaces on individual lots.
6. Each parking space in a Manufactured Home Park or Subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

## ARTICLE XXXV: PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL VEHICLES

### **480.151 Definitions.**

Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers, and like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

### **480.152 Recreational Equipment Storage**

#### **A. Residential Districts Standards.**

No major recreational equipment shall be parked or stored on any lot in R1, R2, or R3 except in a carport or enclosed building or in a rear yard. Such equipment may be parked anywhere on residential premises for up to twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

#### **B. Commercial Districts Standards.**

No major recreational equipment shall be parked or stored on any lot in the CB or NC district except in a carport or enclosed building or in a rear yard. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

### **480.153 Parking and Storage of Certain Vehicles**

#### **A. Unregistered Vehicle Standards.**

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any property other than in completely enclosed buildings, except those on those premises where such a storage is absolutely necessary to the operation of a business such as that of an automotive dealer.

#### **B. Residential Districts Standards.**

Any vehicle not customarily associated with resident travel, such as tractor trailer trucks, may not be parked on property located in the R1, R2 or R3 Districts other than in completed enclosed buildings.

#### **C. Commercial and Industrial Vehicle Standards.**

Parking and storage of commercial or construction type vehicles shall be permitted only in the I District. Parking such vehicles in the NC, CB, R1, R2, and R3 Districts will be allowed temporarily for the purposes of loading and unloading