TITLE ONE - Zoning Ordinance
Art. 1301. Purpose and Interpretation.
Art. 1303. Definitions.
Art. 1305. Administration, Permits, Violations and Penalty.
Art. 1307. Zoning Hearing Board; Appeals.
Art. 1309. Fees and Amendments.
Art. 1321. District Requirements and Uses; Schedule and Zoning Map.
Art. 1323. General Regulations for Districts.

APPENDIX A - Schedule of Lot, Area and Bulk Requirements of Permitted Uses.

APPENDIX B - Zoning Map.

TITLE THREE - Subdivision and Land Development Regulations
Art. 1371. Purpose and Objectives.
Art. 1373. Definitions.
Art. 1375. Procedures.
Art. 1379. Required Improvements and Design Standards.
Art. 1381. Planned Unit Residential Developments.
Art. 1383. Flood Plain Management.
Art. 1385. Modifications, Appeals and Penalty.
Art. 1387. Tree Preservation Regulations for Land Developments.

APPENDIX
ARTICLE 1301
Purpose and Interpretation

1301.01 Short title.
1301.02 Purpose.
1301.03 Statement of community objectives.

1301.04 Interpretation; conflict.
1301.05 Terms.

CROSS REFERENCES
Zoning purposes - see Pennsylvania Municipalities Planning Code §604 (53 P.S. §10604)
Penalty - see PMPC §616 (53 P.S. §10616); ZON. 1305.09
Exemptions - see PMPC §619 (53 P.S. §10619)
Appeals to the Zoning Hearing Board - see ZON. 1307.03 et seq.
Reversing decisions of the Zoning Officer - see ZON. 1307.09
Nonconforming lots, uses and structures - see ZON. 1323.02, 1323.05(h)
Land Subdivision Regulations - see ZON. Art. 1371 et seq.

1301.01 SHORT TITLE.
This Zoning Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Lebanon, Pennsylvania".
(Ord. 27-1986, 87. Passed 10-27-86.)
1301.02 PURPOSE.
The purpose of this Zoning Ordinance is the promotion of the public health, safety, morals and/or general welfare by:
(a) Encouraging the most appropriate use of land;
(b) Preventing the overcrowding of land;
(c) Conserving the value of land and buildings;
(d) Lessening the congestion of traffic on the roads;
(e) Avoiding undue congestion of population;
(f) Providing for adequate light and air;
(g) Securing safety from fire, flood and other dangers;
(h) Facilitating the adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks and other public facilities.
(i) Giving reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses; and
(j) Giving effect to the policies and proposals of the Comprehensive Plan as approved by the Planning Commission and adopted by Council.
(Ord. 27-1986, 87. Passed 10-27-86.)

1301.03 STATEMENT OF COMMUNITY OBJECTIVES.
As described in greater detail in the City Comprehensive Plan, which Plan this Zoning Ordinance is intended to aid in implementing, community objectives include the following:
(a) Land Use. The distribution and intensity of development of future residential, commercial, industrial, public and semi-public land uses shall be based upon the projected needs of the City and the region of which it is a part, and the creation of a safe, attractive, healthful and convenient physical environment.
(b) Circulation. The future circulation pattern shall be based upon the projected needs of the City and the region of which it is a part, and shall permit the efficient interaction of land use while providing for the optimum flow of traffic.
(c) Community Facilities. The location, amount and range of future community facilities shall be based upon the projected needs of the City and the region of which it is a part, and shall be designed to serve the needs generated by the future land use pattern.
(Ord. 27-1986, 87. Passed 10-27-86.)

1301.04 INTERPRETATION; CONFLICT.
In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare. Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any lawfully adopted rules, regulations or ordinances applicable to this City or with one another, the most restrictive, or that imposing the higher standards shall be controlling.
(Ord. 27-1986, 87. Passed 10-27-86.)

1301.05 TERMS.
The present tense shall include the "future", the singular number shall include the "plural"; and the plural, the "singular". The word "shall" is always mandatory and the word "may" is permissive.
(Ord. 27-1986, 87. Passed 10-27-86.)

1988 Replacement
ARTICLE 1303
Definitions

1303.01 Word meanings generally.
1303.02 Accessory building, structure or use.
1303.03 Alteration of building.
1303.04 Automotive service station.
1303.05 Basement.
1303.06 Building.
1303.07 Building, detached.
1303.08 Building line.
1303.09 Building, semi-detached.
1303.10 Carport.
1303.11 Cellar.
1303.12 Coverage.
1303.13 Customary household pets.
1303.14 Church.
1303.15 Clubhouse.
1303.16 Commercial vehicle.
1303.17 Day care.
1303.18 Dwelling unit.
1303.19 Dwellings.
1303.19.1 Emergency shelter.
1303.20 Family.
1303.21 Fences, walls and hedges.
1303.22 Floor area.
1303.23 Flood Fringe (F-3).
1303.24 Flood plain.
1303.25 Flood plain zones.
1303.26 Floodway (F-2).
1303.27 Flood Plain Zone, Approximated (F-1).
1303.28 Flood, 100 year (regulatory flood).
1303.29 Flood plain, 100 year.
1303.30 Garage, private.
1303.31 Garage, commercial.
1303.32 Grade, finished.
1303.32.1 Group home.
1303.33 Height of building.
1303.34 Home occupation.
1303.35 Hospital.
1303.36 Junk yard and/or recyclers.
1303.37 Linear block.
1303.38 Lot.
1303.39 Lot area.
1303.40 Lot, corner.
1303.41 Lot frontage.
1303.42 Lot interior.
1303.43 Lot line.
1303.44 Lot through.
1303.45 Lot width.
1303.46 Mobile home.
1303.47 Mobile home park.
1303.48 Mobile home subdivision.
1303.49 Motel.
1303.50 Nonconforming lot.
1303.51 Nonconforming sign.
1303.52 Nonconforming structure or building.
1303.53 Nonconforming use.
1303.53.1 Nursing home.
1303.54 Open space.
1303.55 Parking space.
1303.55.1 Personal care home.
1303.56 Premises.
1303.57 Private road.
1303.57.1 Professional and business offices.
1303.58 Restaurant.
1303.59 Satellite receiving station.
1303.60 Sign.
1303.61 Solar energy system.
1303.62 Special exception.
1303.63 Story.
1303.64 Street.
1303.65 Street (marginal access).
1303.66 Street line.
1303.67 Subdivision.
1303.68 Take out restaurant.
1303.69 Use.
1303.70 Utility building.
1303.71 Variance.
1303.72 Yard.
1303.73 Yard, front.
1303.74 Yard, rear.
1303.75 Yard, side.
1303.76 Zoning Officer (Zoning Administrative Official).
1303.77 Zoning Hearing Board.
1303.78 Zoning permit.

1999 Replacement
1303.01 WORD MEANINGS GENERALLY.
(a) Unless otherwise expressly stated, the following words shall, for the purpose of this Zoning Code, have the meanings herein indicated.

(b) Words used in the present tense include the future tense. The singular includes the plural.

(c) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(d) The word "lot" includes the words "plot" or "parcel".

(e) The term "shall" is always mandatory, the word "may" is permissive.

(f) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.02 ACCESSORY BUILDING, STRUCTURE OR USE.
"Accessory building, structure or use" means a building, structure or use or portion of a building, structure or use customarily incidental or subordinate to the principal building, structure or use and located on the same lot with such building, structure or use, providing such building or structure does not exceed sixteen feet in height. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.03 ALTERATION OF BUILDING.
"Alteration of building" means any change in supporting members or in exit facilities of a building except such change as may be required for its safety; any enlargement to a building; any change in use from one zone classification to another; or removal of a building from one location to another. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.04 AUTOMOTIVE SERVICE STATION.
"Automotive service station" means a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor vehicle fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles shall not be deemed to be a gasoline service station. (Ord. 27-1986, 87. Passed 10-27-86.)
1303.05 BASEMENT.
"Basement" means a portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six feet or more above the grade. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.06 BUILDING.
"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.07 BUILDING, DETACHED.
"Building, detached" means a building surrounded by open space which has no supporting wall in common with any other structure adjoining that lot or building. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.08 BUILDING LINE.
"Building line" means the line established by this Zoning Ordinance beyond which a building shall not extend, except as specifically provided by the Ordinance. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.09 BUILDING, SEMI-DETACHED.
"Building, semi-detached" means a building which has one wall in common with an adjacent building. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.10 CARPORT.
"Carport" means an attached or detached building with a roof supported by posts or columns but in any case not to be wholly enclosed and not intended to increase the habitable space of the building. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.11 CELLAR.
"Cellar" means a story partly below the finished grade having at least one-half of its height below grade. A cellar shall not be considered a story in determining the permissible number of stories. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.12 COVERAGE.
"Coverage" means the percentage of the plot or lot area covered by structure under roof. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.13 CUSTOMARY HOUSEHOLD PETS.
"Customary household pets" means such pets which are normally found within the home such as dogs, cats, hamsters and birds. (Ord. 27-1986, 87. Passed 10-27-86.)
1303.14 CHURCH.
"Church" means a building or group of buildings including customary accessory buildings designed or intended for public worship. For the purpose of this Zoning Ordinance, the word church shall include: chapels, cathedrals, temples and similar designations as well as parish houses, convents and such accessory uses.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.15 CLUBHOUSE.
"Clubhouse" means a building to house a club or social organization not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.16 COMMERCIAL VEHICLE.
"Commercial vehicle" means any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use. Also, any motor vehicle which by reason of a characteristic coloring, or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency shall be considered a commercial vehicle within the terms of this Zoning Ordinance. A passenger car used in business by a resident shall not be considered a commercial vehicle if it does not conflict with the above definition thereof.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.17 DAY CARE.
"Day care" means care given for part of the twenty-four hour day to children or adults away from their normal place of residence, but does not include child day care furnished in places of worship during religious services.
(a) "Day care center" means any premises operated for profit in which day care is provided simultaneously for seven or more persons who are not relatives of the operator.
(b) "Relative" means parent, guardian, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.18 DWELLING UNIT.
"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.19 DWELLINGS.
"Dwellings" include the following:
(a) (1) "Boarding house" means a building, or part therein, other than a hotel, motel or rooming house, where meals, linen service and/or lodging are provided for compensation, whether direct or indirect.
(2) "Rooming house" means a building, or part therein, other than a hotel, motel or boarding house, in which sleeping rooms are available for hire as lodging, but without meals or linen service.
(Ord. 32-1994, 95 §3. Passed 2-27-95.)
(b) "Condominium dwelling" means a unit as defined under the applicable provisions of the Unit Property Act of Pennsylvania of July 3, 1963, P.L. 196 (68 P.S. 700.101 et seq.) which has all of the following characteristics:
(1) The unit may be any permitted dwelling type.
(2) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Unit Property Act of Pennsylvania of July 3, 1963, P.L. 196 (68 P.S. 700.101 et seq.) and in accordance with the provisions for open space, roads or other development features as specified in this Zoning Ordinance.

(c) (1) "Efficiency unit" means a dwelling unit providing a sleeping area in combination with one or more other living areas within the dwelling unit. Such units shall contain an area of at least 400 square feet of habitable floor area; shared facilities (heat, electric, and plumbing) shall be prohibited.
(2) "Conversion apartment dwelling" means an increase in the number of dwelling units in an existing single-family dwelling.

(Ord. 33-1994, 95 §2, 3. Passed 2-27-95.)

(d) "Hotel" means an establishment where the public may for a consideration obtain sleeping accommodations with meals having at least six permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management, and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

(e) "Multi-family apartment house" means a building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

(f) "Row house (town house or attached dwelling)" means a dwelling occupied by one family, having two walls in common with adjoining single-family dwellings.

(g) "Single dwelling (one family)" means a detached dwelling unit for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit.

(h) "Two-family dwelling or duplex dwelling" means any building under one roof (other than a semi-detached dwelling) designed or arranged for occupancy by two households living as families and with individual and separate complete living facilities and not exceeding three stories in height.

(i) "Semi-detached dwelling or twin dwelling" means a dwelling designed for occupancy by one family and being one of two dwelling units under the same roof, separated by a party-wall and having separate exits and entrances and no interior access between them, and not exceeding three stories in height.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.19.1 EMERGENCY SHELTER.
"Emergency shelter" means a home licensed and approved to provide temporary housing for one or more individuals who are otherwise homeless. An emergency shelter may include lodging and ancillary services available to both residents and nonresidents of the emergency shelter.

(Ord. 8-1998, 99 §1. Passed 6-22-98.)
1303.20 FAMILY.
"Family" means a collective body of two or more persons doing their own cooking and living together as a separate housekeeping unit in relationship based upon birth, marriage, adoption or other domestic bond.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.21 FENCES, WALLS AND HEDGES.
"Fences, walls and hedges" means a barrier made in whole or part of posts, wire, wood, metal, masonry or plant material which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between public right of way and a property. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.22 FLOOR AREA.
"Gross floor area" means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.23 FLOOD FRINGE (F-3).
"Flood Fringe (F-3)" means the portion of the 100 year flood plain located outside the floodway and for which flood elevations have been determined.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.24 FLOOD PLAIN.
"Flood plain" means:
(a) A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation of water;
(b) An area subject to the unusual and rapid accumulation or runoff of surface water from any source. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.25 FLOOD PLAIN ZONES.
"Flood plain zones" means the zoning districts that establish the bounds of the 100 year flood plain as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain areas. These zones include the Approximated Flood Plain (F-1), Floodway (F-2) and Flood Fringe (F-3) Zone.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.26 FLOODWAY (F-2).
"Floodway (F-2)" means that portion of the 100 year flood plain including the channel of a river or other watercourse and the adjacent land areas which are required to carry and discharge the 100 year flood where the activities permitted elsewhere in the flood plain zone shall not cumulatively increase the water surface elevation more than one foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the flood plain.
(Ord. 27-1986, 87. Passed 10-27-86.)

1999 Replacement
1303.27 FLOOD PLAIN ZONE, APPROXIMATED (F-1).
“Approximated Flood Plain Zone (F-1)” means that flood plain area for which no specific flood profiles have been provided. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council’s Technical Bulletin No. 17. This elevation information shall be subject to review by the Municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a River Basin Commission, etc.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.28 FLOOD, 100 YEAR (REGULATORY FLOOD).
“100 year flood (regulatory flood)” means a flood that, on the average, is likely to occur once every 100 years, that is, that has a one percent (1%) chance of occurring each year, although the flood may occur in any year. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.29 FLOOD PLAIN, 100 YEAR.
“100 year flood plain” means:
(a) The relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation on the average of once every 100 years; or
(b) An area subject to the unusual and rapid accumulation or runoff of surface water from any source on the average of once every 100 years.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.30 GARAGE, PRIVATE.
“Garage, private” means an enclosure or covered space for the storage of not more than three vehicles provided that no business, occupation or service is conducted for profit therein. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.31 GARAGE, COMMERCIAL.
“Garage, commercial” means an enclosed or covered space leased for the storage of vehicles, personal and household items and provided that no business, occupation or service is conducted for profit therein. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.32 GRADE, FINISHED.
“Grade, finished” means the completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.32.1 GROUP HOME.
“Group home” means a home licensed and approved for use by individuals who are physically, developmentally or behaviorally disabled. Such disability shall include those which substantially limit one or more of such person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment, but such term does not include the use of or addiction to a controlled substance. (Ord. 8-1998, 99. Passed 6-22-98.)

