

ARTICLE 1347

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

1347.01. **Applicability.**

- (a) This Article establishes additional requirements for certain specific uses, in addition to the other requirements of this Ordinance. Where two requirements directly conflict regarding the same matter, the stricter requirement upon use or development shall apply.
- (b) For uses allowed within a specific Zoning District as "Special Exception Uses," see also the procedures and standards in Section 1363.16. For "Conditional Uses," see Section 1363.17.

1347.02 **Additional Requirements for Specific Principal Uses.**

- (a) Each of the following uses shall meet all of the following requirements for that use:
 - (1) **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - A. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - B. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - (1) 600 lineal feet from an existing dwelling on another lot,
 - (2) 250 lineal feet from the lot line of any lot in a Residential Zoning District, and
 - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
 - C. No Adult Use shall be located within 500 lineal feet from any existing "Adult Use."
 - D. A 50 feet buffer yard shall be provided, regardless of Zoning District, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
 - E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

- F. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - G. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - H. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - I. An Adult Use shall be prohibited in all Districts except where specifically allowed under Article 1327. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - J. A minimum lot area of 30,000 square feet is required.
 - K. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - L. No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.
 - M. Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor. A use that involves massages by State-licensed massage therapists shall be considered a Personal Service Use and not a Massage Parlor.
 - N. All persons within any Adult Use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "Adult live entertainment facility."
 - O. Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the managing staff-person of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.
 - P. The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the City allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.
 - Q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
 - R. An Adult Use shall be open to inspections during business hours by City code enforcement staff, including health inspectors.
- (2) **Adult Day Care Center.**
- A. The use shall be fully licensed by the State, if required by the State.
 - B. The use shall include constant supervision during all hours of operation.
 - C. The use shall not meet the definition of a "treatment center."
- (3) **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). If the use is determined to be allowed under State law, then the applicant shall be a special exception use that is only allowed in the HIC

district. In such case, the applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate security and noise control measures.

(4) **Animal Cemetery.**

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

(5) **Animal Day Care.**

- A. This use shall involve providing temporary care and recreation for multiple dogs and household pets. This use shall primarily involve housing the animals indoors within an enclosed air conditioned building that is sound-proofed if the animals will be within 200 feet from an existing dwelling.
- B. This use shall not primarily involve the keeping of animals for more than 24 hours, unless the requirements are also met for a Kennel.

Apartments - See "Townhouses and Apartments" and "Conversions" in this Article 1347.

(6) **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.

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

- A. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 1361.03.
- B. See light and glare standards in Article 1355.
- C. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- D. This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.

(8) **Auto Repair Garage.**

- A. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."
- B. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 1355. See buffer yard requirements in Section 1361.03.
- C. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way. Motor vehicles shall not be parked on a public sidewalk.
- D. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
- E. Any "junk vehicle" (as defined by Article 1365) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless they are actively under repair. Vehicles shall not be parked on a public sidewalk.
- F. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

(9) **Auto Service Station.**

- A. See definition of this term and "Auto Repair Garage" in Article 1365. The uses may be combined, if the requirements for each are met.
- B. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- C. Fuel pumps shall meet side yard principal building setback requirements.
- D. The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."
- E. The use may include a "convenience store" if the requirements for such use are also met.
- F. A canopy shall be permitted over the gasoline pumps with a minimum front setback of 15 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) signs may be attached to the canopy in place of part of the allowed freestanding or wall sign area for the property, and b) necessary warning signs.
- G. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and 50 feet from any lot line of a lot occupied by a residential use.
- H. Gas station canopies must be designed with luminaries recessed under the canopy to minimize light pollution. Light intensity around the edges of the canopy must not exceed 10 footcandles at any location. All lighting mounted under the canopy, including auxiliary lighting within signage and panels over the pumps, must be included in the 10 footcandle limit.
- I. Gas stations may also include a car wash if the requirements for a car wash are also met.
- J. When gas stations abut residential districts, a minimum 10 foot front landscaped yard must be provided.
- K. Signs must comply with all state and federal regulations for gas station signs.

(10) **Bed and Breakfast Inn.**

- A. Within a Residential District (if permitted under Article 1325), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted Districts.
- B. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the Bed and Breakfast Inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- C. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- D. The use shall have a residential or historical appearance.
- E. The use shall be operated and/or managed by permanent residents of the lot.
- F. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- G. No guest shall reside in the Bed and Breakfast Inn for more than 30 total days in any 90 day period.

(11) **Boarding House (includes Rooming House).**

- A. Minimum lot area - 20,000 square feet.
- B. Minimum side yard building setback - 15 feet each side
- C. Minimum lot width- 100 feet

- D. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- E. Each bedroom shall be limited to 2 persons each.
- F. A buffer yard with screening meeting Section 1361.03 shall be provided between any boarding house building and any abutting dwelling.
- G. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- H. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- I. Rooms shall be rented for a minimum period of 5 consecutive days.

