

45-Day Review Period Draft

City of Carbondale Zoning Ordinance

08/03/2026 – 09/17/2026

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1. General Provisions

1.1 Title and Short Title

111. Title and Authority.

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

112. Short Title.

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

1.2 Purpose

This Ordinance is enacted for the following purposes:

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

1.3 Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of the City of Carbondale. As such, this Ordinance is based upon the expressed or

implied community development goals and objectives in the Community's adopted Comprehensive Plan as well as those listed below.

131. Community Goals

- a. Promote and protect the public health, safety and general welfare.
- b. Prevent loss of life, health or property from fire, panic, floods and other dangers, such as air, water, noise pollution, hazardous waste, toxic, biological and radioactive materials.
- c. Control development so that it occurs in an efficient and logical manner which does not deviate from or harm the character of the immediate neighborhood.
- d. Direct development to designated areas that can readily be served by existing or expanded infrastructure systems, including locations where sewer, water and transportation improvements can be phased in with minimum short and long-term costs to the City or its residents.
- e. Provide for essential public services, such as police and fire protection, and recreational uses.
- f. Protect property values and the integrity of neighborhoods for all classes of uses.
- g. Preserve and enhance the quality of life in the City by protecting neighborhoods from blighting influences.
- h. To preserve harmonious land use relationships and neighborhood amenities for both residential and non-residential development.

132. Economic Development Goals

- a. Attract more businesses, such as professional offices, discount outlets, and stores that are not available elsewhere; e.g. specialty shops (camera shop, -antiques, gifts, Boy Scout uniforms, etc.)
- b. Develop a tourist-based economy by taking advantage of the City's characteristics of a New England town, Steamtown activities, and the availability of local bed-and-breakfast establishments.
- c. Support efforts to facilitate the development of additional cultural/recreational facilities in the City.
- d. Target the revitalization of neighborhood business areas in addition to the Downtown area.
- e. Clean-up existing buildings/improve community appearance.
- f. To capture a greater share of the local market's purchasing power that is being lost to other shopping areas.
- g. To retain existing businesses in the region.

133. Housing Development Goals

- a. Facilitate the expansion of housing resources in order to attract new residents from the potential market to be generated by the construction of the Federal prison and the creation of additional manufacturing jobs.
 - b. Housing development programs should be designed to attract permanent/ long-term residents in order to preclude the maintenance problems which have resulted from absentee ownership and excessive occupancy by transient residents.
 - c. Blight elimination, including the removal of dilapidated buildings and the rehabilitation of substandard dwellings
 - d. Improve housing conditions in properties owned by absentee landlords.
134. Environmental Goals.
- a. To maintain a healthy environment for all types of uses throughout the City. This includes consideration of such factors as clean air and clean streams, noise pollution, storm drainage, hazardous waste, and resource conservation. This will require compliance with all relevant State and local regulations to prohibit or control adverse environmental influences generated by existing and future developments.
 - b. Protect the environmentally sensitive areas of the City. Protect groundwater, floodplains, wetlands, mature woodlands, steep slopes, habitats of rare and endangered species, and other environmental features.
 - c. Guide development to occur in ways that eliminate degradation of our natural and cultural environments.
 - d. Promote land use to control and limit both population and structural density, street congestion, and water runoff and to provide for adequate light and air.

1.4 Interpretation

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

1.5 Applicability, Severability, and Scope

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

1.6 Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the City of Carbondale City Council hereby enacts and ordains into an ordinance this document on the date of Month and Day, 2026. All zoning ordinances of the City of Carbondale previously in adoption are hereby repealed.