1303.33 HEIGHT OF BUILDING.
“Height of building” means the vertical distance measured from the main level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.
(Ord. 27-1986, 87. Passed 10-27-86.)
1303.34 HOME OCCUPATION.
"Home occupation" means any gainful occupation or profession operated by a
member of the immediate family residing on the premises, and where the business
or profession is conducted wholly within the dwelling.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.35 HOSPITAL.
"Hospital" means a place for the diagnosis, treatment of disease, or other
care of humans and having facilities for inpatient and outpatient care.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.36 JUNK YARD AND/OR RECYCLERS.
"Junk yard and/or recyclers" means any area and/or structure used or intended
to be used for the conducting and operating of the business of selling, buying,
recycling, storing or trading in used or discarded metal, glass, paper, cordage or
any used or disabled fixtures, vehicles or equipment of any kind.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.37 LINEAR BLOCK.
"Linear block" means the distance between streets, as defined herein, not to
include marginal access streets as also defined herein. If there is no street as
defined in Section 1303.64, then the linear block would be between the street and
the terminus. Where the linear block as defined cannot be applied and the building
is to be demolished or reconstructed within one year, and where the present setbacks
are nonconforming, the setbacks for the new structure shall be determined by using
the established building line prior to demolition.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.38 LOT.
"Lot" means a tract or parcel of land, regardless of size, held in single or
joint ownership, not necessarily as a lot or lots shown, on a duly recorded map,
which is occupied or capable of being occupied by buildings, structures and
accessory buildings, including such open spaces as are arranged, designed or
required. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.39 LOT AREA.
"Lot area" means an area of land which is determined by the limits of the
property line bounding that area and expressed in terms of square feet or access.
Any portion of a lot included in a street right-of-way shall not be included in
calculating lot area.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.40 LOT, CORNER.
"Lot, corner" means a lot at the point of intersection of and abutting on two or
more intersecting streets, and which has an interior angle of less than 135 degrees
at the intersection of the two street lines.
(Ord. 27-1986, 87. Passed 10-27-86.)
1303.41 LOT FRONTAGE.
"Lot frontage" means a property line or portion thereof which is co-existent with a street line. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.42 LOT INTERIOR.
"Lot interior" means a lot other than a corner lot, the sides of which do not abut a street. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.43 LOT LINE.
"Lot line" means any line dividing a lot from another lot, street or parcel. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.44 LOT THROUGH.
"Lot through" means an interior lot having frontage on two parallel or approximately parallel streets. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.45 LOT WIDTH.
"Lot width" means the width of the lot between side lot lines at the front building line as prescribed by the front yard regulations. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.46 MOBILE HOME.
"Mobile home" means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.47 MOBILE HOME PARK.
"Mobile home park" means any space, however designated, that is occupied or designated for occupancy by one or more mobile homes where spaces are rented but not sold. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.48 MOBILE HOME SUBDIVISION.
"Mobile home subdivision" means an area designed exclusively for mobile homes where lots are not rented but sold. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.49 MOTEL.
"Motel" means a series of attached rental units, normally one or two story structures, with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests. An office and single dwelling unit may be included as secondary uses in conjunction with the operation of a motel. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms. (Ord. 27-1986, 87. Passed 10-27-86.)

1999 Replacement
1303.50 NONCONFORMING LOT.
"Nonconforming lot" means a lot of record, existing at the time of the passage of this Zoning Ordinance, or any amendments thereto, which does not have the minimum width or contain the minimum area for the zone in which it is located and is not abutted or adjoined by any other land owned by the same owner.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.51 NONCONFORMING SIGN.
"Nonconforming sign" means a sign which does not conform to the regulation of the district in which it is located. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.52 NONCONFORMING STRUCTURE OR BUILDING.
"Nonconforming structure or building" means a structure or building, or part thereof, which at the time of the enactment of this Zoning Ordinance or any subsequent amendments thereto, does not comply with the provisions of this Zoning Ordinance or such amendments, with respect to restrictions on area, lot coverage, height, yards, location on the lot or other similar requirements. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.53 NONCONFORMING USE.
"Nonconforming use" means a use, whether of land, building or structure, which does not comply with the applicable use provisions of this Zoning Ordinance, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this Zoning Ordinance or such amendments.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.53.1 NURSING HOME.
"Nursing home" means a home licensed and approved to provide full-time nursing or intermediate convalescent or chronic care services to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves.
(Ord. 8-1998, 99 §1. Passed 6-22-98.)

1303.54 OPEN SPACE.
"Open space" means the unoccupied space open to the sky on the same lot with a building or buildings.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.55 PARKING SPACE.
"Parking space" means the space within a building or on a lot or parking lot, for the free and unrestricted parking or storage of one automobile.
(Ord. 27-1986, 87. Passed 10-27-96.)

1303.55.1 PERSONAL CARE HOME.
"Personal care home" means a home licensed and approved to provide food, shelter, personal assistance or supervision for a period exceeding twenty-four consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration, but who do not require hospitalization or care in skilled nursing or intermediate care homes. (Ord. 8-1998, 99. Passed 6-22-98.)

1999 Replacement
1303.56 PREMISES.
“Premises” means any lot, parcel or tract of land and any building constructed thereon.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.57 PRIVATE ROAD.
“Private road” means a legally established right of way, other than a street, which provides the primary vehicular access to a lot.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.57.1 PROFESSIONAL AND BUSINESS OFFICES.
“Professional and business offices” means an occupancy where the primary function is the rendering of professional services including but not limited to legal and medical practice, accounting, insurance, real estate and similar services.  
(Ord. 8-1998, 99. Passed 6-22-98.)

1303.58 RESTAURANT.
“Restaurant” means a public eating place where food is prepared on the premises and customarily consumed either in the building or taken off the premises. At least twenty-five percent (25%) of the structure’s first floor area shall be devoted to dining facilities. Restaurant does not include a “Drive In Restaurant”.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.59 SATELLITE RECEIVING STATION.
“Satellite receiving station” means a device used primarily for receiving audio visual signals transmitted from earth orbiting satellites.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.60 SIGN.
“Sign” includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); or any other device of similar character which:
(a) Is a structure or manner represented on a building or other structure;
(b) Is used to announce, direct attention to, or to advertise; and
(c) Is visible from the outside of a building.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.61 SOLAR ENERGY SYSTEM.
“Solar energy system” means any system, design, assembly or device which is used to collect, store and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating water or for generating electricity. Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight in south facing windows.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.62 SPECIAL EXCEPTION.
“Special exception” means a use which by virtue of its own peculiar characteristics may be permitted in particular areas only after review, public hearing and approval by the Zoning Hearing Board.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1999 Replacement
1303.63 STORY.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A story does not include a cellar.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.64 STREET.

"Street" means a public thoroughfare or private road which affords primary vehicular access to abutting properties.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.65 STREET (MARGINAL ACCESS).

"Street (marginal access)" means a public thoroughfare or private road which is less than twenty feet in width. Side yard regulations for yards abutting marginal access streets are the same as those indicated for interior lots.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.66 STREET LINE.

"Street line" means the dividing line between the street right-of-way line and the lot. Also known as the street lot line.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.67 SUBDIVISION.

"Subdivision" means a division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels, or other division of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres not involving any new street or easement of access or residential dwellings, shall be exempted.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.68 TAKE OUT RESTAURANT.

"Take out restaurant" means any use which provides take out food and/or drink and does not have provisions for serving customers on premises.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.69 USE.

"Use" means the specific purpose for which land or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.70 UTILITY BUILDING.

"Utility building" means a small building used for the storage of accessory items such as bicycles, lawn mowers and equipment and gardening tools; providing such building shall not exceed 160 square feet and ten feet in height.

(Ord. 27-1986, 87. Passed 10-27-86.)

1303.71 VARIANCE.

"Variance" means the Zoning Hearing Board's authorized departure to a minor degree from the text of this Zoning Ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Zoning Ordinance.

(Ord. 27-1986, 87. Passed 10-27-86.)
1303.72 YARD.
“Yard” means a required open space, unoccupied by a structure; provided however, that fences, walls, posts, trees, lawn furniture and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.73 YARD, FRONT.
“Yard, front” means yard provided between the front property line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot. For purposes of the lot, area and bulk requirements, the front yard setback applies to corner lot side yards.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.74 YARD, REAR.
“Yard, rear” means an open unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.75 YARD, SIDE.
“Yard, side” means an open unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.76 ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL).
“Zoning Officer (Zoning Administrative Official)” means the agent or official designated by the Mayor and Council to enforce the Zoning Ordinance of the City.
(Ord. 27-1986, 87. Passed 10-27-86.)

1303.77 ZONING HEARING BOARD.
“Zoning Hearing Board” shall consist of five residents of the City appointed by Council. (Ord. 27-1986, 87. Passed 10-27-86.)

1303.78 ZONING PERMIT.
“Zoning permit” means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Zoning Ordinance for the zone in which it is located or to be located.
(Ord. 27-1986, 87. Passed 10-27-86.)
ARTICLE 1305
Administration, Permits, Violations and Penalty

1305.01 Administration and enforcement.
1305.02 Zoning permits.
1305.03 Building permit required.
1305.04 Building permit application.
1305.05 Certificates of zoning compliance for new, altered or nonconforming uses.
1305.06 Building permit expiration.
1305.07 Change or modification of approved plans prohibited.
1305.08 Provisions declared minimum; most restrictive to control.
1305.09 Application of district regulations.
1305.10 Compliance with district regulations.
1305.11 Compliance with Zoning Code provisions.
1305.12 Each building to have separate yard, open space, off-street parking.
1305.13 Minimum yard and lot area.
1305.14 Unregulated uses.
1305.15 District classification of new annexations.
1305.16 Complaints regarding violations.
1305.17 Severability.
1305.18 Repeal of conflicting ordinances.
1305.99 Penalty.

CROSS REFERENCES
Zoning Officer appointment and powers - see PMPC §614 (53 P.S. §10614)
Penalty - see PMPC §616 (53 P.S. §10616)
Zoning permit defined - see ZON. 1303.78
Permit fee schedule - see ZON. 1309.01
Sign permits - see ZON. 1323.04(q)
Flood plain building permits - see ZON. 1323.05(m)

1305.01 ADMINISTRATION AND ENFORCEMENT.
(a) A Zoning Officer designated by the Mayor and Council shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Mayor and Council may direct.

(b) If the Zoning Officer finds that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order: discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or may take any other action authorized by this Code to insure compliance with or prevent violation of its provisions. (Ord. 27-1986, 87. Passed 10-27-86.)
1305.02 ZONING PERMITS.

(a) Zoning permits shall hereafter be secured from the Zoning Officer prior to the use of any land, construction, erection or alteration of any building or part of building, and prior to the construction or erection of any stationary sign or billboard. All requests for zoning permits shall be made in writing by the owner or by his authorized agent on forms supplied by the Zoning Officer, and when requested by the Zoning Officer, shall be accompanied by a certified plan drawn to scale, showing the proposed structure in its exact relation to lot and street lines. No zoning permit shall be issued for any conversion, addition or alteration or change in use of any existing structure unless that structure meets all requirements of applicable City codes and ordinances, including all ordinances relating to shade trees. (Ord. 17-1990, 91 § 83. Passed 4-23-90.)

(b) Time Limitation. No zoning permit for construction, erection or alteration of any building or structure, or for any sign, shall be valid for more than one year from date of issue unless work at the site has commenced within such period. No zoning permit for use of building or land shall be valid for more than one year from date of issue unless such use is established within the one year period; provided, however, that where such use is dependent upon erection or alteration of a building, the zoning permit shall continue in force if the erection or alteration is started within the one year period and completed in an expeditious manner.

(c) Notice of Starting Work. The Zoning Officer shall be given at least twenty-four hours notice by the owner or applicant prior to commencement of work at the site under zoning or building permits. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.03 BUILDING PERMIT REQUIRED.

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the Zoning Officer. No building permit shall be issued by the Officer except in conformity with the provisions of this Zoning Code, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this Code. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.04 BUILDING PERMIT APPLICATION.

(a) All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot or buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including: existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Zoning Code.

1992 Replacement
(b) In cases where construction and/or alterations would necessitate approval from the Department of Labor and Industry, the applicant shall furnish the Labor and Industry file number and date of their approval. If Labor and Industry approval is not required, the applicant shall so state on the building permit application.

(c) One copy of the plans shall be returned to the applicant by the Officer, after he has marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Officer.
(Ord. 27-1986, 87. Passed 10-27-86.)

1305.05 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED OR NONCONFORMING USES.

(a) No person shall use or occupy or permit the use or occupancy of any building or premises or both, or part thereof hereafter created, if erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to this Zoning Code.

(b) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance and the certificate shall be issued in conformity with the provisions of this Code upon completion of the work.

(c) The Officer shall maintain a record of all certificates of zoning compliance and a copy shall be furnished upon request of any person.

(d) Failure to obtain a certificate of zoning compliance shall be a violation of this Code and punishable as provided in Section 1305.99.
(Ord. 27-1986, 87. Passed 10-27-86; Ord. 2-1990, 91 §1. Passed 1-22-90.)

1990 Replacement
1305.06 BUILDING PERMIT EXPIRATION.
(a) If the work described in any building permit has not begun within 180 days from the issuance thereof, the permit shall expire; it shall be cancelled by the Zoning Officer and written notice thereof given to the persons affected.

(b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, such permit shall expire. Further work shall not proceed unless and until a new building permit has been obtained. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.07 CHANGE OR MODIFICATION OF APPROVED PLANS PROHIBITED.
Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement and construction set forth in such approved plans and applications. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Code and punishable as provided in Section 1305.99. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.08 PROVISIONS DECLARED MINIMUM; MOST RESTRICTIVE TO CONTROL.
In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.09 APPLICATION OF DISTRICT REGULATIONS.
The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly and particularly to each class or kind of structure or land, except as hereinafter provided. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.10 COMPLIANCE WITH DISTRICT REGULATIONS.
No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.11 COMPLIANCE WITH ZONING CODE PROVISIONS.
No building or other structure shall hereafter be erected or altered which is contrary in any manner to the provisions of this Zoning Code or:
(a) To exceed the height or bulk;
(b) To accommodate or house a greater number of families;
(c) To occupy a greater percentage of lot area; or
(d) To have narrower or smaller rear yards, front yards, side yards or other open spaces, than that permitted or required by this Zoning Code. (Ord. 27-1986, 87. Passed 10-27-86.)
1305.12 EACH BUILDING TO HAVE SEPARATE YARD, OPEN SPACE, OFF-STREET PARKING.
No part of a yard or open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Code, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
(Ord. 27-1986, 87. Passed 10-27-86.)

1305.13 MINIMUM YARD AND LOT AREA.
No yard or lot existing on the effective date of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established by this Code. (Ord. 27-1986, 87. Passed 10-27-86.)

1305.14 UNREGULATED USES.
When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall, by administrative review, make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.
(Ord. 8-1998, 99 §2. Passed 6-22-98.)

1305.15 DISTRICT CLASSIFICATION OF NEW ANNEXATIONS.
All territory which may hereafter be annexed to the City shall be considered to be in the Residential (RLD) Low Density District until otherwise classified.
(Ord. 27-1986, 87. Passed 10-27-86.)

1305.16 COMPLAINTS REGARDING VIOLATIONS.
Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Code.
(Ord. 27-1986, 87. Passed 10-27-86.)

1305.17 SEVERABILITY.
Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 27-1986, 87. Passed 10-27-86.)

1305.18 REPEAL OF CONFLICTING ORDINANCES.
All ordinances or parts of ordinances in conflict with this Zoning Code, or inconsistent with the provisions of this Code, are hereby repealed to the extent necessary to give this Code full force and effect. (Ord. 27-1986, 87. Passed 10-27-86.)
1305.99 PENALTY.

(a) Any person, partnership or corporation which violates any provision of this Zoning Code or any amendment thereto, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice, determining that there was a good faith basis for the person, partnership or corporation violating such provision to have believed that there was no such violation in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance or its amendments shall be paid over to the City.

(Ord. 2-1990, 91 §2. Passed 1-22-90.)

(b) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 27-1986, 87. Passed 10-27-86.)
ARTICLE 1307
Zoning Hearing Board; Appeals

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1307.01</td>
<td>Establishment; appointment, term and removal.</td>
</tr>
<tr>
<td>1307.02</td>
<td>Proceedings of the Board.</td>
</tr>
<tr>
<td>1307.03</td>
<td>Hearings; appeals; notice.</td>
</tr>
<tr>
<td>1307.04</td>
<td>Stay of proceedings.</td>
</tr>
<tr>
<td>1307.05</td>
<td>Information required on appeals to Board.</td>
</tr>
<tr>
<td>1307.06</td>
<td>Administrative review.</td>
</tr>
<tr>
<td>1307.07</td>
<td>Special exceptions.</td>
</tr>
<tr>
<td>1307.08</td>
<td>Variances.</td>
</tr>
<tr>
<td>1307.09</td>
<td>Reversing decisions of Zoning Officer.</td>
</tr>
<tr>
<td>1307.10</td>
<td>Appeals.</td>
</tr>
<tr>
<td>1307.11</td>
<td>Intent.</td>
</tr>
</tbody>
</table>

CROSS REFERENCES
Creation of Board; membership, functions - see PMPC Art. IX (53 P.S. §10901-10916)
Zoning appeals to courts - see PMPC Art. X (53 P.S. §10001-11011)
Interpretation of lot division boundaries - see ZON. 1321.05(f)
Special exception uses - see ZON. 1321.08
Flood plain special exceptions and variances - see ZON. 1323.03(g)

1307.01 ESTABLISHMENT; APPOINTMENT, TERM AND REMOVAL.
(a) Pursuant to Article IX of Act 247 known as the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board is hereby established, which shall consist of five members who shall be residents of the City, to be appointed by the Mayor and Council for terms of five years each. Appointments shall be so established that the term of office of no more than one member of the Board shall expire each year. Members of the Board may be removed from office by the Mayor and Council for cause upon written charges and after public hearing if the member requests such hearing in writing. Vacancies shall be filled by appointment by the Mayor and Council for the unexpired term of the member affected. Members of the Board shall hold no other office in the City. (Ord. 2-1990, 83. Passed 1-22-90.)