(12) **Car Wash.**

- A. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- B. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- C. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards or runoff problems. Wash water shall be properly collected and shall not flow into a waterway. To the maximum extent feasible, water should be recycled.
- D. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(13) **Cemetery.**

- A. Minimum lot area- 1.5 acres, which may be on the same lot as an allowed place of worship.
- B. All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 10 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- C. No grave sites and no buildings shall be located within the 100-year floodplain.
- D. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the City Solicitor's Office, that the use will include an appropriate financial system to guarantee perpetual maintenance.
- E. The internment or spreading of cremated remains are not regulated by this Ordinance.

(14) **Crematorium**

- A. Minimum lot area - 30,000 square feet. A crematorium may be on the same lot as a cemetery, provided the requirements for each are met.
- B. A crematorium, where allowed by Article 1327, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- C. The applicant shall provide evidence that they have obtained a DEP Air Quality Permit prior to receiving a City occupancy permit for the use. The Zoning Officer shall be notified in writing by the operator of the use within one business day if such State permit is ever suspended or revoked.

(15) **Commercial Communications Antennae/Tower as principal or accessory use.**

- A. An accessory commercial communications antenna shall be permitted by right in any District if it meets the following requirements:

- (1) In a District other than a commercial or Industrial District, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship, or
 - e) a water tower.
 - (2) In a commercial or Industrial District, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- B. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Articles 1325 or 1327, and in compliance with the following additional regulations:
- (1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The City may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
 - (3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - (4) See structural and wind resistance requirements of the Construction Code.
 - (5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the City.
 - (6) An applicant for a new commercial communications tower shall provide evidence to the Board or Council as applicable that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - (7) A maximum total height of 200 feet above the ground shall apply in a Commercial or Industrial District and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - (8) The application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.
 - (9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs.
- C. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- (1) To protect property values.

- (2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
 - D. A tower/antenna that is intended to primarily serve emergency communications by a City-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
 - E. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - F. Accessory utility buildings shall have a maximum height of 10 feet.
 - G. Antennae and towers shall comply with any Airport Approach zoning regulations.
 - H. This Zoning Ordinance does not regulate antenna that are placed on existing utility poles within a street right-of-way.
- (16) **Community Garden.**
- A. Community gardens are limited to the cultivation of herbs, fruits, flowers or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
 - B. Keeping of livestock and poultry is prohibited as part of a Community Garden.
 - C. If a site was previously used for industrial purposes, prior to the establishment of the community garden, soil testing is required to measure nutrients, heavy metals and any other harmful contaminants that may be present. The applicant must present, as part of the use permit, the soil testing results and proposed remediation methodology, if needed. Alternatively, the applicant may use raised planter boxes for all plants, in which case soil testing is not required.
 - D. Permanent structures are prohibited. However, temporary greenhouses, including high tunnels / hoop-houses, cold-frames, and similar structures are permitted to extend the growing season. Accessory structures, such as sheds, gazebos and pergolas, are also permitted.
 - E. A farmstand is permitted, provided it is only used for sales of items grown at the site. Farmstands must be removed from the premises or stored inside a structure on the premises during that time of the year when the garden is not open for public use, unless they are approved to be part of a building. Only one farmstand is permitted per lot.
- (17) **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- A. Articles 1325 and 1327 establish where conversions are allowed.
 - B. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - (1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - (2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.

- C. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - D. A maximum total of 4 dwelling units may be developed per lot, unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
 - E. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Article 1361.
- (18) **Conversion of an Existing Principal Place of Worship, School or Similar Institutional Building into a Commercial Use and/or Multi-Family Dwellings.**
- A. If the applicant proves to the satisfaction that modifications are needed to parking, loading, density or setback requirements to reasonably allow the adaptive reuse of an existing principal institutional building, the Zoning Hearing Board shall have the authority to approve such modifications as a condition of the special exception approval.
 - B. The Zoning Hearing Board shall consider compatibility with any adjacent residential neighborhood in considering approval of such modifications.
- (19) **Criminal Halfway Houses.**
- A. See definition in Article 1365.
 - B. The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception use approval.
 - C. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
 - D. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - E. A use involving housing of 2 or more persons required to register their place of residence under Megan’s Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.
- (20) **Day Care Center, Child.**
- A. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Article 1347.
 - B. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Human Services registration certificate or license.
 - C. Convenient parking spaces meeting the requirements of Article 1357 shall be provided for persons delivering and waiting for children.
 - D. The use shall include secure fencing with a height between 4 and 6.5 feet around outdoor play areas.
 - E. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 - F. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - G. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.