2. Definitions

2.1 Interpretation and word usage.

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

- 211. Words used in the present tense include the future tense.
- 212. The singular number includes the plural, and the plural number includes the singular.
- 213. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- 214. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- 215. If a word is not defined in this Ordinance but is defined in other ordinances of the City of Carbondale City Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another City of Carbondale ordinance, each definition shall apply to the provision of each applicable ordinance.
- 216. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - a. The words “shall” or “must” are mandatory.
 - b. The words “may” or “should” are permissive.
- 217. The word “lot” includes the words “plot,” “parcel,” and “property.”
- 218. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
- 219. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
- 220. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

2.2 Definitions.

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

- 221. Land Use Definitions

1. **Adult Businesses.** A business or club which engages in one or more of the following areas of sales, services or entertainment:
 - a. Adult bathhouse—an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of this Chapter, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
 - b. Adult body painting studio—any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
 - c. Adult bookstore—any establishment that has a substantial or significant portion of its stock in trade:
 - i. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
 - ii. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
 - d. Adult cabaret—a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - e. Adult massage establishment—any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth or licensed massage therapist. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service such as, but not limited to, beauty salon.

- f. Adult mini-motion picture theater—an enclosed or unenclosed building with a capacity of more than five, but less than 50, persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- g. Adult model studio—any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.
- h. Adult motel—a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- i. Adult motion picture arcade—any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- j. Adult motion picture theater—an enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- k. Adult newsrack—any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

- l. Adult outcall service activity—any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
 - m. Adult sexual encounter center—any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
 - n. Adult theater—a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons. Any other business or establishment excluding medical establishment or health clinics which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- 2. Adult Day Care. A use providing supervised care and assistance primarily to persons who are not in good physical health or suffering from general dementia or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person. A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

3. All other non-residential uses not otherwise listed. If a residential land use is not specifically assigned herein or within the Zoning Ordinances, as amended, of City of Carbondale, it is categorized as “Any Other Residential Land Use Not Assigned Otherwise” and shall comply with the regulations specified within this Ordinance, as amended.
4. Animal Hospital / Vet Clinics. A building routinely used for the treatment, housing or boarding of animals. It involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.
5. Animal Shelters. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society such as, the Society for the Prevention of Cruelty to Animals, or other nonprofit organization devoted to welfare, protections, and humane treatment of animals.
6. Assisted Living Facility. A building, establishment, complex or distinct part thereof which
 - a. accepts primarily aged persons (62 years of age or older) for domiciliary care; and
 - b. provides on-site to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract medical services as prescribed by each resident's treating physician.
7. Asphalt Manufacturing or Refinement. A facility which manufactures asphalt, macadam and other forms of coated roadstone.
8. Automobile Repair. An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.
9. Automobile Sales. An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition, and where no major repair work is done.
10. Bakery Retail. An establishment that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.
11. Banks & Other Financial Services. An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. (See “service establishment.”)
12. Billboard. An off-premises advertising sign directing patrons to a service or business located outside of the lot in which the sign is located.

13. Boarding House / Rooming House. A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and- breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on-site for five or more consecutive days.
14. Car Wash. A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.
15. Casino/Betting Parlor. A place used for lawful gambling activities including, but not limited to, off-track pari-mutuel betting and any use of electronic gambling devices. For 'Online Games of Skill', the establishments may include a device or activity, but not limited to a skill video game, in which the outcome is predominantly determined by the player's physical or mental skill rather than chance and is structured such that winning a prize is not possible without the exercise of skill during the phases of gameplay. Unless otherwise regulated by the Commonwealth of Pennsylvania.
This term shall not regulate state lottery sales or lawful "small games of chance."
16. Catering Establishment. A food preparation facility that prepares food for consumption on the premises or for delivery to another site. A facility for group dining, but not a restaurant where individuals order from a menu and pay based on the menu selection.
17. Cemeteries and Mausoleums. An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.
18. Child Day Care Facilities. A use Involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also Include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance:
 - a. care of children by their own relatives,

- b. care of children within a place of worship during regularly scheduled weekly religious services and
- c. care of 1 to 3 children within any dwelling unit, In addition to children who are relatives of the care giver.

See also the definition of adult day care center.