(b) Board members shall receive a fee of ten dollars ($10.00) for each hearing attended. (Ord. 27-1986, §7. Passed 10-27-86.)

1990 Replacement
1307.02 PROCEEDINGS OF THE BOARD.

(a) The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Code. Meetings shall be held at the call of the Chairman or, in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, an indication of such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and immediately filed in the office of the Board. (Ord. 27-1986, 87. Passed 10-27-86.)

1307.03 HEARINGS; APPEALS; NOTICE.

(a) Appeals to the Zoning Hearing Board concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time, not to exceed sixty days or such lesser period as may be provided by the rules of the Board, by filing with the Officer and with the Board a notice of appeal specifying the grounds thereof. The Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Public notice of the hearing shall be given and written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by the rules of the Board. In addition to the written notice provided herein, written notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(b) The 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 forty-five days after the last hearing before the Board or hearing officer. The hearing shall be held within sixty days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the 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 Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five days after the decision of the hearing officer. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of such decision within ten days from the last day it would have met to render a decision. If the 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 urge that such a decision is erroneous.

(c) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant and his attorney if so represented personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address 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 at which the full decision or findings may be examined.

(Ord. 2-1990, 91 §4. Passed 1-22-90.)

1307.04 STAY OF PROCEEDINGS.

Upon filing an appeal and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order. Such an order may be granted by the Board or the court on petition, after notice to the Zoning Officer. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court to order such persons to post bond as a condition to continuing the proceedings before the Board.

(Ord. 2-1990, 91 §5. Passed 1-22-90.)
1307.05 INFORMATION REQUIRED ON APPEALS TO BOARD.
All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
(a) The name and address of the applicant, or appellant;
(b) The name and address of the owner of the zone lot to be affected by such proposed change or appeal;
(c) A brief description and location of the zone lot to be affected by such proposed change, or appeal;
(d) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof;
(e) A statement of the section of this Zoning Ordinance under which the appeal is made, and reasons why it should be granted, or a statement of the section of this Zoning Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
(f) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

(Ord. 27-1986, 87. Passed 10-27-86.)

1307.06 ADMINISTRATIVE REVIEW.
The Zoning Hearing Board shall hear and decide appeals in accordance with Section 1307.03 where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Zoning Code.

(Ord. 27-1986, 87. Passed 10-27-86.)

1307.07 SPECIAL EXCEPTIONS.
The Zoning Hearing Board shall: hear and decide only such special exceptions as such Board is specifically authorized to pass on by the terms of this Zoning Code; decide such questions as are involved in determining whether special exceptions should be granted; and grant special exceptions with such conditions and safeguards as are appropriate under this Code, or deny a special exception when it is not in harmony with the purpose and intent of this Code. A special exception shall not be granted by the Board unless:
(a) A written application for a special exception is submitted by any landowner or tenant with the permission of the landowner indicating the section of this Code under which the special exception is sought and stating the grounds on which it is requested.
(b) Notice shall be given at least fourteen days and no more than thirty days in advance of public hearing. The owner of the property for which a special exception is sought and the City Planning Committee shall be notified by mail. Notice of such hearings shall be given in a newspaper of general circulation in the City. The news article shall be published once each week for at least two successive weeks.
In addition, a notice shall be mailed to the owner or occupant of every lot adjoining the property which is the subject of the hearing and to at least twenty-five percent (25%) of the owners or occupants of lots within 300 feet of the property in question if along the same street and within 100 feet if not along the same street. Further, notice of such hearing shall be conspicuously posted on the affected tract of land. Failure to give notice by mail shall not invalidate any action taken by the Board.

(c) A public hearing is held. Any party may appear in person or by agent or attorney.

(d) The Board makes a finding that it is empowered to grant a special exception under the section of this Code described in the application for special exception and that the granting of the special exception will not adversely affect the public interest.

(e) Before any special exception is issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exception and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in subsection (e)(1) hereof and the economic effect, noise, glare or odor resulting from the special exception on adjoining properties generally in the district;
3. Refuse and service areas, with particular reference to the items in subsection (e)(1) and (2) hereof;
4. Utilities, with reference to locations, availability and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
7. Required yards and other open space; and
8. General compatibility with adjacent properties and other properties in the district.

(Ord. 27-1986, 87. Passed 10-27-86.)

1307.08 VARIANCES.

The Zoning Hearing Board shall authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. A variance from the terms of this Code shall not be granted by the Board unless:

(a) A written application for a variance is submitted by a landowner or a tenant with the landowner's permission demonstrating that:
(1) 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 Code in the neighborhood or district in which the property is located;

(2) 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 Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) Such unnecessary hardship has not been created by the appellant;

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Code and any amendment thereto.

(b) Notice of public hearing shall be given as provided in Section 1307.07(b).

(c) A public hearing is held. Any party may appear in person, by agent or by attorney.

(d) The Board makes a finding that the requirements of subsection (a) hereof have been met by the applicant for a variance.

(e) The Board makes a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building or structure.

(f) The Board makes a finding that the granting of a variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguard in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under Section 1305.99.

Unless otherwise specified by the Zoning Hearing Board of Appeals, a special exception or variance shall expire if the applicant fails to obtain a zoning permit or comply with conditions of the special exception or variance within one year from the date of authorization thereof.

(Ord. 27-1986, 87. Passed 10-27-86.)

1307.09 REVERSING DECISIONS OF ZONING OFFICER.

(a) In exercising its powers, the Zoning Hearing Board may, as long as such action is in conformity with the terms of this Zoning Code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary, and to that purpose shall have the powers of the Zoning Officer from whom the appeal is taken.
(b) A majority of the quorum of the Board shall be necessary to reverse any order, requirement, decision or determination of the Officer, or to decide in favor of the applicant on any matter upon which it is required to pass in this Code, or to effect any variance in the application of this Code. (Ord. 27-1986, 87. Passed 10-27-86.)

1307.10 APPEALS.
Any person or persons, board or bureau of the City aggrieved by any decision of the Zoning Hearing Board may, within thirty days of the decision by the Zoning Hearing Board, seek review of such decision by a Court of Record, in the manner provided by the laws of the Commonwealth and particularly by Article Ten of the Pennsylvania Municipalities Planning Code. (Ord. 27-1986, 87. Passed 10-27-86.)

1307.11 INTENT.
(a) It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Zoning Hearing Board only on appeal from the decision of the Officer, and that recourse from the decisions of the Board shall be to the courts as provided by law and particularly by Article Ten of the Pennsylvania Municipalities Planning Code.

(b) It is further the intent of this Code that the duties of the Mayor and Council in connection with this Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article and Code. Under this Code the Mayor and Council shall have only the duties of: considering and adopting or rejecting proposed amendments or the repeal of this Code or any section thereof, as provided by law; establishing a schedule of fees and charges as stated in Section 1309.01; and those duties specifically noted in other articles of this Code. (Ord. 27-1986, 87. Passed 10-27-86.)
ARTICLE 1309
Fees and Amendments

1309.01 Establishment of fee schedule. 1309.02 Amendments to Zoning Code.

CROSS REFERENCES
Amendments - see PMPC §609 et seq. (53 P.S. §10609)
Zoning and building permits and certificates of zoning compliance - see ZON. 1305.02 et seq.
Building Code fees - see BLDG. 1701.03

1309.01 ESTABLISHMENT OF FEE SCHEDULE.
(a) The Mayor and Council shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this Zoning Code. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Mayor and Council.

(b) Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
(Ord. 27-1986, 87. Passed 10-27-86.)

1309.02 AMENDMENTS TO ZONING CODE.
Public notice of amendments and notice requirements for public hearing shall be fulfilled pursuant to the Pennsylvania Municipalities Planning Code, Section 610(a), (b), and (c), "Publication, Advertisement and Availability of Ordinances", as amended; Section 107, "Definitions", as amended; and the Home Rule Charter of the City of Lebanon, Section 21, "Publication", of Article III, "The Legislative Branch - City Council".
(Ord. 8-1998, 99 §3. Passed 6-22-98.)
ARTICLE 1321
District Requirements and Uses; Schedule and Zoning Map

1321.01 Schedule.  
1321.02 List of zones.  
1321.03 Zoning Map.  
1321.04 Intent of zoning districts.  
1321.05 Interpretation of district boundaries.  
1321.06 Use regulations.

CROSS REFERENCES
Adoption of Map; effect on mapped areas; notice to other municipalities - see PMPC Art. IV (53 P.S. §10401-10408)  
District classification - see PMPC §605 (53 P.S. §10605)  
Planned residential development - see PMPC §701 et seq.  
(53 P.S. §10701 et seq.)  
New annexations considered RLD Districts - see ZON: 1305.15  
Map boundary changes - see ZON. 1309.02

1321.07 Permitted (P), Special Exception (E) and Specific Condition (C) uses.  
1321.08 Special Exception (E) uses.  
1321.09 Specific Condition (C) uses.

1321.01 SCHEDULE.
The schedule of regulations entitled "Schedule Governing the Lot Area, and Bulk Requirements of Permitted Uses" found in Appendix "A" of this Zoning Ordinance is hereby declared to be a part of this Zoning Ordinance.  
The regulations listed for each zone as designated, reading from left to right across the Schedule, are hereby prescribed for such zones, subject to the other provisions of this Zoning Ordinance and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.  
(Ord. 27-1986, 87. Passed 10-27-86.)

1321.02 LIST OF ZONES.
For the purpose of this Zoning Ordinance, the City is divided into the following nine zones:  
RLD Residential Low Density  
RMD Residential Medium Density  
RHD Residential High Density  
CA Auto-Oriented Commercial  
CBD Central Business District  
CN Neighborhood Commercial  
OI Office and Institutional  
ML Light Manufacturing  
MH Heavy Manufacturing  
MR Municipal Recreation  
(Ord. 27-1986, 87. Passed 10-27-86; Ord. 17-1990, 91 §1. Passed 4-23-90.)
1321.03 ZONING MAP.

The boundaries of these zones are established on a map entitled "Zoning Map for the City of Lebanon", which map accompanies and is declared to be a part of this Zoning Ordinance. Map changes and amendments shall be made in accordance with the provisions of Article 1309. (Ord. 27-1986, 87. Passed 10-27-86.)

1321.04 INTENT OF ZONING DISTRICTS.

(a) RLD Residential Low Density. The regulations of this district are designed to promote, provide for and protect single family residences in harmony with the existing uses and physical attributes of the City.

(b) RMD Residential Medium Density. The regulations of this district are designed to preserve the integrity of existing neighborhoods while offering a variety of housing alternatives consistent with area lot sizes and uses.

(c) RHD Residential High Density. The regulations of this district are designed to provide for a wide range of housing types in harmony with existing conditions where Municipal services, commercial facilities and other urban amenities are most readily available.

(d) CN Commercial Neighborhood. Within any large scale neighborhood, there exists a need for certain commercial facilities to fulfill the immediate needs of the persons living therein. These needs are thus provided for by the establishment of various CD Districts throughout the City, primarily for the residents of the surrounding residential districts.

(e) CA Commercial Auto-Oriented. This district is designed to facilitate commercial enterprises which are definitely enhanced by proximity to a major thoroughfare, are associated with automobile shopping and are not particularly compatible with a retail business or a Commercial Neighborhood District.

(f) CBD Central Business District. This district is designed solely to enhance the quality of central Lebanon as a coherent, centralized, retail shopping entity. Only those kinds of uses which offer the consumer goods and services appropriate in a Central Business District atmosphere and which enhance the total attractiveness of the center of Lebanon shall be permitted.

(g) OI Office Institutional. The regulations of this district are designed primarily to facilitate office and institutional uses and to provide a transition zone between the central business district, the manufacturing districts and the residential districts. In essence, this is a zone for a wide variety of uses, normally indigenous to urban areas, which are compatible among themselves, but do not necessarily fit into any other zoning districts.

(h) ML Manufacturing-Light. It is the purpose of this zone to establish industrial areas which are or may become integral with established residential neighborhoods, thus recognizing the City's long established industrial pattern of land use. Performance standards and other regulations are designed to protect residential valuations, to effect a desirable transition between industrial and other uses, and to promote a high order of industrial development.

1992 Replacement
District Requirements and Uses; Schedule and Zoning Map 1321.06

(i) MH Manufacturing-Heavy. It is the purpose of this zone to provide areas suitable for the use of industry and related uses with controls necessary for insuring sound industrial development. Industrial types in these areas would include manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations. (Ord. 27-1986, 87. Passed 10-27-86.)

(j) MR Municipal Recreation. To preserve, maintain and enhance the natural environment of those areas which are recreational in character through conservation of natural resources and carefully controlled development and to protect those areas from potentially adverse influences.

Each use or structure hereafter established, erected or altered in this district shall cause no excessive noises, fumes, odor, dust or electrical interference.

Each use or building shall not cause overcrowding of land, shall provide for fire safety and protection, and shall adequately provide for water supply, sewage disposal, drainage and parking. (Ord. 17-1990, 91 §1. Passed 4-23-90.)

1321.05 INTERPRETATION OF DISTRICT BOUNDARIES.
Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
(a) Boundaries indicated as approximately following the center lines of streets, highways or marginal access streets shall be construed to follow such center lines.
(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
(c) Boundaries indicated as approximately following City limits shall be construed as following such City limits.
(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
(e) Boundaries indicated as parallel to, or extensions of features indicated in subsections (a) through (d) hereof shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map; and
(f) Where a district boundary line divides a lot which was in single ownership prior to the adoption of this Zoning Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations, for either portion of the lot, but not to extend fifty feet beyond the district line into the remaining portion of the lot.
(Ord. 27-1986, 87. Passed 10-27-86.)

1321.06 USE REGULATIONS.

The status of uses per each zoning district are contained in the table that follows in Section 1321.07. Those uses permitted by right are designated by the letter "P". Those uses permitted by special exception are designated by the letter "E". Those uses permitted by specific condition are designated by the letter "C". Standards for permitted uses are contained in Schedule B. Standards for special exception uses are contained in Section 1321.08. Standards for specific condition uses are contained in Section 1321.09.
(Ord. 27-1986, 87. Passed 10-27-86.)
1321.07 PERMITTED (P), SPECIAL EXCEPTION (E) AND SPECIFIC CONDITION (C) USES.

ZONING DISTRICTS

<table>
<thead>
<tr>
<th>RLD</th>
<th>RMD</th>
<th>RHD</th>
<th>CA</th>
<th>CBD</th>
<th>CN</th>
<th>OI</th>
<th>ML</th>
<th>MH</th>
<th>MR</th>
</tr>
</thead>
</table>

(a) Residential and Related Uses.