- H. If a day care facility is allowed in a Residential District, it shall be setback a minimum of 300 feet from the nearest existing day care facility in a Residential District.

(21) **Forestry.**

- A. The following regulations shall apply if forestry involves a total of more than one acre of land area in any five year period:
 - (1) A soil and erosion control plan shall be submitted and carried out.
 - (2) A maximum of 50 percent of the forest cover shall be removed. Clearcutting shall not cover areas of more than one-half acre, except for land areas where a specific land use has received City zoning approval.

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

- A. The use shall meet the definition in Article 1365.
- B. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- C. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
 - (1) if a more restrictive requirement is established by another City requirement;
 - (2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - (3) as may be approved by the Zoning Hearing Board under Section 1363.11(d), which allows persons to request a reasonable accommodation to the number of unrelated persons living together.
- D. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- E. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- F. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- G. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
- H. If a Group Home is in a Residential District, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- I. The persons living on-site shall function as a common household unit.
- J. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- K. An off-street parking space shall be provided for the largest vehicle that serves the use.
- L. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

(23) **Heliport.**

- A. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- B. For a special exception use, the Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may

require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.

- C. Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.

(24) **Hotel or Motel.**

- A. See definitions in Article 1365, which distinguish a hotel/motel from a boarding house.
- B. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

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

- A. Storage of garbage is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- B. Outdoor storage of junk shall be at least: a) 100 feet from the lot line of any dwelling and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- C. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- D. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10 foot wide buffer yard which complies with Section 1361.03. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- E. Burning or incineration is prohibited.
- F. All gasoline, antifreeze and oil shall be drained from all vehicles that are stored on-site, and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- G. Lot area - 3 acres minimum; 10 acres maximum.
- H. Tires - see the "Outdoor Storage and Display" standards in the following section.
- I. Any storage of junk shall be maintained a minimum distance of 100 feet from the average water level of any waterway, and shall be kept out of a drainage swale.

(26) **Kennel** (which may include an animal shelter)

- A. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
- B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- C. The applicant shall describe how outdoor runs will or will not be used during late night hours.
- D. See State law regulating kennels.
- E. Minimum lot area - 30,000 square feet.

(27) **Live Work Unit.**

- A. A Live Work Unit is one building space that is used both for residential and for business space, such as for an office or an artist's studio. The business use shall be a use that is listed as permitted by right in the Zoning District. The unit shall be treated as a dwelling unit,

except for allowed signs and minimum parking requirements for the portion of the space that is used for commercial purposes that may involve non-resident employees or customer traffic.

- B. If allowed in a Residential District, a minimum of 50 percent of the unit floor area shall be primarily used for residential purposes and a maximum of 3 persons shall work in the unit who do not reside within the unit.
- C. The operator of the business in the unit shall also be a permanent resident of the unit.

(28) **Livestock and Poultry, Raising of.**

- A. Minimum lot area - 2 acres. See also Pets, Keeping of in Article 1347, which allows limiting accessory keeping of chickens and similar animals.
- B. Any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a Residential District, 2) 100 feet from an existing dwelling that is not within a Residential District, 3) 50 feet from all other exterior lot lines.
- C. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- D. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
- E. The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances.

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

(30) **Membership Club.**

- A. See definition in Article 1365.
- B. Any active outdoor play areas shall be setback at least 25 feet from any abutting "residential lot line."
- C. This use shall not include an "After Hours Club."

(31) **Mineral Extraction.**

- A. The following additional requirements shall be met:
 - (1) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
 - (2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
 - (3) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. City Council may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (a) New trees shall not be required where preserved trees will serve the same purpose.
 - (4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,

- (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 300 feet from the lot line of a dwelling,
 - (5) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - (6) Fencing. City Council may require secure fencing in locations where needed to protect public safety. As an alternative, City Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - (7) Hours of Operation. City Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - (8) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (32) **Mobile/Manufactured Home.** Installed after the adoption of this ordinance.
- A. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - B. Each site shall be graded to provide a stable and well-drained area.
 - C. Each home shall have hitch and tires removed.
 - D. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
 - E. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
 - F. The front door of the dwelling shall face onto a street or be within 25 feet from a street right-of-way.
- (33) **Nursing Home, Personal Care Home or Assisted Living Center.**
- A. Licensing - See definitions in Article 1365.
 - B. A minimum of 10 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas, gardens and/or pedestrian walks.
- (34) **Outdoor Storage and Display.** The provisions listed for this use under Article 1347 shall apply.
- (35) **Place of Worship.**
- A. Minimum lot area- 25,000 square feet in a Residential District, unless a larger lot area is required by the applicable Zoning District. In any other District, a place of worship shall meet the normal minimum lot area for that District.

- B. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable District.
- C. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- D. A child or adult day care center shall be allowed as an accessory use.