- 19. *Clubs and Lodges.* A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.
- 20. *Colleges, Institutes of Higher Learning.* An institution or higher learning authorized to grant associates, bachelors, masters and/or doctorates degrees. (for non-degree institutions, see trade schools.)
- 21. *Commercial Communication Tower.* Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to self-supporting lattice towers, guy towers and monopoles, utility poles and light poles.
- 22. *Community Intervention Center, Type 1.* A non-residential facility where one or more of the following services are provided to clients: situational advising, referrals to local drug and alcohol abuse and mental health services, temporary address and mail privileges, telephone contact, message board, behavioral health groups, crisis intervention, representative payee services and resource coordination.
- 23. *Concrete Plant, Rock Crushing.* A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incidental to such manufacturing and mixing.
- 24. *Contractors' Yards.* Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.
- 25. *Conversions.* The conversion of an existing building to a business/commercial use or mixed business/commercial and residential use.
- 26. *Convenience Store.* A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "food market"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.
- 27. *Crematory.* A furnace or apparatus for burning animal or human remains to bone fragments.
- 28. *DAS.* A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific

locality. The criteria detailed in the City of Carbondale Telecommunications Right-of-Way Ordinance, as adopted, shall be applicable to the use.

29. *Data Center.* A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. Data center may also include data center equipment or DCE and/or data center accessory uses when located on the same tract or assemblage of adjacent parcels developed as a unified development.
30. *Drive in Uses.* Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.
31. *Drug Treatment Facility.* A site, the primary purpose of which is to conduct projects approved by the PA Department of Health which projects use the drug methadone in the treatment, maintenance or detoxification of persons.
32. *Dry Cleaning and Laundry.* A facility which provides laundry cleaning, dyeing and similar services as part of the individual market or part of the textile manufacturing process.
33. *Dwelling 2 family, Duplex semi-attached.* A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.
34. *Dwellings, Multi Family.* A building containing three or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple-family dwelling shall comply with all of the requirements for that type of multiple-family dwelling in that district.
35. *Dwellings, Townhouse.* A low-rise multiple family building in which each dwelling unit extends from ground to roof and contains two points of independent outside access.
36. *Essential Services.* Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste

disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building. (See "semi-public building or use.")

37. Exercise Club. A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.
38. Farm Equipment Sales. Any building or land devoted to the retail sales of farm equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
39. Flea Market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.
40. Food Processing. See Manufacturing, Light
41. Forestry. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.
42. Funeral Homes and Undertakers. A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.
43. Golf Course/ Country Club. A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges.
44. Golf Driving Range. A facility or area where golfers practice driving golf balls, which can be attached to a golf course or operate as a stand-alone facility. Distances are typically shown with targets at measured distances.
45. Grocery Stores. A large, self-service retail market where food is the primary item which is sold.
46. Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for

individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and all persons subject to protection under the Federal Fair Housing Act Amendments of 1988. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- a. Group homes shall be subject to the same limitations and regulations by the City as the type of dwelling unit they occupy.
- b. It is the express intent of the City to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- c. A group home shall not include a treatment center.

- 47. Heavy Equipment Sales and Storage. Any building or land devoted to the retail sales and/ or storage of heavy equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
- 48. Heavy Industrial. A place where materials are refined, produced or fabricated and stored prior to shipment to commercial establishments. Structures in this category include but are not limited to factories, power plants and warehouses, as well as a secondary structure that is associated with the industrial structure.
- 49. Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.
- 50. Home Based Business, No Impact. A business or commercial activity administered or conducted as an use which is clearly secondary to the uses as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b. The business shall employ no employees other than family members residing in the dwelling.
 - c. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
 - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - h. The business may not involve any illegal activity.
51. Hospitals. A use having an organized medical staff and providing equipment and services primarily for inpatient care for two or more persons who require definitive diagnosis and/or treatment for illness, injury, disability, or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic x-ray, MRI or like services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illness or condition. This does not include veterinarian services.
52. Hotel/Motel. A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.
53. Junk Yard. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishing, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more wrecked or disabled vehicles, or the major part thereof, without current inspection stickers shall be deemed to be a "junk yard"; provided, however, that such use shall not be deemed to be a "junk yard" if the vehicles are stored in an enclosed building.
54. Kennels. Any accessory building or building or land designed or arranged for acre of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.
55. Laboratory, Research and Testing. A facility involving the testing, engineering and development of manufactured products.
56. Large scale Commercial Development. A large scale commercial development shall be planned for a site of not less than twenty five (25) acres.