1. Single family dwelling
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): No
   - Specific Condition (C): No

2. Two family dwelling (duplex)
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): No
   - Specific Condition (C): No

3. Semi-detached dwelling
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): No
   - Specific Condition (C): No

4. Row house (town house or attached dwelling)
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): Yes
   - Specific Condition (C): No

5. Multi-family apartment house
   - Zoning Code: E
   - Permitted (P): No
   - Special Exception (E): Yes
   - Specific Condition (C): Yes

6. Conversion apartment dwellings
   - Zoning Code: C
   - Permitted (P): No
   - Special Exception (E): Yes
   - Specific Condition (C): Yes

7. Boarding house and/or rooming house
   - Zoning Code: C
   - Permitted (P): No
   - Special Exception (E): Yes
   - Specific Condition (C): Yes

8. Mobile home park
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): Yes
   - Specific Condition (C): Yes

9. Hotel
   - Zoning Code: P
   - Permitted (P): Yes
   - Special Exception (E): Yes
   - Specific Condition (C): Yes

10. Motel
    - Zoning Code: P
     - Permitted (P): Yes
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

11. Churches and similar places of worship
    - Zoning Code: P
     - Permitted (P): Yes
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

12. Kindergarten, day care center, elementary and high schools, municipal buildings, public parks and playgrounds
    - Zoning Code: E
     - Permitted (P): No
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

13. Operations involving the use of buildings and land for farming, nurseries, dog kennels and animal hospitals
    - Zoning Code: C
     - Permitted (P): No
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

14. Home occupations
    - Zoning Code: C
     - Permitted (P): No
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

15. Customary accessory uses and buildings incidental to any of the above-permitted uses
    - Zoning Code: P
     - Permitted (P): Yes
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

16. Recreation areas and structures operated by membership clubs for the benefit of their members
    - Zoning Code: E
     - Permitted (P): No
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

17. Cemeteries, hospitals, clinics and nursing or convalescent homes
    - Zoning Code: E
     - Permitted (P): No
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

18. Golf courses and country clubs
    - Zoning Code: P
     - Permitted (P): Yes
     - Special Exception (E): Yes
     - Specific Condition (C): Yes

1999 Replacement
### ZONING DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>RLD</th>
<th>RMD</th>
<th>RHD</th>
<th>CA</th>
<th>CBD</th>
<th>CN</th>
<th>OI</th>
<th>ML</th>
<th>MH</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(19)</td>
<td>Residential and Related Uses.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(20)</td>
<td>Commemrical swimming pools</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(21)</td>
<td>Condominiums</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(22)</td>
<td>Offices and other facilities used in the distribution of television, radio, telegraphic and telephonic signals to residential structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>(23)</td>
<td>Group home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(24)</td>
<td>Personal care home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(25)</td>
<td>Emergency shelters</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>Commercial Uses (Retail)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>Appliances</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Artist and hobby supplies</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Beer and liquor stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>Candy</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td>Clothing</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td>Computer sales</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td>Department store</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8)</td>
<td>Drug store</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9)</td>
<td>Flowers and plants</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10)</td>
<td>Garden supplies</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11)</td>
<td>Gift shops</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(12)</td>
<td>Grocery</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(13)</td>
<td>Household appliances</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(14)</td>
<td>Household furnishings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(15)</td>
<td>Jewelry shops</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(16)</td>
<td>Newspapers, books and stationery</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(17)</td>
<td>Pottery and ceramics</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(18)</td>
<td>Restaurant</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(19)</td>
<td>Sporting goods</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(20)</td>
<td>Take-out restaurant</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>(21)</td>
<td>Tobacco</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(22)</td>
<td>Video</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1999 Replacement
### ZONING DISTRICTS

<table>
<thead>
<tr>
<th>RLD</th>
<th>RMD</th>
<th>RHD</th>
<th>CA</th>
<th>CBD</th>
<th>CN</th>
<th>OI</th>
<th>ML</th>
<th>MH</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(c) Commercial Uses (Services).

1. Amusement enterprises:
   - movie theaters, playhouses,
     arenas, bowling alleys,
     dance halls, and similar
     recreation establishments
   - Amusement enterprises:   P  P  P

2. Automobile dealerships
   - Automobile dealerships: P

3. Automobile service and
   filling stations
   - Automobile service and filling stations: P C P

4. Banks and other financial
   institutions
   - Banks and other financial institutions: P P P P P P

5. Barber and beauty
   shop/school
   - Barber and beauty shop/school: C P P P C P

6. Car washes
   - Car washes: P

7. Commercial garages
   - Commercial garages: P P P P P

8. Commercial parking facilities
   - Commercial parking facilities: E P P P P P

9. Drive-in movie
   - Drive-in movie: P

10. Dry cleaning
    - Dry cleaning: C P P P C P

11. Laundries and dry cleaners
     and pick-up
    - Laundries and dry cleaners and pick-up: C P P P C P

12. Laundromat
    - Laundromat: P P P C P

13. Lumber and fuel distribution yards
    - Lumber and fuel distribution yards: P

14. Medical and dental clinics
    and laboratories
    - Medical and dental clinics and laboratories: P P P P

15. Mortuary and undertaking establishments
    - Mortuary and undertaking establishments: P

16. Offices: professional and business
    - Offices: professional and business: C P P P P P P P

17. Photographic studio
    - Photographic studio: C P P P C P

18. Printing and publishing
    - Printing and publishing: C P P P C P P

19. Repair shops, body shops,
    parts centers and supply centers
    - Repair shops, body shops, parts centers and supply centers: P

20. Shoe repair
    - Shoe repair: C P P P C P

21. Shops for contractors,
    plumbing, heating,
    printing, upholstering, etc.
    - Shops for contractors, plumbing, heating, printing, upholstering, etc.: P

22. Tailors
    - Tailors: C P P P C P

23. Transportation terminals
    - Transportation terminals: P P

1999 Replacement
### ZONING DISTRICTS

<table>
<thead>
<tr>
<th>d) Manufacturing Uses</th>
<th>RLD</th>
<th>RMD</th>
<th>RHD</th>
<th>CA</th>
<th>CBD</th>
<th>CN</th>
<th>OI</th>
<th>ML</th>
<th>MH</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Warehousing and wholesaling establishments and storage yards not including junk yards</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Railroad, trucking, busing and other transit facilities including storage, repair and transfer operations</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Moving and storage facilities</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Public utility installations</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Junk yards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Research, assembly, processing, manufacturing or industrial use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


### Municipal Recreation Uses

<table>
<thead>
<tr>
<th>e) Municipal Recreation Uses</th>
<th>RLD</th>
<th>RMD</th>
<th>RHD</th>
<th>CA</th>
<th>CBD</th>
<th>CN</th>
<th>OI</th>
<th>ML</th>
<th>MH</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Amphitheaters, band shells and playhouses;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Community fairs, festivals and similar activities which are sponsored by nonprofit community organizations;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Concerts;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Picnicking;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Public family entertainments;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Public swimming pools; tennis courts, ballfields and related sporting activities;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) Use of the park and/or park facilities for charitable purposes on a temporary basis for any use within the broad scope of entertainment. (Ord. 17-1990, 91 §1. Passed 4-23-90.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1999 Replacement)
1321.08 SPECIAL EXCEPTION (E) USES.

(a) Purpose. The following standards are intended to provide the Zoning Hearing Board with a guide for the purposes of reviewing certain uses not otherwise permitted in specific zones except under restrictions of this article.

(b) Procedure. An applicant for a special exception shall, if required, submit to the Zoning Officer, proposed site plans together with his application. Such site plans shall contain such information as may be required to enable the Zoning Officer and the Board to properly evaluate the submission.

(c) Zoning Hearing Board Approval. Special exceptions may be authorized by the Board only in accordance with this article and upon satisfaction in each instance of such conditions as to general character, height and use of structure, the provisions of surrounding open space and treatment of the grounds, and as to street capacity and use, as, in the opinion of the Board, may be necessary to safeguard public health, comfort and convenience, and as may be required for the preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

(d) Use Standards. The following standards shall be considered minimum requirements and no special exception shall be issued for these uses, within the specified zones, unless these standards are met to the satisfaction of the Board. (Site plans shall be submitted for all uses listed below).

(1) Schools and educational institutions.
   A. The minimum lot area for schools shall meet the requirements of the Pennsylvania Department of Education.
   B. Schools and educational institutions shall provide yard areas sufficient to conform to the general character of the area in which they are proposed to be located. There shall be no maximum building coverage requirement.
   C. Off-street parking requirements of this Zoning Ordinance may be increased or decreased if, in the judgment of the Board, such consideration as the unavailability of public transportation, the distance from centers of population, or a relatively high percentage of pupils driving their own cars make such requirements desirable.
   D. Illumination for night athletic activities shall be shielded from view from adjoining street and residential areas.
   E. Buffer strips shall be provided as required by the Zoning Hearing Board.

(2) Cemeteries, hospitals, clinics, nursing or convalescent homes, religious and philanthropic institutions.
   A. A statement setting forth full particulars on the operation to be conducted within the structure shall be filed with the Board by the applicant and the Board shall determine whether such structure or use will serve a useful purpose to the general welfare of the City and will not be detrimental to surrounding property and provided they do not have an adverse effect on the area due to noise, dirt, odor or traffic circulation.

1999 Replacement
B. Lot area sufficient to meet the needs of the particular type of institution shall be provided. No structure shall be erected nearer than fifty feet of a right of way line; and all other requirements as set forth in this Zoning Ordinance for the zone in which it is to be located shall be observed.

C. Buffer strips shall be provided as required by the Board.

(3) Golf courses and country clubs, lodges or social buildings and recreation areas.
A. A statement setting forth full particulars on the operation of the use and a copy of the Articles of Incorporation if a corporation, shall be filed with the Board.
B. The proposed use shall be a nonprofit organization operated principally for the recreation and enjoyment of the members of such organization and their guests.
C. The proposed use shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and the design of any structures erected in connection with such use shall be in keeping with the general character of the area.
D. Buffer strips shall be provided as required by the Board.

(4) Public utility installations.
A. A statement setting forth the need and purpose of the installation shall be filed with the Board by the applicant.
B. Proof shall be furnished to the Board that the proposed installation in the location specified is necessary for the convenient and efficient operation of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
C. The design of any structure or use in connection with such facility shall conform to the general character of the neighborhood in which it is proposed to be located and will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood in which it is located.
D. Buffer strips shall be provided as required by the Board.

(5) Commercial parking facility (lot or structure).
A. The facility is to be used only for the parking of passenger automobiles.
B. The facility is not to be used for sales, long term storage, repair work or servicing of any kind.
C. Entrance to and exit from the facility are to be located so as to insure the protection of the character of the area.
D. No advertising sign may be located on the facility other than those signs relating to the principal use conducted on the premises.
E. All parking is to be kept back of the setback line by barrier unless specifically authorized by the Board.
F. The parking facility shall be adequately screened from the street and adjoining properties as may be deemed necessary by the Board. All lighting shall be arranged to eliminate glare on adjoining properties.
G. Such other conditions as may be deemed necessary by the Board
to protect the character of the area.

(6) Multi-family dwellings in the RMD Zone.
A. Minimum area, yard and building requirements:
   Lot area - 15,000 square feet
   Lot width - 120 feet
   Front yard - 30 feet
   Rear yard - 35 feet
   Side yards - 25 feet each
   Maximum height - 38 feet
   Maximum building coverage - 25 percent
   Minimum lot area per unit - 5,000 square feet
B. Off-street parking - 2 spaces per dwelling unit.

(7) Day care centers.
A. A statement setting forth full particulars on the operation to be
   conducted within the structures, and to include the approvals of
   the Pennsylvania Departments of Health, Labor and Industry, State
   and Public Welfare, Human Relations Commission as well as to
   Title VI of the Civil Rights Act of 1964, shall be filed with the
   Board.
B. The Board shall determine whether such structure or use will not be
detrimental to surrounding property and the design of any structures
erected in connection with such use shall be in keeping the general
color of the area, and such lot shall meet the requirements of
the available zone as set forth in the Schedule Governing the Lot
Area and Bulk Requirements of Permitted Uses in Nonresidential Uses.
C. Buffer strips shall be provided as required by the Board.

(8) Condominium dwellings: new construction. Provided that:
A. The requirements of Section 1307.07 are met.
B. In addition to the requirements set forth in Section 1307.07,
   the following shall be met:
   1. Water and sewage installed according to City specifications;
   2. Storm drainage installed according to City specifications;
   3. Installations of streets according to City specifications;
   4. The density shall be no greater than seven equivalent dwelling
      units per acre, using the total area of the tract, and any
      existing units which are to remain, to compute the number;
   5. The minimum front, side and rear yard requirements as
      forth in this article;
   6. The minimum size of any lot to be granted this special
      exception shall be four acres; and
   7. A plan of development is submitted with the written application
      for special exception.

Passed 6-24-91.)
42A District Requirements and Uses; Schedule and Zoning Map 1321.08

(9) Condominium conversions.

A. Intent of Section. Recognizing that the conversion of existing multi-family residential structures to condominium usage presents unique problems with respect to the requirements of this Code, the City has determined that specific criteria shall be met in order to ensure the integrity of the property and protect the health, safety and welfare of City residents. The term condominium as defined in this subsection includes cooperative dwelling units provided they meet all the requirements herein.

It is the desire of the Planning Commission to ameliorate any negative effects of the conversion of apartments to condominiums by establishing such criteria for evaluating proposals for such conversion.

It is the intent of this subsection to not only establish standards for the conversion of existing multi-family rental housing to condominiums, but also to ensure that converted housing achieves a high standard of appearance, quality and safety, and is in good condition without hidden needs for maintenance and repair. These criteria are also intended to ensure a reasonable balance of rental and ownership housing in the City and to maintain an adequate supply of rental housing for low and moderate income residents.

B. Requirements. In addition to the Pennsylvania Uniform Condominium Act and other applicable laws, conversions of existing rental housing to condominiums shall be subject to the additional requirements of this subsection.

1. The developer shall show evidence of an Agreement of Understanding which shall be used to obligate future owners to an Association which shall be responsible for the maintenance of common areas, sanitation service, landscaping and maintenance of grounds and the structural integrity of the building.

2. Each dwelling unit shall be equipped with:

(A) Utilities.
   a. Separate sewer service connection;
   b. Separate water service meter and shut-off valve;
   c. Separate gas service with meter and shut-off valve;
   d. Separate electrical service with meter and disconnect;
   e. Separate heating system; and
   f. Separate hot water heater and supply.

Note that common utility systems may be utilized if the developer can demonstrate, and the Planning Commission finds, that adequate service is provided and stipulations for the common provision and payment of such services are made in the Agreement of Understanding to be entered into by purchasers.

(B) Fire Safety.
   a. Two-hour fire rated assembly construction for common floors, ceilings and/or walls.
   b. Smoke detector installation shall be hard-wired and interconnected.

1992 Replacement
(C) Sound Attenuation – Adequate Sound Transmission Resistance.
   a. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment, such as motors, compressors, pumps and compactors, which are determined by the Building Inspector to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Inspector.
   b. Noise Mitigation and Energy Conservation. Energy conservation insulation shall be installed in all heated or cooled buildings, including common ownership structures used for assembly purposes in accordance with the applicable City Building Code, as amended, and in effect on the date building permits are issued for condominium conversion rework. Common walls and common floor ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of fifty or higher.

(D) Site Requirements.
   a. Off-Street Parking.
      i. Two spaces per dwelling unit.
      ii. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface, other than the access drive to said parking, is placed within five feet of any adjoining property line.
   b. Site Plan.
      i. A site plan shall be provided which shows the location of all buildings, parking and other improvements. The percent of open space shall be shown relative to all impervious surface. Existing and proposed vegetation shall be shown.
      ii. The site plan shall show the location of sanitary sewer and water connections to the public systems.
   c. Condominium conversions shall meet any and all requirements of the City's existing building and construction codes, as amended, and in effect on the date building permits are issued.
   d. To the extent that any condominium conversion proposed is situated on a property for which prior variances for construction were granted such variances shall remain in effect. However, if the proposal includes any changes to the property which are not consistent with prior variances or this subsection (d)(9), additional variance requests shall be filed as they apply.
e. For structures containing three or more stories, a second internal means of egress shall be provided.

f. Emergency lighting shall be provided pursuant to applicable local building code requirements.

g. All exits and access to corridors and stair towers shall comply with applicable building requirements pertaining to fire separation, doors and door hardware.

h. In order to maintain an adequate supply of rental housing for the low and moderate income residents of the City, the developer shall show that the conversion of the structure shall not significantly affect the rental housing stock. The City has determined that in order to provide housing options on a continuous basis to this population, a rental vacancy rate of five percent (5%) of all units should be maintained. Therefore, the developer shall present statistically supportable information that the proposed conversion shall not reduce the available stock of rental units to below five percent (5%) of what is available at the time of the conversion.

In no case shall the conversion involve an increase in the density of the existing structure (that is the number of condominium units shall not be greater than the number of existing apartments). (Ord. 65-1990, 91 §1. Passed 6-24-91.)
1321.09 SPECIFIC CONDITION (C) USES.

(a) **Purpose.** It is the purpose of this section to provide standards for specific uses which may be permitted in specified zones if it can be demonstrated, to the satisfaction of the Zoning Officer, that the proposed use shall meet the standards set forth.

(b) **Use Standards.** The following standards shall be considered minimum requirements and no zoning permit shall be issued for the indicated uses, within the specified zones, unless these standards are met.

1. **Mobile home park.**
   A. A mobile home park or subdivision shall contain a minimum of ten acres.
   B. Maximum density in a mobile home park and subdivision shall be ten units per acre.
   C. Regardless of lot size, the side yard distances measured from the outside of each mobile home to the lot line shall not be less than twenty feet in total and no one side yard distance less than eight feet. Front and rear yards shall not be less than twenty feet and, in no case, shall the distance between any two mobile homes be less than twenty feet.
   D. All streets, roads and driveways in a mobile home park or subdivision shall be paved with an all-weather surface approved by the City Engineer at least twenty feet wide.
   E. Each mobile home in a mobile home park shall 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 with the mobile home park, not necessarily individual spaces on individual lots.
   F. Each parking space in a mobile 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.

(Ord. 27-1986, 87. Passed 10-27-86.)