(36) **Recreation, Outdoor.**

- A. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- B. This term shall not include Publicly-Owned Recreation or a Motor Vehicle Racetrack.
- C. See provisions for a non-household swimming pool in this Article 1347.
- D. Lighting, noise and glare control - See Article 1355.
- E. A 20 feet wide buffer yard in accordance with Section 1361.03 shall be required adjacent to an existing dwelling on another lot.

(37) **Recycling Collection Center.**

- A. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- B. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- C. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- D. A 20 feet wide buffer yard with screening as described in Section 1361.03 shall be provided between this use and any abutting "residential lot line."
- E. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a City-owned use, subject to the limitations of this section.
- F. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- G. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- H. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an Industrial District.
- I. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a Residential District.

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

(39) **Restaurant.**

- A. Screening of Dumpster and Waste Containers - See Section 1361.06.
- B. See "Drive-Through" service in Section 1347.03(d)(3).
- C. Drive-through service shall only be provided where specifically permitted in the applicable District regulations.

- D. This use shall not include a “Tavern” or a “Nightclub” unless the requirements for such use(s) are also met.
- (40) **School, Public or Private, Primary or Secondary.**
- A. Minimum lot area - 1 acre in a Residential District. In any other District, the use shall meet the standard minimum lot area requirement for that District.
 - B. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - C. The use shall not include a dormitory unless specifically permitted in the District.
- (41) **Self-Storage Development.**
- A. All storage units shall be of fire-resistant construction.
 - B. Outdoor storage shall be limited to vehicles, boats and trailers. No "Junk Vehicles" shall be stored within view of a public street or a dwelling.
 - C. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - D. Designated spots may be used for outdoor parking of motor vehicles or trailers. Nothing shall be stored in interior traffic aisles or accessways that would interfere with emergency vehicle access or within required off-street parking areas.
 - E. The use shall not include a commercial Auto repair garage, unless the requirements for that use are also met.
 - F. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - G. See Section 1361.03 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 1361.03. Any fencing shall be placed on the inside of the plantings.
 - H. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
- (42) **Single Room Occupancy (SRO) Use with On-Site Supervision.**
- A. A use that does not meet these additional requirements shall be considered to be a “Boarding House.”
 - B. The applicant shall prove that the SRO will be operated by a responsible entity, and will include at least one on-site paid staff-person working on the premises at least 40 hours per week.
 - C. The applicant shall prove that the SRO will include regular on-site human services and/or counseling for residents, and/or regular shuttle services to such services.
- (43) **Solid Waste Transfer Facility or Putrescent Waste to Energy Facility.**
- A. All solid waste storage, disposal, incineration or processing shall be at least 100 feet from the following: public street right-of-way, exterior lot line or 100 year floodplain.
 - B. All solid waste storage, disposal, incineration or processing shall be a minimum of 300 feet from any Residential District.
 - C. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 20 feet. One of these roads may be restricted to use by emergency vehicles.
 - D. If a new use is proposed or the previously City-approved capacity of an existing use is proposed to be increased, the applicant shall prove to the satisfaction of the Zoning Hearing

- Board that the street network can handle the additional truck traffic, in a manner that minimizes negative impacts upon residentially zoned neighborhoods.
- E. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will include the best available methods to minimize noxious odors off of the tract.
 - F. A chainlink or other approved fence with a minimum height of 8 feet shall surround the use, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary.
 - G. Minimum lot area - 10 acres.
 - H. The applicant shall provide evidence to the Zoning Hearing Board that sufficient measures will be put into place to minimize the attraction, harborage or breeding of insects, rodents or vectors.
 - I. Attendant. An attendant shall be present during all periods of operation or dumping.
 - J. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - K. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - L. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - M. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated.
 - N. All loading and unloading and processing of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, or similar methods approved by the Zoning Hearing Board.
- (44) **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets" in the following section)
- A. Minimum lot area - 1 acre per horse or similar animal.
 - B. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
 - C. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Manure shall be managed in a way that does not result in polluted runoff from the property.
- (45) **Swimming Pool, Non-Household.**
- A. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
 - B. Minimum lot area - 20,000 square feet.
 - C. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 1361.03.
 - D. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
 - E. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
- (46) **Townhouses and Apartments.**
- A. Maximum number of townhouses in any attached grouping - 10.

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

(47) **Treatment Center.**

- A. See definition in Article 1365. This use shall not include a Criminal Halfway House unless the requirements for both uses are fully met.
- B. The applicant shall provide a written description of all conditions (such as alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception use approval.
- C. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- D. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

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

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

(49) **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 1347.03.**

- A. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- B. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.

- C. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- D. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- E. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- F. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- G. The turbine shall include automatic devices to address high speed winds.
- H. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- I. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- J. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- K. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.

1347.03. **Additional Requirements for Accessory Uses.**

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