57. Large Scale Manufacturing/ Industrial Development. A large scale manufacturing / industrial development shall be planned for a site of not less than twenty (20) / five (5) acres.
58. Large Scale Mixed-Use Development. A large scale mixed-use development shall be planned for a site of not less than twenty five (25) acres.
59. Laundromat. A self service establishment with coin operated washers and dryers for public use.
60. Libraries. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."
61. Manufacturing, Light. Any facility involving
- a. generally unobtrusive processes resulting in the generation of hazardous waste products at a scale no greater than permitted as a Small Quantity Generator (SQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or
 - b. the manufacturing of small finished goods, by which less potential exists for air, water, soil, noise, and light pollution than with heavy industry. Light industry includes, but is not limited to, the manufacture or processing of: food and beverage products, electronic devices, precision instruments, household appliances, machine tools, optical goods, personal care products, non-toxic commercial products, wood and paper products, home and office furnishings, printed materials, ceramics, glass products, jewelry and personal accessories, apparel, lightweight nonferrous metal casts and dies, graphic arts products, light sheet metal products, film, games and toys, and plastic goods. This use shall also be construed to specifically include product engineering, research and development activities.
62. Medical/Dental Clinics. A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. Such clinics may provide medical services customarily available at hospitals, but does not provide overnight care for patients.
63. Medical Marijuana Dispensary Facilities. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination

thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act 16 of Commonwealth of Pennsylvania.

64. *Metal Goods Manufacture with Foundries, Heavy Presses, etc.(Metal molding and extrusion).* Any facility which produces castings or other metal products in molten metal or by a machine that uses high pressure to shape or cut materials by pressing a die or tool through them.
65. *Mineral Extraction.* The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.
66. *Mixed Use Structure.* A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.
67. *Nightclubs.* An establishment that has a primary or substantial portion of the total trade in the sale of alcoholic beverages and frequently charges admission or cover charges for entertainment or music for dancing.
68. *Nurseries and Greenhouses.* A structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.
69. *Nursing Homes.* A use which provides for the long term care and treatment for two or more convalescents and other persons who are not relatives of the operator who are not acutely ill and do not need hospital care, but who require skilled nursing care and related medical services in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. Such a facility shall be licensed by the Commonwealth of Pennsylvania for the use.
70. *Open Space Conservation.* A passive land use wherein the prime purpose is preservation of public open space, natural wildlife habitats, floodplains, wetlands and other sensitive natural areas, as well as scenic areas. Uses may include but are not limited to recreation, trails, accessory parking and forestry.
71. *Outdoor Storage.* An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

72. Parking Areas. A lot or part thereof, whether within or without of a building, used for the storage or parking of motor vehicles on a fee basis, whether rent or other consideration.
73. Personal Services. Places primarily providing services, which do not involve retail sales or professional advisory services. The term "Personal Services" shall include those oriented to serving personal needs, such as barber and beauty shops, animal or dog grooming businesses, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments. This use shall include any place or establishment where a massage is available, with a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school but shall not include any activity otherwise defined in or included under any Adult Business-related use.
74. Petroleum or Kerosene Refining and Distillation. A facility used for the Refining or Distillation of Petroleum or Kerosene.
75. Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.
76. Places of Worship. Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."
77. Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use. A facility which offers various indoor recreational opportunities for the public, including such games as pool, billiards, bowling, video games and similar pursuits. The term does not include commercial gambling venues and gambling devices.
78. Printing and publishing establishments. A commercial use which shall include printing, publishing, lithographing, photocopying, bookbinding and similar uses.
79. Professional Services/Offices. A use that Involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall Include neither retail nor Industrial uses, but may Include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