2. **Conversion apartment dwellings.** The conversion of any building, including single-family dwellings to two or more dwelling units, may be permitted in the specified zones provided:
   A. The maximum number of dwelling units after conversion is limited to four, except in the RMD zone where conversions are limited to two;
   B. Each dwelling unit, after conversion, shall contain within the unit a complete kitchen, toilet and bathing facility, separate heating system and separate electric meter;
   C. The area of the lot upon which the conversion located contains at least 2,000 square feet for each dwelling unit after conversion;
   D. Each dwelling unit shall have a minimum habitable floor area according to the following table:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>650</td>
</tr>
<tr>
<td>2</td>
<td>850</td>
</tr>
<tr>
<td>3</td>
<td>1,000</td>
</tr>
</tbody>
</table>

1996 Replacement
E. No efficiency dwelling units shall be permitted;
F. No exterior structural alteration of the structure may be made except as may be necessary for safety or for improved access. The requirements for building coverage and the minimum front, side and rear yard setbacks shall be met. The appearance of a single-family dwelling unit shall be maintained for the converted structure. Necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur shall be of one manner consistent with the architectural character of the dwelling;
G. In the CBD zone, conversions are only permitted above the first floor above a permitted commercial use on the first floor. If the upper floor of a building contains a residential dwelling unit, no nonresidential use shall be permitted on that floor;
H. In buildings three stories or more, a second internal means of egress shall be provided to the building;
I. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five feet from all property lines. Except for driveway and walkway accesses, buffering shall be placed around off-street parking areas which contain three or more spaces. Plant material or fences shall be used. Material used in screen planting shall be multi-stemmed evergreen species and shall be at least three feet in height when planted. The plant material shall produce a visual screen of at least four feet in height within two years. Fences shall be four to five feet in height and shall provide a visual screen. Off-street parking shall be provided according to the following table and all areas shall be covered with macadam or concrete:

<table>
<thead>
<tr>
<th></th>
<th>1-2 family</th>
<th>3 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding and rooming houses</td>
<td>2 spaces per unit</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>Boarding and rooming houses</td>
<td>1 space per 5 rooms plus 1 space for the resident owner or resident manager of the property;</td>
<td></td>
</tr>
</tbody>
</table>

J. Garbage, refuse and recycling pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery of at least five feet in height around the perimeter;
K. Private water and sewer services shall be provided by the developer;
L. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four feet above the average finished grade level of the adjoining ground;
M. All conversions shall meet current BOCA regulations; grandfathering in any respect shall be prohibited.

(Ord. 33-1994, 95 §1. Passed 2-27-95.)
(3) **Multi-family apartment house.** In the CBD Zone:
A. Above the first story;
B. Provided the first story is utilized for one or more of the other permitted uses in the CBD District;
C. Garbage and refuse pickup and other multi-family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, wall or shrubbery of at least five feet in height around the perimeter.

(4) **Operations involving the use of buildings and land for farming, nurseries, dog kennels and animals hospitals.**
A. No building in which livestock, other than customary household pets, is kept shall be closer than 200 feet to any adjoining lot line.
B. No storage of manure or odor or dust producing substances or material shall be permitted within 200 feet of any adjoining lot line.

(5) **Home occupations.** Any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:
A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one small nameplate as provided in Section 1323.04(e)(1)C..
B. Home occupations shall be limited to the employment of not more than one assistant. An assistant is not to be construed as an additional independent operator or professional, but rather shall be clearly an auxiliary helper such as a secretary or a receptionist.
C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor nor more than 400 square feet. An accessory building may also be utilized for home occupation purposes provided the 400 square feet provision is maintained.
D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit. Off-street parking would be excluded for those occupations that do not, in the opinion of the Zoning Officer, produce goods or provide services that would generate vehicular traffic.
E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited.
(6) **Commercial uses.** All commercial retail and service uses which may be permitted under specific conditions in specified zones provided:

A. The first floor area shall be no larger than 800 square feet, except that any grocery store over 800 square feet can be permitted as a special exception; and

B. No traffic congestion is likely to be incurred.

(Ord. 27-1986, 87. Passed 10-27-86.)

(7) **Take-out restaurants.**

A. Take-out restaurants shall only be designed to accommodate walk-up trade.

(Ord. 17-1990, 91 §1. Passed 4-23-90.)

(8) **Automobile service and filling stations.**

A. Repair work shall be restricted to that of a minor nature only, that is general maintenance and repairs for Pennsylvania State inspection, not body work or major engine overhauling, and it shall be performed within an enclosed building.

B. All gasoline pumps shall be located outside of the building on private property and in no case within twenty-five feet of any property line.

C. All automobile parts, dismantled and derelict vehicles and similar articles shall be stored only within an enclosed building.

D. All fuel, oil or similar substances shall be stored at least thirty-five feet from any street or lot line to comply with the City Fire Code.

E. The building itself shall be constructed so as to blend harmoniously with the surrounding residential neighborhoods.

(9) **Research, assembly and manufacturing uses (ML Zone).**

A. All proposed uses shall provide documentation, to the satisfaction of the Zoning Officer, that the proposed use will be in conformance with the performance standards listed below. In the event any use fails to meet the performance standards after a certificate of zoning ordinance compliance is issued, the Zoning Officer may, after proper notice, require that the use be terminated within sixty days, unless the use can be corrected to satisfactorily meet the performance standards listed below.

B. No use shall be established, maintained or conducted so that the same will cause:

1. Dissemination of smoke, fumes, gas, dust, odor or any atmospheric pollutant;

2. Discharge any waste material whatsoever into any watercourse except in accordance with all applicable governmental requirements;

3. Dissemination of glare or vibration beyond the immediate building or site in which such use is conducted; or

4. Physical hazard by reason of fire, explosion, radiation or similar cause to property in the same or adjacent zones.
(10) Manufacturing assembly, processing or industrial use.
A. All proposed uses shall provide documentation, to the satisfaction of the Zoning Officer, that the proposed use will be in conformance with the performance standards listed below. In the event any use fails to meet the performance standards after a certificate of zoning ordinance compliance is issued, the Zoning Officer may, after proper notice, require that the use be terminated within sixty days, unless the use can be corrected to satisfactorily meet the performance standards listed below:
   1. Smoke, Dust, Dirt and Fly Ash. Smoke, dust, dirt and fly ash shall not exceed the limits set by State and City Air Pollution Codes.
   2. Odor. The emission of obnoxious odors of any kind shall not be permitted.
   3. Gases. No gas shall be emitted which is deleterious to the public health or safety.
   4. Glare. Arc welding, acetylene torch cutting or similar processes that produce glare shall be performed within an enclosed building or shall be screened from view from any point beyond the property line.
   5. Vibration. No use shall cause earth vibrations or concussions detectable beyond its property lines, without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
   6. Fire and Safety Hazard. The storage of crude oil or any of its volatile products or other highly inflammable liquids in aboveground tanks shall be in accordance with City and State regulations. The permitted manufacture or storage of explosive or poisonous gases shall be in accordance with City and State regulations. The storage, baling or treatment of rags, wastes, scrap paper or similar materials shall be in an enclosed masonry building, no part of which may be located closer than fifty feet from any property line.
(Ord. 27-1986, 87. Passed 10-27-86; Ord. 17-1990, 91 §1. Passed 4-23-90.)

(11) Rooming and boarding houses.
A. Rooming houses/boarding houses shall be spaced at least 400 feet in all directions from other rooming houses/boarding houses so as not to impact or adversely affect any particular neighborhood.
B. Every rooming house/boarding house licensed prior to February 28, 1995, shall comply with the minimum standards set forth by Sections 1903.01 to 1903.04 of the Codified Ordinances, and every rooming house/boarding house licensed on or after February 28, 1995, shall comply with the minimum standards set forth by Sections 1905.01 to 1905.03 and 1905.99 of the Codified Ordinances.
C. Kitchen facilities shall be permitted within individual rooms limited to a refrigerator and a microwave oven.
(Ord. 32-1994, 95 §1. Passed 2-27-95.)

1996 Replacement
ARTICLE 1323
General Regulations for Districts

1323.01 Supplementary district regulations.
1323.02 Nonconforming lots, uses and structures.
1323.03 Off-street parking requirements.

CROSS REFERENCES
Nonconforming uses and structures - see PMPC §612 (53 P.S. §10612), ZON. 1303.46 et seq.
Registration of nonconforming uses - see PMPC §613 (53 P.S. §10613)
Nonconforming lot, structure, use defined - see ZON. 1303.50 et seq.
Nonconforming sign defined - see ZON. 1303.51
Certificate of zoning compliance required for nonconforming use - see ZON. 1305.05
Variances - see ZON. 1307.08
Flood prevention and control - see 32 P.S. §651 et seq.
Flood powers of municipal authorities - see 53 P.S. §306
Flood control - see 53 P.S. §2861 et seq.
Flood plain management - see 16 Pa. Code §40.1 et seq.
Project reimbursement - see 25 Pa. Code §103.41 et seq.
Flood plain construction requirements - see BLDG. 1701.02 (BOCA Appendix O)

1323.01 SUPPLEMENTARY DISTRICT REGULATIONS.
(a) Visibility at Intersections. 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 inches and below ten feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

(1) Seventy-five feet from the point of intersection of the center lines if intersecting streets are twenty feet or more in width; or
(2) If one or both streets are less than twenty feet in width, a clear sight triangle of fifty feet shall be maintained, except that;
(3) Clear sight triangles of 100 feet shall be provided for all intersections with arterial and major streets so designated in the circulation study of the 1985 Comprehensive Plan.
(b) Fences, Walls, and Hedges. Notwithstanding other provisions of this Zoning Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front of any front yard shall be over forty-eight inches in height; however, fences, walls or hedges along the sides or front of any front yard are allowed in excess of forty-eight inches where the fence, wall or hedge is set back from the building line according to the following ratio: three feet set back for each foot in excess of forty-eight inches, provided that the height shall not exceed six feet. Fences and walls in side or rear yards may exceed six feet in height provided that any fence or wall exceeding six feet in height shall contain openings therein equal to fifty percent (50%) of the surface area of such fence or wall. Streets under twenty feet in width are not considered to be streets within the context of this section.

(c) Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Zoning Ordinance shall be met for each structure as though it were on an individual lot.

(d) Exception to Height Regulations. The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(e) Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(f) Parking, Storage or Use of Major Recreational Equipment. For purposes of these regulations, 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 the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or in a rear yard, provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four 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 in any location not approved for such use.
(g) **Parking and Storage of Tractor Trailers.** Tractors and/or semitrailers shall not be parked or stored on any public street, unless approved in writing by the Mayor, or on any property (or public street contained therein) other than in completely enclosed buildings, except on those premises where such storage is absolutely necessary to the operation of a business with a bonafide zoning permit. Vehicles not customarily associated with personal transportation, such as tractors and/or semitrailers shall not be parked in any zoning district except in the ML (manufacturing light), MH (manufacturing heavy), or CA (commercial-auto oriented) zones, other than in completely enclosed buildings or while performing a professional service. (Ord. 8-1998, 99. Passed 6-22-98.)

(h) **Corner Lot Restrictions.** On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along such side street.

(i) **Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers.** Where a lot is not served by a public water supply and/or sanitary sewer system and the City Subdivision Ordinance or State or other local laws or ordinances in force require a higher standard for lot area or lot width than this Zoning Ordinance, the more restrictive regulations of such ordinance or laws shall apply.

(j) **Front and Rear Yard Exceptions.** When a proposed structure is situated in the same linear block with improved structures having yard dimensions less than those required for the district, the yard required can be decreased to a depth equal to the average of the yards of the improved structures. (Ord. 27-1986, 87. Passed 10-27-86.)

(k) **Projections into Yards.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

1. Terraces, decks or patios, provided that such terraces or patios are not under roof or otherwise enclosed and are not closer than three feet to any adjacent property line.
2. Projecting architectural features such as bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features, provided they do not extend more than five feet into any required yard nor closer than three feet to any adjacent property line, except in the CBD Zone where an eight foot minimum height grade shall be maintained.
3. Uncovered stairs and landings provided they are not closer than three feet to an adjacent property line, except in the CBD Zone.
4. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five feet into any required yard nor closer than three feet to any adjacent property line, except in the CBD Zone where a ten foot minimum height above grade shall be maintained. Fire escapes which are required by State or local codes to be supported on the ground shall be no closer than three feet to any adjacent property line.
5. Projecting architectural features needed as a functional component of active or passive solar energy systems, including but not limited to canopies, eaves, overhangs, reflectors, movable insulation and attached solar collectors, are permitted to project into required yards provided they do not extend more than five feet into any required yard nor closer than three feet to any adjacent property line. In the CBD Zone architectural features as aforementioned are excluded from side yard setback requirements. (Ord. 27-1986, 87. Passed 10-27-86; Ord. 7-1998, 99. Passed 5-26-98.)

1999 Replacement
(6) Satellite receiving stations provided they do not extend more than five feet into any required yard nor closer than three feet to any adjacent property line.

(1) Accessory Uses.

(1) Private, noncommercial swimming pools which are designed to contain a water depth of eighteen inches or more shall be located in a rear or side yard only, and shall be entirely enclosed within a continuous fence not less than four feet in height. Such pools shall not be less than fifteen feet from side and rear property lines. Fences for this section are defined as an impenetrable structure from a height of at least four feet to the grade level of the ground.

(2) Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen feet from side or rear property lines.

(3) Patios, decks and paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within three feet of any property line.

(4) Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(m) Municipal Uses. In any district, a building or use may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses. Further, the lot sizes, yard regulations and coverage requirements may be modified to accommodate such buildings or uses provided that the modifications will represent the least possible modification of the regulations at issue and provided further that all such modifications shall be in the public interest and they will not adversely affect other properties in the district in which they are located.

(n) Gasoline Pumps. Gasoline pumps and all other service equipment shall be set back not less than twenty-five feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.

(o) Utility Buildings. Utility buildings shall be permitted within three feet of a rear and/or side property line as long as it is constructed to the rear of the main structure. Utility buildings shall be excluded from lot coverage requirements.

(1) Exception: row homes or semi-detached. The setback requirement shall be two feet and the utility building size shall meet the following:

A. Lot width fifteen feet or less, building size not to exceed forty-five square feet.

B. For every foot in lot width over fifteen feet, the building size may increase by five square feet over the above forty-five square feet providing such building shall not exceed 160 square feet or ten feet in height.

1999 Replacement
C. Utility building height not to exceed ten feet. 
(Ord. 27-1986, 87. Passed 10-27-86.)

(p) Public Utilities. This Zoning 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 is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to insure that both the corporation and the City have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings. 
(Ord. 2-1990, 91 97. Passed 1-22-90.)

1323.02 NONCONFORMING LOTS, USES AND STRUCTURES. 
(a) Conformities to Continue as Regulated. Within the zoning districts established by this Zoning Code or subsequent amendments thereto, there exists, or will exist, lots, structures and uses which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code or future amendment. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed but not to encourage their survival without regulation.

(b) Nonconforming Lots of Record. In any district, a permitted building may be erected on any single lot of record on the effective date of this Zoning Code or any subsequent zoning amendment, notwithstanding limitations imposed by other provisions of this Code. Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in this district, provided that yard dimensions and requirements other than these applying to area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record on the effective date of this Zoning Code or on the passage date of any zoning amendment, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Code, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Code.

(c) Nonconforming Uses of Land or Land With Minor Structures. If prior to the effective date of the Zoning Code, lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Code, the use may be continued so long as it remains otherwise lawful, provided:

(1) The nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Zoning Code or of any subsequent zoning amendment, except on contiguous land owned at the effective date of this Code and subject to other restrictions of this Code.

1990 Replacement
(2) If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

(3) No additional structure not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land.

(4) Any nonconforming use and premises may, as a special exception, be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Code.

(d) Nonconforming Structures. Where a lawful structure exists on the effective date of the Zoning Code or of any subsequent zoning amendment that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure but not including off-street parking requirements; such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than eighty percent (80%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code. However, an accessory structure which has been demolished may, within a period of one year, be reconstructed on the same building line as was previously established. Off-street parking requirements do not apply.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(e) Repairs and Maintenance. Nothing in this Zoning Code shall prohibit any repairs, maintenance or remodeling of any nonconforming building or structure provided that such does not make the building or structure more nonconforming in terms of the regulations of this Code. Further, nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(f) Special Exceptions Are Conforming Uses. Any use which is permitted as a special exception in a district under the terms of this Zoning Code, other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
(g) Nonconforming Signs. Any sign erected, constructed or placed before the effective date of this Zoning Code may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of Section 1323.04, provided that no such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions of Section 1323.04. (Ord. 27-1986, 87. Passed 10-27-86.)

1323.03 OFF-STREET PARKING REQUIREMENTS.
(a) Off-Street Parking Facilities. Off-street parking facilities shall be required in accordance with the provisions of this section as a condition precedent to the occupancy of any new building or use so as to alleviate traffic congestion on streets. Facilities shall be provided:
(1) Whenever a building is constructed;
(2) Whenever the use of an existing building is changed to a use requiring more parking facilities; and
(3) Whenever an existing building or use is altered or enlarged so as to increase the amount of parking spaces required in this section.
(4) These regulations shall apply to all districts except the Central Business District.

(b) Continuation of Parking Facilities. All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefor by persons who are not the owners thereof, Council may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant may be filed for record with the Recorder of Lebanon County. Except for residential uses, all off-street parking spaces may be provided within 300 feet of the lot line of the principal building or structure.

(c) Standards and Definitions. For the purpose of determining off-street parking requirements, definitions and standards shall be as follows:
(1) "Parking space" means an open or enclosed area exclusive of any public right-of-way, accessible from a street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use; each parking space shall be sufficient in size to accommodate at least one automobile according to prevailing standards approved by the City Engineer.
(2) "Floor area" means the total area of all the floors measured from the exterior faces of the building (except the floor area used for stairways, hallways, closets, storage rooms, mechanical rooms and areas which do not by their inclusion generate off-street parking).
(3) "Seat" means the number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews or space for loose chairs or similar seating facilities; spacing of rows shall be thirty inches on center.

(4) "Required minimum parking space" means the minimum number of spaces required by applying the schedule which follows this subsection to a specific building or group of buildings. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(d) Schedule of Parking and Loading Space Requirements.

(1) RLD Zoning District. Off-street parking spaces shall not be located in any required yard.

(2) RMD Zoning District. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface is placed within five feet of any adjoining property line.

(3) RHD Zoning District. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface is placed within five feet of any adjoining property line.

(4) CBD Zoning District. There are no off-street parking requirements.

(5) CN Zoning District. After November 6, 1986, off-street parking shall be permitted in any required yard except those adjoining residentially zoned property. Each business use established or expanded after November 6, 1986, shall provide off-street loading or unloading space at the side or rear of the building for each 4,000 square feet of floor area in each building. Such space or spaces shall be not less than 560 square feet in area with dimensions of ten feet by fifty-six feet per space with a clearance of not less than fifteen and one-half feet in height. Required spaces shall be located exclusive of any public right of way.

(6) CA Zoning District. After November 6, 1986, off-street parking spaces shall not be located in any required yard. Each business use established or expanded after November 6, 1986, shall provide off-street loading and unloading space at the side or rear of the building for each 4,000 square feet of floor area in each building. Such space or spaces shall be not less than 560 square feet in area with dimensions of ten feet by fifty-six feet per space with a clearance of not less than fifteen and one-half feet in height. Required spaces shall be located exclusive of any public right of way.

(7) Ol Zoning District. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface is placed within five feet of any adjoining property line.

(8) Ml Zoning District. Off-street parking shall be permitted in fifty percent (50%) of the required front yard, provided that parking shall meet a minimum setback of ten feet from the right-of-way.
On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for loading and unloading. All such spaces shall conform to dimensions of not less than ten feet by fifty-six feet or 560 square feet in area, with a clearance of not less than fifteen and one-half feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right of way or required parking area.

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2,000</td>
<td>None</td>
</tr>
<tr>
<td>2,001 to 10,000</td>
<td>One space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>One space plus one additional space for each 20,000 square feet</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>Three spaces plus one additional space for each 40,000 square feet in excess of 50,000 square feet</td>
</tr>
</tbody>
</table>

MH Zoning District. Off-street parking shall be permitted in fifty percent (50%) of the required front yard, provided that parking shall meet a minimum setback of ten feet from the right-of-way.

(9) Condominium conversion parking regulations. Off-street parking shall be required in the amount of two spaces per dwelling unit. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface, other than the access drive to such parking, is placed within five feet of any adjoining property line.

(10) MH Zoning District. Off-street parking shall be permitted in fifty percent (50%) of the required front yard, provided that parking shall meet a minimum setback of ten feet from the right-of-way.

On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for loading and unloading. All such spaces shall conform to dimensions of not less than ten feet by fifty-six feet or 560 square feet in area, with a clearance of not less than fifteen and one-half feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right of way or required parking area.

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2,000</td>
<td>None</td>
</tr>
<tr>
<td>2,001 to 10,000</td>
<td>One space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>One space plus one additional space for each 20,000 square feet</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>Three spaces plus one additional space for each 40,000 square feet in excess of 50,000 square feet</td>
</tr>
</tbody>
</table>


(10) Condominium conversion parking regulations. Off-street parking shall be required in the amount of two spaces per dwelling unit. Off-street parking shall be permitted in a required side or rear yard provided that no impermeable surface, other than the access drive to such parking, is placed within five feet of any adjoining property line. (Ord. 65-1990, 91 81. Passed 6-24-91.)
(e) **Schedule of Required Off-Street Parking Spaces.**

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Civic and educational; primary</td>
<td>1 space for each employee plus 1 space for each 6 seats in assembly rooms.</td>
</tr>
<tr>
<td>and secondary school; library,</td>
<td></td>
</tr>
<tr>
<td>places for public assembly.</td>
<td></td>
</tr>
<tr>
<td>(2) Governmental; municipal building</td>
<td>1 space for each 200 sq. ft. of office floor area plus 1 space for each 4 seats in assembly rooms.</td>
</tr>
<tr>
<td>(3) Place of worship</td>
<td>1 space for each 3 seats in principal assembly rooms.</td>
</tr>
<tr>
<td>(4) Welfare; hospital</td>
<td>1 space per 3 beds plus 1 space per each employee on the largest shift.</td>
</tr>
<tr>
<td><strong>Health center</strong></td>
<td>1 space per 150 sq. ft. floor area</td>
</tr>
<tr>
<td><strong>Home for the aging</strong></td>
<td>1 space per each 4 guest rooms or apartment units plus 1 space for each employee.</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>(5) One and two-family dwelling</td>
<td>1 space per dwelling unit.</td>
</tr>
<tr>
<td>(6) Multi-family residence and</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>condominium conversions</td>
<td></td>
</tr>
<tr>
<td>(7) Public or nonprofit elderly housing</td>
<td>1 space per 4 dwelling units.</td>
</tr>
<tr>
<td><strong>Office Buildings</strong></td>
<td></td>
</tr>
<tr>
<td>(8) Medical and dental offices and</td>
<td>1 space per 200 sq. ft. of floor area plus 1 space for each doctor and dentist and employee.</td>
</tr>
<tr>
<td>clinics</td>
<td></td>
</tr>
<tr>
<td>(9) Other office</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Building or Use</td>
<td>Parking Spaces Required</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Commercial Business</strong></td>
<td></td>
</tr>
<tr>
<td>(10) Motel, hotel</td>
<td>1 space per guest room or unit.</td>
</tr>
<tr>
<td>(11) Mortuary</td>
<td>1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces.</td>
</tr>
<tr>
<td>(12) Retail stores, banks, service establishments</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>(13) Eating places, bars, taverns</td>
<td>1 space per 100 sq. ft. of gross floor area, or 1 space per 3 seats, whichever requires the greater number of spaces.</td>
</tr>
<tr>
<td>(14) Club, lodge, or other assembly hall</td>
<td>1 space per 4 seats in building.</td>
</tr>
<tr>
<td>(15) Indoor theater</td>
<td>1 space per 4 seats in building.</td>
</tr>
<tr>
<td>(16) Dance hall, skating rink, swimming pool</td>
<td>1 space per 50 sq. ft. of area used for dancing, skating or swimming.</td>
</tr>
<tr>
<td>(17) Bowling alley</td>
<td>6 spaces per bowling lane.</td>
</tr>
<tr>
<td>(18) Service and storage establishments</td>
<td>1 space for every 2 employees on the largest shift.</td>
</tr>
<tr>
<td><strong>Manufacturing</strong></td>
<td></td>
</tr>
<tr>
<td>(19) Executive offices, sales offices</td>
<td>1 space per 200 sq. ft. of executive and sales office floor area.</td>
</tr>
<tr>
<td>(20) Service and storage establishments, laboratories, manufacturing plants and other uses permitted in a manufacturing district</td>
<td>1 space for every 2 employees on the largest shift.</td>
</tr>
<tr>
<td><strong>Other Buildings or Uses</strong></td>
<td></td>
</tr>
<tr>
<td>(21) For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use.</td>
<td></td>
</tr>
</tbody>
</table>

(f) Combined Use of Facilities. One or more parking lots may be designed to service a multiple number of commercial business or industrial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

(g) Parking and Garage Facilities for Residences. Accessory parking facilities shall be located on the same lot as the dwelling served or in close proximity if deemed appropriate by the zoning administrative officials. Each single-family, duplex and two-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least one passenger automobile for each dwelling unit on the premises. Each multi-family dwelling shall have a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.

(h) Improvements to Parking and Loading Areas. All parking areas, loading areas and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete or other similar hard surface, approved by the City Engineer. Surface water shall not be permitted to discharge over onto adjacent properties, and the plan shall be approved by the City Engineer. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The City Engineer may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Mayor and Council through the office of the City Engineer.

(i) Illumination of Parking and Loading Areas. Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

(j) Driveways and Curbs. Access to the lot shall comply with the following regulations:
   (1) Access shall be by not more than two driveways for each 100 feet frontage on any street.
   (2) No two such driveways shall be closer to each other than twelve feet, and no driveway shall be closer to a side property line than three feet, and no flare shall cross an extended side property line.
   (3) Each driveway shall be not more than thirty-five feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
   (4) Driveways shall be no closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and shall not extend across extended property lines.

(Ord. 27-1986, 87. Passed 10-27-86.)
1323.04 SIGNS AND ADVERTISING STRUCTURES.

(a) **Compliance Required.** Signs may be erected and maintained only when in compliance with the provisions of this Zoning Code and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

(b) **Limitations of Signs.** Only those signs relating to the principal uses conducted on the premises or to the principal materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with the provisions set forth herein.

(c) **Definitions.**

1. "Billboard" includes every bulletin board or other sign of a permanent or semipermanent kind used or intended to be used for the display thereon of advertising material pasted, glued, fastened or otherwise affixed thereto by means permitting its ready removal or replacement.

2. "Combination sign" means and includes every sign which combines the characteristics of two or more classes of signs whether herein particularly defined or not.

3. "Display surface" means the entire area within the shortest continuous perimeter which will enclose within a rectangle the whole of the part or parts of the sign used or intended to be used for display purposes, such as lettering, insignia, emblems or frame which is directly pertinent to the sign, as measured from any one side.

4. "Facia sign" means every sign attached to or erected against a fence or wall, whether forming part of a building or not, which fronts on a street and has the exposed face thereof in a plane approximately parallel to the plane of such wall or fence and projects not more than eighteen inches from the face of such wall or fence. Signs displayed upon canopies or awnings shall be considered a facia sign.

5. "Flashing or moving sign" means every artificially illuminated sign in which any part so illuminated is illuminated intermittently while the sign is in operation or in which a part so illuminated moves or is intended to move.

6. "Free-standing sign" means every sign supported independently of a building or other structure and having its own supports, regardless of whether or not it is attached permanently to the ground.

7. "Projecting sign" means every sign projecting more than eighteen inches from the building structure to which it is attached or more than eighteen inches beyond any boundary of the parcel of land on or from which such sign is displayed.

8. Where signs are expressed to be subject to the "one-to-one ratio requirement", it means that no sign shall be erected, constructed, placed, used, maintained or suffered to remain on any parcel of land if the area of the display surface thereof will, when added to the aggregate area of the display surface of any and all signs subject to this ratio requirement and displayed on or from the same parcel of land, exceed one square foot for each lineal foot of street frontage of such parcel of land. If any parcel of land fronts on two or more streets, the allowable display surface facing each street shall be computed separately. In computing square-foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double faced sign is greater than forty-five degrees, then both sides of such sign shall be considered in calculating the sign area.
(9) Where signs are expressed to be subject to the "two-to-one ratio requirement" it means that no sign shall be erected, constructed, placed, used, maintained or suffered to remain on any parcel of land if the area of the display surface thereof will, when added to the aggregate area of the display surface of any and all other signs subject to this ratio requirement and displayed on or from the same parcel of land, exceed two square feet for each lineal foot of street frontage of such parcel of land. If any parcel of land fronts on two or more streets, the allowable display surface facing each street shall be computed separately. In computing square-foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five degrees, then both sides of such sign shall be considered in calculating the sign area.

(10) "Roof sign" means every sign erected upon or above the roof or parapet of a building.

(11) "Sign" means: any writing, including letter, word or numeral; pictorial representation, including illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device of similar character which is a structure or any part thereof or is attached to, painted on or in any other manner represented on a building or other structure; is used to announce, direct attention to or advertise; and is visible from outside a building.

(12) "Sign structure" means all supports, cables, devices, and structures of whatsoever kind or description used or intended to be used for the purpose of supporting, affixing or maintaining any sign in the place on or from which the same is displayed.

(13) "Suspended sign" means every sign suspended from a canopy, marquee or similar building projection.

(14) "Temporary sign" means every sign displayed, used or intended to be displayed or used for a period of time not longer than sixty days.

(15) "Wall sign" means every sign painted, pasted or otherwise affixed or inscribed directly to or upon any wall or other integral part of any building or to or upon any wall not being a part of a building or to or upon any structure without, in each case, the use of independent supports or frames thereof.


(d) Sign Zones. Signs may be erected and maintained only when in compliance with provisions of this section and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices. The City is hereby divided into five sign zones, each zone being classified in accordance with the sign usage permitted and assigned to it.

The City is hereby divided into five sign zones, each zone being classified in accordance with the sign usage permitted and assigned to it. For purposes of this subparagraph, outdoor advertising displays, advertising signs and advertising structures are prohibited in the MR Municipal Recreation District.

(Ord. 27-1986, 87. Passed 10-27-86; Ord. 17-1990, 91. §1. Passed 4-23-90.)
### Special Sign Zone

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
</table>

### Comprising Areas of the City Zoned as:
- RLD, RMD and RHD
- OI
- CN, CA and sections of areas zoned M which conform to Article 1355, Section 1355.06, “Industrial Subdivision”
- ML and MH
- CBD

### Sign Types

<table>
<thead>
<tr>
<th>Sign Types</th>
<th>Permitted in</th>
<th>SIGN ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Facia Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Free Standing Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wall Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Suspended Signs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Roof Signs</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Class A Billboards</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Class B Billboards</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Flashing or Moving Signs</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
1323.04 ZONING CODE 60B

(e) General Provisions,
(1) This section shall not apply to the following:
   A. Any sign which cannot be seen from any street or other public place to which the public has access.
   B. Any sign displayed within a store, office or place of business and having to do with the business carried on within the store, office or place of business.
   C. Any sign displayed on a building in any sign zone and bearing only the name and occupation of an occupant of such building, provided that the display surface of such sign does not exceed two square feet and only one such sign is so displayed for each business or residential occupant of any such building; and provided further that the sign does not project more than four inches from the building.
   D. Traffic or other municipal signs; legal notices; railroad crossing signs; danger and such temporary, emergency or nonadvertising signs as may be approved by the Mayor.
   E. Any wall sign displayed on a building in Sign Zones C, D and E the display surface of which does not exceed sixteen square feet in area and pertaining only to a business carried on in such building, provided that only one such sign shall be displayed on such building.
   F. Any sign advertising that the premises upon which it is displayed are for sale or rent, providing that the display surface does not exceed six square feet and only one sign is erected along the frontage of any one street.
   G. Signs indicating the private nature of a driveway or trespassing signs, provided that the display surface of any sign does not exceed two square feet.
   H. Signs of mechanics, painters and other artisans during the period such persons are performing work on the premises upon which such signs are erected, provided that the display surface shall not exceed sixteen square feet.
I. Signs of a political nature having to do with an upcoming election, either displayed in a yard or on a structure, provided that the display surface of all such signs fronting along a given street shall not exceed a total of sixteen square feet, and provided that such signs shall not be displayed more than sixty days prior to an election. Such signs shall be removed within two weeks following the date of an election. Removal of political signs shall be the responsibility of the property owner when located on private property, and the responsibility of the candidate when located within any right of way.

J. Banners announcing or advertising any political, educational, charitable, civic, professional, religious, or like campaign or event shall be permitted upon approval by the Mayor. Banners of these types shall be constructed of weather-resistant, non-rigid material and limited to a maximum size of 100 square feet.