80. *Public Utility Facilities.* A facility, structure, or use operated by a public or private utility provider for the generation, transmission, distribution, or regulation of essential public services, including but not limited to electricity, natural gas, water, wastewater, stormwater, telecommunications, or cable services. Such facilities may include substations, pump stations, water towers, treatment plants, switching facilities, or similar infrastructure.
81. *Railway Yards.* A facility consisting of multiple aligned or interconnected tracks, sidings and associated infrastructure designed and used for the storage, staging, assembly, disassembly, classification, loading, unloading and/or maintenance of railcars, locomotives and other rolling stock.
82. *Recreation Facilities, Private.* A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.
83. *Recreation Facilities, Public.* Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the City, County, school district, state, or federal government.
84. *Restaurants, Traditional.* An establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state and whose principal method of operation includes one of the following characteristics. Customers, normally provided with a menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the items are consumed.
85. *Retail Stores.* A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.
86. *School, Post-Secondary.* A facility that:
- a. is primarily intended for education of a work-related skill or craft or a hobby and
 - b. does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school or similar trade or vocational schools.
87. *School, Pre-Kindergarten.* A building designed and operated to provide regular instruction and daytime care for two or more children under primary grades.
88. *School, Primary and Secondary.* A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.

89. *Self-Storage (Indoor Storage).* A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.
90. *Sewage Treatment Plant.* Any arrangement of devices and structures used for treating sewage.
91. *Shooting Range, Indoor.* Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance.
92. *Shooting Range, Outdoor.* A specialized facility designed for firearms qualifications, training or practice.
93. *Shopping Centers and Malls.* A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.
94. *Dwelling, Single Family Cluster.* A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance either through the dedication of such area to the Municipality and the Municipality's acceptance thereof, or through the creation of a homeowners association, or the developer's acceptance of such responsibility including such legally binding agreements as may be required to achieve such assurances.
95. *Dwelling, Single Family Detached.* A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit and which has no part of a wall in common with an adjacent building.
96. *Storage of Explosives.* The bulk storage of gasoline, fuel oil or other inflammable or explosive liquids in containers approved for this purpose prior to use, while being used, or prior to further distribution in commerce, limited to a maximum of 2,000 gallons. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.
97. *Storage of Hazardous Material.* A facility or site, indoors or outdoors, designed for the storage, containment, and management of hazardous materials,

including chemicals, gases, liquids, or other substances classified as hazardous by applicable laws. All storage must comply with PA DEP guidelines, including containment, safety measures, and emergency response protocols.

98. Storage Yards. The accessory/ primary outdoor storage of items incidental to the principal nonresidential use.
99. Studios. A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
100. Tavern / Bar. A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.
101. Telecommunications Facilities, Residential. Antennas for private, non-commercial and amateur purposes, including T.V. satellite dish antennas as regulated.
102. Temporary Businesses. Uses such as a circus, carnival, etc. with or without a structure such as a tent.
103. Temporary Uses. Temporary uses shall include those activities which will be undertaken for a period of time specified in the application for a permit for such a use. Said period of time shall be one (1) year or less. If additional time is required a new application shall be submitted. No application for temporary uses shall be for a period of more than one (1) year.
104. Theatre. A building or part of a building devoted to showing of motion pictures or theatrical performing arts productions as a principal use, but not including an outdoor drive-in theater or adult theater.
105. Trade/ Business Schools. A facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.
106. Warehousing. Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.
107. Waste Transfer Station. A lot, parcel or tract of land, not including a sanitary landfill, where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of hazardous or radioactive materials.
108. Wedding Chapels and Banquet Halls. A facility that operates largely for the holding of special events, occasions, concerts, weddings, celebrations, or other

similar activities in which parties of more than 10 people are invited to the site for the purpose of such event.

109. Wholesale Business. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
110. Urgent Care. A medical facility outside of a hospital or hospital, small-format, where ambulatory patients can be treated on a walk-in basis, without an appointment and receive immediate non-emergency care.