(2) No person, firm or corporation shall erect, construct, place, use, maintain or cause to be constructed, erected or maintained or suffer to remain in or on any place or thing of which he is the owner or of which, either solely or with any other person or persons, he has, for the time being, possession or control of, any sign which does not in all respects conform with the applicable requirements of this section. No sign shall be constructed, erected, placed, used, maintained or suffered to remain except as expressly permitted by this section.

(3) No sign shall be displayed on any pole, post, standard or similar structure used or intended to be used for or in conjunction with the supply of electrical power, telephone, television or telegraphic communications.
(f) **Temporary Signs.**

1. **Permitted signs.** Temporary signs may be displayed in Sign Zones C, D and E only.
2. **Time limit.** Temporary signs shall be removed within sixty days of the issuance of the permit therefor; a temporary sign permit is not renewable.
3. **Sign area.** The display surface of any temporary sign shall not exceed 100 square feet.
4. **Location.** No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance of greater than four inches.

(g) **Facia Signs.**

1. **Permitted zones.** Facia signs may be displayed in Sign Zones A, B, C, D and E.
2. **Facia signs in Zone A.** In Sign Zones A, facia signs shall be displayed only on or from a multi-family dwelling where the message conveyed or intended to be conveyed thereby is confined to the name and/or address of such premises and/or related to the occupancy of the premises or on or from any other premises where the same pertain exclusively to a public, charitable or religious institution or to the activities carried on therein and the display area thereof shall not in any case exceed twelve square feet.
3. **Facia signs in Zones B and C.** In Sign Zones B and C facia signs shall be subject to the two-to-one ratio requirement.
4. **Facia signs in Zone D.** In Sign Zone D facia signs shall be subject to the one-to-one ratio requirement.
5. **Height limits.** Every part of any facia sign projecting more than four inches from a wall shall be at least ten feet above any public sidewalk, property line or other public area.
6. **Facia signs in Zone E.** The following regulations apply to facia signs in Sign Zone E:
   A. A facia sign may be placed anywhere on the actual premises of the business to which it refers. The projection of the floor plan upon the building face shall define the location of the business.
   B. Facia signs may also be placed above or below the actual location of the business. In this case an “envelope” is to be inscribed over or under this actual location for purposes limiting the sign’s location and form.
   C. The envelope shall be eighteen inches in depth; its width shall be equal to the width of the business establishment where the business fronts on the street. The envelope height shall be equal to the floor to ceiling height of the business as measured for any one floor.
   D. The bottom edge of the rectangle shall be directly adjacent with either the top or bottom edges of the actual location of the business.
   E. Every sign not located anywhere within the actual premises shall be located within this envelope.
   F. Facia signs shall be subject to the two-to-one ratio requirement.
Free-Standing Signs.

(1) Permitted zones. Free-standing signs may be erected in Sign Zones A, B, C, D and E.

(2) Free-standing signs in Zone A. In Sign Zone A free-standing signs shall be displayed only on or from a multi-family dwelling where the message conveyed or intended to be conveyed thereby is confined to the name and/or address of such premises and/or related to the occupancy of the premises or on or from any other premises where the same pertain exclusively to a public, charitable or religious institution or to the activities carried on therein, and the display area thereof shall not in any case exceed twelve square feet.

(3) Free-standing signs in Zones B, C and E. In Sign Zones B, C and E free-standing signs shall be subject to the two-to-one ratio requirement.

(4) Free-standing signs in Zone D. Free-standing signs in Zone D shall be subject to the one-to-one ratio requirement.

(5) Sign height. No free-standing sign shall exceed a height of twenty feet above the level of the street upon which the sign faces or above the adjoining ground level, if such ground level is above the street level.

(6) Projections. No free-standing sign may project over or be located on any street right-of-way line or property line.

(7) Setbacks. All free-standing signs shall be so erected as to maintain a minimum fifteen foot setback from all lot lines, providing no portion of such sign projects into the vertical plane of any City right of way or adjacent lot; except that in Sign Zone B free-standing signs, not in excess of four square feet, may be permitted within the required yard area and provided they are not closer than five feet to the front or side property line.

(8) Number. In any district, the number of free-standing signs displayed on or from any parcel of land shall in no case exceed one for each fifty feet of street frontage or major portion thereof.

(Ord. 27-1986, 87. Passed 10-27-86.)

Projecting Signs.


(2) Projecting signs in Zone A. Projecting signs shall be displayed only on or from a multi-family dwelling where the message conveyed or intended to be conveyed thereby is confined to the name and/or address of such premises and/or relates to the occupancy of the premises or on or from any other premises where the same pertain exclusively to a public, charitable or religious institution or to the activities carried on therein, and the display area thereof shall not in any case exceed twelve square feet in display surface, or extend more than three feet from the face of the wall to which it is attached.

(3) Projecting signs in Zones B and C. In Sign Zones B and C, projecting signs shall be subject to the two-to-one ratio requirement, but in no case may they exceed 100 square feet in display surface.

(4) Projecting signs in Zone D. In Sign Zone D, projecting signs shall be subject to the one-to-one ratio requirement.

1999 Replacement
(5) Projecting signs in Zone E. Projecting signs shall be limited to one sign per property with a maximum total display area of fifteen square feet. In Sign Zone E, projecting signs shall be approved by the City of Lebanon Planning Commission. The Planning Commission shall consider the following minimum guidelines upon submission of an application and plans to ensure that satisfactory provisions and arrangements have been made.

Sign Guidelines:
A. Placement - Should be primarily for identification/location; secondarily for advertising.
   1. Should be integrated into the particular architectural character and linked by common forms—not simply applied, i.e., blend with the existing architecture.
   2. Should follow historical precedent, if there is one, of particular building or of Lebanon City generally, in form and in placement on building.
   3. Should be primarily pedestrian oriented.
      * Painted on glass.
      * Hanging perpendicular to facade over sidewalk.
      * Lettered on awning/canopy.

B. Appearance.
   1. Should be linked to particular building colors, display similar quality of materials, design, and workmanship that compliment and fit into surrounding architectural context, and relate to Lebanon character.
   2. Should be either convincingly in period with building or clearly contemporary to emphasize old/new interrelationship. NOTE: Contemporary can still be very sympathetic with old context—need not be jarring.
   3. Hardware should be thoughtfully integrated into sign design.
   4. If lighting of signs is to be considered as part of the aesthetic illumination of the overall display and/or architecture, the illumination should be subtle, pedestrian oriented, and not in competition with adjacent illuminated signs.
   5. Have clear, legible lettering not overly fancy.

(6) Projecting limits. In Sign Zones A, B and C, projecting signs shall not extend more than three feet from the face of the wall to which they are attached. In Sign Zone E, projecting signs may not extend further than four feet from any building structure. In Sign Zone D, projecting signs may not extend further than six feet out from any building structure. In any sign zone, no permitted projecting sign or part thereof may extend nearer the curb line than one foot, nor more than eighteen inches into a public street having a right of way of fifteen feet or less.
(7) **Height limits.** Every part of any projecting sign shall be at least ten feet above any public sidewalk, property line or any public area except in Sign Zone E, where a minimum height of eight feet shall be maintained.

(8) **Illumination.** All projecting signs, the area of the display surface of which exceeds twelve square feet, shall be equipped for artificial illumination and shall be operated and maintained as such.

(9) **Projecting over canopies.** Projecting signs shall not be supported in whole or in part by a canopy unless they form part of or are suspended from such canopy. (Ord. 2-1990, §9, 10. Passed 1-22-90; Ord. 7-1998, 99. Passed 5-26-98.)

(j) **Wall Signs.**

(1) **Permitted zones.** Wall signs may be displayed in Sign Zones C, D and E only.

(2) **Area of wall signs.** In Sign Zones C, D and E, wall signs shall be subject to the two-to-one ratio requirement, except that signs painted on or affixed to the inside or outside of windows on the ground floor shall not be included in this computation unless their combined area exceeds fifty percent (50%) of the area of the window they occupy.

(3) **Sign Zone D.** Notwithstanding subsection (j)(3)B. hereof, in Sign Zone D wall signs may be displayed on the rear and side walls of buildings without regard for the two-to-one ratio requirement:
A. Where the area of the display surface of any such sign does not exceed twenty-five percent (25%) of the area of the exterior surface of the wall upon which such sign is displayed; or

B. If there shall be more than one such sign on any wall of a building where the aggregate area of the display surface of all such signs displayed on such wall does not exceed twenty-five percent (25%) of the area of the exterior surface of the wall upon which such signs are displayed.

For the purpose of this subsection, the area of the exterior surface of a wall shall be reckoned exclusively of the area of any and all doors, windows and other apertures therein and no wall which in plan is parallel or nearly parallel to any street boundary perpendicularly distant less than twenty-five feet therefrom at any point shall be deemed to be a side or rear wall.

(4) Wall signs in Zone E. In Sign Zone E, wall signs shall meet the location requirements for facia signs in Zone E and shall pertain only to a business carried on in such building. Only one such wall sign shall be displayed on each wall of any building or structure.

(k) Suspended Signs.

(1) Permitted zones. Suspended signs may be displayed in Sign Zones B, C, D and E only.

(2) Area requirements. Suspended signs in Zones B, C, D and E shall be subject to the one-to-one ratio requirement.

(3) Height above sign. Where a suspended sign or its supports are over a street, sidewalk or other public area, no part of such sign or its supports shall be less than ten feet in height above the level of the street immediately under the sign.

(4) Height of sign. The height of the display surface of any suspended sign shall not exceed twelve inches.

(5) Illumination. All suspended signs exceeding twelve square feet in area shall be equipped for artificial illumination and shall be operated and maintained as such.

(l) Roof Signs.

(1) Permitted zones. Roof signs may be displayed in Sign Zone D only.

(2) Size in Sign Zone D. In Sign Zone D, roof signs shall be subject to the one-to-one ratio requirement.

(3) Height above roof. The lower edge of the display surface of every roof sign shall not be less than four feet above the highest point on the roof or other surface directly under the sign and no part of the display surface shall be less than four feet from any fire wall or outside wall of the building on which the sign is situated, provided that this section shall not apply to roof signs not over four feet in height.
(4) **Sign limitations.** No part of any roof sign shall be of a greater height above any point on that part of the roof or other surface which is immediately below the sign than appears on the following table:

<table>
<thead>
<tr>
<th>Height of Building (feet)</th>
<th>Height Above Roof (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 15</td>
<td>5</td>
</tr>
<tr>
<td>15 to 20</td>
<td>10</td>
</tr>
<tr>
<td>over 20</td>
<td>15</td>
</tr>
</tbody>
</table>

(5) **Projection.** No part of any roof sign shall project over a street.

(6) **Obstructions.** No roof sign shall be placed on the roof of any building or structure in such a manner as to prevent free passage from one part of the roof to another or to any other part thereof or interfere with openings in the roof.

(m) **Class A Billboards.**

(1) **Permitted zones.** Class A Billboards may be displayed in Sign Zones C, D and E only.

(2) **Size requirements.** The display surface of Class A billboards shall not exceed sixteen square feet.

(3) **Number permitted.** Not more than two Class A billboards shall be located on one parcel of land.

(4) **Advertisement limits.** Advertisements on Class A billboards shall pertain only to a business, commodity, service or entertainment conducted, sold or offered upon the premises where the Class A billboard is located.

(n) **Class B Billboards.**

(1) **Permitted zones.** Class B billboards may be displayed in Sign Zone D.

(2) **Area limitations.** The display surface of Class B billboards shall not exceed 300 square feet.

(3) **Number permitted.** Not more than one Class B billboard shall be located on each lot or parcel of land.

(4) **Dimensions permitted.** No part of any billboard shall be of greater height than twenty feet above the highest point from the ground or other permanent surface immediately below it.

(5) **Setbacks.** Class B billboards shall meet all the setback requirements of the zoning district in which they are located; provided, however, that no part of any billboard situated either on a lot or parcel of land on which there is a building occupied in whole or in part as a residence or on a lot or parcel adjoining a lot or parcel upon which there is such a building shall be closer than the building to the street upon which the building fronts.

(6) **Maintenance.** The site of every billboard shall be kept free of brush, debris and litter at all times.
(7) **Space between sign and ground.** Class B billboards shall have an open space not less than two feet between the base line of the billboard and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of any such open space.

(o) **Combination Signs.** Each portion of a combination sign shall be subject to the individual regulations for each type of sign comprised in the same.

(p) **Flashing or Moving Signs.** Flashing or moving signs may be permitted in Sign Zone D only.

(q) **Permits and Fees.**

(1) **Permits required.** No person shall erect, repair, alter, relocate or maintain within the City any of the following signs without first obtaining a permit from the Zoning Officer making payment according to the following schedule:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Temporary: one</td>
<td>$2.00</td>
</tr>
<tr>
<td>two to ten</td>
<td>5.00</td>
</tr>
<tr>
<td>eleven or more</td>
<td>25.00</td>
</tr>
<tr>
<td>B. Billboard, projecting, facia, wall, roof, suspended, combination or free-standing with less than two square feet of surface area</td>
<td>10.00</td>
</tr>
<tr>
<td>C. Billboard, projecting, facia, wall, roof, suspended, combination or free-standing with two square feet or more of surface area and up to 100 square feet of surface area</td>
<td>20.00</td>
</tr>
<tr>
<td>D. Billboard, projecting, facia, wall, roof, suspended, combination or free-standing with 100 square feet of surface area or more</td>
<td>50.00</td>
</tr>
</tbody>
</table>

(2) **Application for permit.** Application for sign permits shall be made upon forms provided by the Zoning Officer and shall contain or have attached thereto the following information:

A. The name, address and telephone number of applicant;
B. Location of the building, structure or lot to which or upon which the sign is to be attached or erected;
C. Position of the sign in relation to adjacent buildings or structures;
D. Two copies of plans and specifications, the method of construction, and attachment to the building or ground;
E. Where applicable, a copy of stress sheets and calculations showing that the sign is designed for dead load and wind pressure in the amount required by Part 17 of the Codified Ordinances, "Building Code";
F. The name of the person, firm or corporation erecting the sign;
G. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected; and
H. Any other information necessary to show full compliance with this and all other laws and ordinances of the City.

1988 Replacement
(3) **Illuminated signs.** The application for a permit for the erection of a sign in which electrical wiring and connections are to be used shall be accompanied by an electrical permit and be submitted to the Electrical Inspector. In the event that the electrician to do the final wiring is unknown at the time of such issuance, the electrical work may not commence before notification to the Department of Public Safety of the name of the electrician. The Inspector shall examine the plans and specifications of all wiring connections to determine if the same complies with the Electrical Code, and he shall approve the permit if the plans and specifications comply with such Code. He shall also inspect such signs after their erection for compliance with the permit application.

(4) **Unsafe and unlawful signs.** If the Building Inspector or Zoning Officer finds that any sign regulated herein is unsafe or insecure or is a menace to the public or had been constructed or erected or is being maintained in violation of the provisions of this Zoning Code, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth within ten days after such notice, such sign may be removed or altered to comply by the Inspector or Officer at the expense of the owner of the property upon which it is located. The Inspector or Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(Ord. 27-1986, 87. Passed 10-27-86.)

1323.05 FLOOD PLAIN ZONES F-1, F-2 AND F-3.

(a) **Intent.** These provisions are intended to prevent the creation of health and safety hazards, the needless loss of life or property from possible natural catastrophe and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. Additionally, these regulations are designed to prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in any flood plain zone in order to minimize future flood damage as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses and induce flooding conditions.

(b) **Definitions.** As used in this section:

(I) "Alluvial soils maps" means soils maps prepared by the United States Department of Agriculture, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.
"Construction" includes the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For flood plain purposes, construction includes structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adoption by the Municipality.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, mobile homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" means a temporary inundation of water on normally dry land areas.

"Flood Fringe (F-3)" means the portion of the 100 year flood plain located outside the floodway and for which flood elevations have been determined.

"Flood plain" means:

A. A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation of water;

B. An area subject to the unusual and rapid accumulation of runoff or surface water from any source.

"Flood plain zones" means the zoning districts that establish the bounds of the 100 year flood plain as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain areas. These zones include the Approximated Flood Plain (F-1), Floodway (F-2) and Flood Fringe (F-3) Zone.

"Floodway (F-2)" means that portion of the 100 year floodplain including the channel of a river or other watercourse and the adjacent land areas which are required to carry and discharge the 100 year flood where the activities permitted elsewhere in the flood plain zone will not cumulatively increase the water surface elevation more than one foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the flood plain.

"Approximated Flood Plain Zone (F-1)" means that flood area for which no specific flood profiles have been provided. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Considerations shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17. This elevation information shall be subject to review by the Municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a River Basin Commission, etc.
(10) "100 year flood (regulatory flood)" means a flood that, on the average, is likely to occur once every 100 years (that is, that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

(11) "100 year flood plain" means:
   A. The relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation on the average of once every 100 years;
   B. An area subject to the unusual and rapid accumulation of runoff or surface water from any source on the average of once every 100 years.

(12) "Regulatory flood" means the flood which has been selected to serve as the basis upon which the flood plain management provisions of this section and other ordinances have been prepared; for purpose of this section, the 100 year flood, as defined by the Federal Insurance Administrator.

(13) "Regulatory flood elevation" means the 100 year flood elevation based upon the information contained in the Official Flood Insurance Study.

(14) "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement of poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within the mobile home parks or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities, is completed.

(15) "Substantial improvement" means any reconstruction, alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
   A. Before the improvement or repair is started; or
   B. If the structure has been damaged, and is being restored, before the damage occurred.
For the purposes of this section, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(c) Delineation of Zones. The flood plain zones shall include all areas subject to inundation by flood waters of the regulatory flood. The basis for the delineation of the three flood plain zones (Approximated Flood Plain, Floodway and Flood Fringe Zone) shall be the Official Flood Insurance Study and the Flood Boundary/Floodway Map prepared by the Federal Insurance Administrator.

Three separate zones are necessary to equitably enforce flood plain management controls in the flood plain zones. The Approximated Flood Plain Zone (F-1) shall include all areas of the Municipality subject to inundation by flood waters of the regulatory flood for which no specific flood profiles have been provided. The actual elevation and extent of the zone is to be determined by the regulatory flood elevation. In order to determine the regulatory flood elevation, the following variety of sources of data shall be used:

(1) Alluvial soils maps prepared by the U.S. Soil Conservation Service;
(2) Local data from the 1972 flood;
(3) Army Corps of Engineers - Flood Plain Information Reports;
(4) U.S. Geological Survey - Flood Prone Quadrangles; and
(5) Other available sources of flood plain information.

In lieu of the previously mentioned, the Municipality shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Municipality or a qualified agent thereof.

The Floodway Zone (F-2) where flood heights and velocities are greatest, shall have more restrictive provisions to prevent encroaching developing from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this section, using criteria that a certain area within the flood plain shall be capable of carrying the water of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this zone are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the Flood Fringe Zone (F-3) where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe Zone shall be that area of the 100 year flood plain not included in the Floodway Zone. The basis for the outermost boundary of this zone shall be the 100 year flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.
The delineation of the Flood Plain, Approximated Flood Plain, Floodway and Flood Fringe Zone may be revised by the Municipal governing body where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agencies or individuals. However, prior to when the zone bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

Initial interpretations of the boundaries of the Flood Plain Zone shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the Flood Plain Zone, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of zone boundaries. The burden of proof shall be the responsibility of the appellant and he shall provide any and all technical information to support his case.

(d) Zone Provisions. All uses, activities and development occurring with the Approximated Flood Plain, Floodway or Flood Fringe Zone shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances such as the Lebanon County Floodproofing Building Code and the Subdivision and Land Development Regulations for the City.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

No structures, including mobile homes, or land shall hereafter be used and no structures, including mobile homes, shall be located, relocated, constructed and reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.

All permitted uses shall be regulated by the provisions of the underlying zoning district. Where there happen to be conflicts between the provisions or requirements of the Approximated Flood Plain, Floodway or Flood Fringe Zone of the underlying zoning district, the more restrictive provisions shall apply. In the event that any portion of the flood plain zone be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning district shall be deemed to be the district in which the flood plain zones are located.

(1) Approximated Flood Plain (F-1) and Floodway (F-2) Zones. In the Approximated Flood Plain and Floodway Zones no development, including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities.

(2) Permitted uses. In the Approximated Flood Plain and Floodway Zones, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zoning district, will not result in any increase in the level of the regulatory flood anywhere, are not prohibited by any other ordinance and provided that they do not require structures, mobile homes, fill, vehicles or parts thereof, storage of materials and equipment, substantial improvements or other development:
A. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.

B. Public and private recreational uses and activities such as parks, picnic grounds, areas for short term camping, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, shooting ranges, and hunting and fishing areas. Open structures such as picnic pavilions consisting of slab, open structural supports such as posts and pillars, and a roof, shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

C. All uses customarily accessory to permitted uses in the underlying adjoining district such as yard areas, gardens, play areas, impervious parking and loading areas and airport landing strips.

D. The following uses and activities are permitted as special exceptions upon approval of the Zoning Hearing Board, provided that they are in compliance with the provisions of the underlying zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not raise the level of the regulatory flood at all and are not prohibited by any other ordinances:

1. Structures accessory to the uses and activities in subsection (d)(2)A, hereof, but shall not be construed to include mobile homes, vehicles or parts thereof;

2. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses;

3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.;

4. Extraction of sand, gravel and other materials;

5. Storage of materials and equipment provided that they are not buoyant, toxic to humans, animals or vegetation, flammable or explosive, and are not subject to major damage by flooding or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning; or

6. Other similar uses and activities provided they cause no increase in flood height and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building Code and all other applicable codes and ordinances.

(e) Flood Fringe Zone (F-3). In the Flood Fringe Zone the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.
(f) Additional Safeguards.

(1) No part of any private on-lot sewage disposal system shall be constructed within the Flood Plain Zone.

(2) Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

(3) The Municipality will endeavor to coordinate its flood plain management program with neighboring municipalities, particularly when the property(ies) in question is located near a Municipal boundary.

(4) Use of fill is prohibited within the Approximated Flood Plain and Floodway Zone unless the property owner or applicant provides a document, acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the regulatory flood at any point. Use of fill in the Flood Fringe Zone is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

(5) Prior to any stream or watercourse alteration and relocation, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstruction and Storm Water Management. Also, adjacent communities, the Department of Community Affairs and the Federal Insurance Administrator shall be notified. Additionally, the Municipality shall be assured that the flood carrying capacity of an altered or relocated watercourse is maintained.

(6) The placement of any mobile homes in the floodway is prohibited, except in existing mobile home parks and existing mobile home subdivisions.

(g) Zoning Hearing Board Review of Special Exceptions and Variances. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this section, in the Pennsylvania Municipalities Planning Code (Act 247 as amended), and other ordinances and shall apply all of the following factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(4) The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners;

(5) The importance of the services provided by the proposed facility to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of alternative locations not subject to flooding for the proposed use;

(8) The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future;
(9) The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management programs of the area;

(10) The safety of access to the property in times of flood by ordinary and emergency vehicles;

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;

(12) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate;

(13) The granting of a variance shall provide relief only from the terms of flood plain regulations, not from the insurance premium;

(14) Variances shall not be given in the floodway that result in any increase in flood levels during the 100 year flood;

(15) Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended);

(16) Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard;

(17) When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

A. Increased insurance premiums will result up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) worth of coverage; and

B. Construction occurring below the 100 year flood level will increase risks to life and property; and

(18) Other factors which are relevant to the purpose of this article.

(h) Nonconformities. A structure, or use of a structure or land, which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) Existing nonconforming structures or uses located in the Flood Plain Zone shall not be expanded, enlarged or moved, but may be modified, altered or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the regulatory flood.

(2) If any nonconforming structure or use located in the Flood Plain Zone is destroyed by any means including floods, to an extent of fifty percent (50%) or more of the structure or use, it shall not be reconstructed or continued except in conformity with the provisions of this section, the Lebanon County Floodproofing Building Code and any other applicable ordinances.

(i) Lot Area, Yard and Sign Requirements. The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the underlying zoning district.
(j) Additional Administrative Requirements.
(1) Application information. To insure that all construction and development within identified flood plain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following specific information to be included as part of an application for a permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the flood plain area boundaries, stream channel and existing flood plain development to assure that:
   1. All such proposals are consistent with the need to minimize flood damages;
   2. All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
   3. Adequate drainage is provided to reduce exposure to flood hazard.

B. Such plan shall also include existing and proposed contours and elevation of the grounds, regulatory flood elevations, structure elevation, lowest floor elevation, size of the structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this section, the Lebanon County Floodproofing Building Code and other applicable ordinances.

(2) Review of application by others. A copy of all plans and applications for construction and/or development in the identified flood plain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Enforcement Officer to any other appropriate agencies and/or individuals (such as the Planning Commission, Municipal engineer, etc.) for review and comment prior to the issuance of the building permit.

(3) Record of variances. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

(4) Issuance of permit. Upon receipt of such application, the City Engineer, together with the Public Safety Inspector and Zoning Officer, shall inspect the applicant's plans to determine compliance with the provisions of this section. After a favorable determination, the Public Safety Inspector shall issue a permit. In any case, the Municipality shall respond to an application within a period of twenty working days.

(k) Conflicting Ordinances. Ordinances or parts of ordinances in conflict with this section, or inconsistent with the provisions of this section, are hereby repealed to the extent necessary to give the Flood Plain Zone full force and effect.
(i) Statement of Disclaimer. The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the Flood Plain Zone or that land uses permitted within such zone will be free from flooding or flood damage. This section shall not create liability on the part of this Municipality or any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision made thereunder.

(m) Building permits required. Building permits shall be required before any proposed construction, substantial improvement or development is undertaken within any identified flood prone area of the Municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits.

(n) Development Which May Endanger Human Life.
(1) The provisions of this subsection shall be applicable, in addition to any other applicable provisions of this Zoning Code, or any other ordinance, code or regulation.
(2) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:
   A. Will be used for the production or storage of any of the following dangerous materials or substances; or
   B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
   C. Will involve the production, storage or use of any amount of radioactive substances;
   Shall be subject to the provisions of this subsection, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium

1988 Replacement
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

(3) Within any Floodway Zone, any structure of the kind described in subsection (b) hereof, shall be prohibited.

(4) Where permitted within any Flood-Fringe Zone or General Floodplain Zone any structure of the kind described in subsection (b) hereof, shall be:
A. Elevated or designed and constructed to remain completely dry up to at least two feet above the 100 year flood and
B. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.

Any such structure, or part thereof, that shall be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(5) Within any General Floodplain Zone, any structure of the kind shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.

(6) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this subsection.

(o) Activities Requiring Special Permits.
(1) The provisions of this subsection shall be applicable, in addition to any other applicable provisions of this Zoning Code, or any other ordinance, code or regulation.

(2) Identification of activities requiring a special permit. In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any floodplain zone:
A. The commencement of any of the following activities, or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:
   1. Hospitals
   2. Nursing homes
   3. Jails or prisons.
B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.
(3) Application requirements. Applicants for special permits shall provide five copies of the following items:

A. A written request including a completed building permit application form;

B. A small scale map showing the vicinity in which the proposed site is located;

C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
   1. North arrow, scale and date;
   2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
   3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
   4. The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations;
   5. The location of existing bodies of water or watercourse, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
   6. The location of the flood plain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
   7. The location of all proposed buildings, structures, utilities and any other improvements; and
   8. Any other information which the Municipality considers necessary for adequate review of the application;

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
   1. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;
   2. For any proposed building, the elevation of the lowest floor, including basement, and, as required, the elevation of any other floor;
   3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood;
   4. Detailed information concerning any proposed floodproofing measures;
   5. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;
   6. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development shall have on 100 year flood elevations and flows;

5. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;

6. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

(4) Application review procedures. Upon receipt of an application for a special permit by the City, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Department by registered or certified mail for its review and recommendations.
Copies of the application shall also be forwarded to the City Planning Commission and City Engineer for review and comment.

B. If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five working days after the date of approval.

E. Before issuing the special permit, the City shall allow the Department of Community Affairs, after receipt of the notification by the Department, to review the application and the decision made by the City.

F. If the City does not receive any communication from the Department of Community Affairs during the thirty day review period, it may issue a special permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the special permit.

(5) Technical requirements for development requiring a special permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

A. No application for a special permit shall be approved unless it can be determined that the structure or activity shall be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
   a. The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
   b. The lowest floor elevation, including basement, shall be at least two feet above the 100 year flood elevation.
   c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City and the Department of Community Affairs.

(6) Within any floodplain zone, any structure of the kind shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.

(7) Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this subsection.

(Ord. 27-1986, 87. Passed 10-27-86.)
### APPENDIX A

**SCHEDULE GOVERNING THE LOT, AREA AND BULK REQUIREMENTS OF PERMITTED USES**

<table>
<thead>
<tr>
<th>ZONE USE</th>
<th>MINIMUM LOT REQUIREMENTS</th>
<th>MINIMUM YARD REQUIREMENT (Feet)</th>
<th>MAXIMUM</th>
<th>MAXIMUM</th>
<th>DETACHED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area (Sq. Ft.)</td>
<td>Lot Width (Feet)</td>
<td>Lot Buildin</td>
<td>Rear One Both</td>
<td>SIDE</td>
</tr>
<tr>
<td>RLD</td>
<td></td>
<td></td>
<td>Width</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>7,500 8,000 75 80 30 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>10 20 24 35 50 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMD</td>
<td>6,000 7,500 60 75 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Two Family (Duplex)</td>
<td>4,000 4,500 40 45 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Medium</td>
<td>2,500 3,000 25 30 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Semi-Detached</td>
<td>2,000 2,500 20 25 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Row House</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>10 20 24 35 50 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>10 20 24 35 50 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>5,000 6,500 50 65 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>RHD</td>
<td>4,000 4,500 40 45 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Two Family (Duplex)</td>
<td>3,000 4,500 30 45 25 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Semi-Detached</td>
<td>1,800 2,000 18 30 20 25 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Row House</td>
<td>1,500 2,000 12 20 12 20 10 20</td>
<td>2 3 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>8,500 8,500 100 120 25 35 10 20</td>
<td>5 65 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>8,500 8,500 100 120 25 35 10 20</td>
<td>5 65 50 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>CA</td>
<td>30,000 30,000 150 150 30 20 10 20</td>
<td>2 3 30 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Commercial</td>
<td>30,000 30,000 150 150 30 20 10 20</td>
<td>2 3 30 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Commercial Residential</td>
<td>10,000 10,000 100 120 30 20 10 20</td>
<td>3 30 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
<tr>
<td>Automobile Motel</td>
<td>30,000 30,000 150 150 30 20 10 20</td>
<td>2 3 30 3 3</td>
<td>12,500 15,000 125 150 50 25 20 40</td>
<td>3 45 35</td>
<td>3 3</td>
</tr>
</tbody>
</table>

1/ Extension of existing buildings for residential purposes if building line has been established are permitted provided a minimum 3' side yard is provided.
2/ Minimum lot area is 8,500 square feet plus 1,500 square feet per dwelling unit.
3/ Where side or rear yards adjoin any residential district, they shall be no less than 30 feet, shall not be used for parking, and shall be appropriately landscaped and maintained.
<table>
<thead>
<tr>
<th>ZONE</th>
<th>USE</th>
<th>MINIMUM LOT REQUIREMENTS</th>
<th>MINIMUM YARD REQUIREMENT (Feet)</th>
<th>MAXIMUM HEIGHT</th>
<th>MAXIMUM LOT COVERAGE (%)</th>
<th>DETACHED ACCESSORY BUILDING YARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Lot Area (Sq. Ft.)</td>
<td>Lot Width (Feet)</td>
<td>Front</td>
<td>Rear</td>
<td>One</td>
</tr>
<tr>
<td>CBD Central Business District</td>
<td>All uses</td>
<td>15</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>CN Neighborhood Commercial</td>
<td>Residential</td>
<td>(Same Requirements as RHD High Density Residential District)</td>
<td>15</td>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CN</td>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office</td>
<td>5,000</td>
<td>6,500</td>
<td>50</td>
<td>65</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Institutional</td>
<td>8,000</td>
<td>10,000</td>
<td>80</td>
<td>100</td>
<td>30</td>
</tr>
<tr>
<td>ML Light Manufacturing</td>
<td>All uses</td>
<td>15,000</td>
<td>17,500</td>
<td>150</td>
<td>150</td>
<td>30</td>
</tr>
<tr>
<td>MH Heavy Manufacturing</td>
<td>All uses</td>
<td>1 Acre</td>
<td>1 Acre</td>
<td>150</td>
<td>150</td>
<td>60</td>
</tr>
<tr>
<td>MR Municipal All uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4/ Yards are not required for permitted buildings but if a yard is established, it shall be no less than three (3) feet in depth.
5/ This height may be exceeded by four (4) feet for each one (1) foot by which the building is set back from the street line.
6/ Shall be the same as the required side yard of the adjoining residential zone.
7/ Not less than 80 feet if abutting a residential district.
8/ Except that chimneys, flagpoles, towers, water tanks and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of the building.
9/ If a use in ML is also a permitted use in CA, the lesser yard requirements of CA shall apply.
10/ Not less than 40 feet if abutting a residential district.