222. Additional Definitions

1. Access Point. One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.
2. Accessory Use or Structure. A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.
3. Alley. A public or private thoroughfare affording only secondary access to abutting properties.
4. Alterations. Any change in the structural members of a building, such as walls, columns, beams or girders.
5. Applicant. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.
6. Backup Generators. Natural gas, diesel, hydrogen fuel cell, power storage system, or other non-coal-fired equipment used to generate electricity only during power outages, natural disasters, or similar emergency events, and for required testing and exercising. Backup Generators shall not be used to supply power during normal operations.
7. Basement. A floor level partly or completely below grade. It shall be considered a story if more than 50% of the perimeter walls of a basement are 5 feet or more above grade.

8. **Building.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.
9. **Building Coverage.** The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).
10. **Building Envelope.** An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.
11. **Building Height.** The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.
12. **Building, Principal.** A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.
13. **Caliper.** Diameter of a tree's trunk measured 6 inches above the ground up to an including 4-inch caliper size, and 12 inches above the ground for larger sizes.
14. **Clear Cutting.** The removal of 70% or more of trees having a caliper of 8 inches or more from any given acre.
15. **Clear Sight Triangle.** An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.
16. **Common Area.** All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.
17. **Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

18. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the City Staff, in accordance with the provisions of the Building Code(s) adopted by the City.
19. Data Center Accessory Use. Uses or structures that are secondary and incidental to a Data Center, including but not limited to: administrative, logistical, fiber-optic, storage, and security buildings or structures; electrical substations; utility lines; generators used solely for emergency backup power; domestic and non-contact cooling water facilities; wastewater treatment facilities; pump stations; water towers; environmental controls (air-conditioning, cooling towers, fire suppression); and security features. All Data Center Accessory Uses shall be located on the same tract or assemblage of adjacent parcels developed as a unified Data Center development. Accessory uses shall not include energy-generation systems intended to supply power to the Data Center during normal operations.
20. Data Center Campus. All real estate under common ownership or control that comprises one or more Data Centers, Data Center Accessory Uses, Backup Generators, preserved land, and undeveloped land, developed as a unified project.
21. Data Center Park. A development consisting of multiple Data Centers and/or Data Center Accessory Uses located on a parent tract that is subdivided or developed under a unified land development plan with shared infrastructure, access, utilities, stormwater facilities, and common areas.
22. Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.
23. Developer. Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
24. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
25. Development Improvements. All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the City to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the City to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

26. Development Plan. A proposed development, prepared in accordance with this Ordinance and the City Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.
27. Disturbance. Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.
28. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
29. Family. An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:
 - a. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;
 - b. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
 - c. Does not involve the housing of persons on a non-permanent basis;
 - d. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on

- release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
- e. Family shall not include persons living together in a Assisted Living Facility, Boarding House/ Rooming House, Group Home, Group Care Facility, Nursing Homes, Personal Care Homes/ Centers, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.
30. Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.
31. Gross Floor Area/ Floor Area. For the purposes of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising, or service type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.
32. Impervious Coverage. The coverage of land by buildings and other impervious materials such as asphalt, which prevent the percolation of water into the ground.
33. Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The City Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).
34. Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or

utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.

35. Lot Area. The computed area contained within the lot lines and the ultimate right-of-way line. The area within the right-of-way shall not be computed as part of the lot area.
36. Lot Coverage. That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.
37. Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
38. Lot Line. The property lines bounding the lot.
39. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
40. Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions set forth herein or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
41. Open Land or Open Space.
 - a. Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.
 - b. Open Space, Developed (Active). Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
 - c. Open Space, Undeveloped (Passive). Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.

42. Permit. A document issued by the proper City authority authorizing the applicant to undertake certain activities.
43. Right-of-Way. Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.
44. Screened. Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the City.
45. Setback Line. A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said codes.
46. Small Modular Reactor (SMR). A small nuclear fission reactor designed to be manufactured off-site and installed at a location to provide energy to buildings or commercial operations. SMR designs may include pressurized water, Generation IV, thermal-neutron, fast-neutron, molten-salt, and gas-cooled reactor models. An SMR must be fully licensed and permitted by the Nuclear Regulatory Commission (NRC) and may only be considered by Special Exception approval.
47. Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.
 - a. Half - A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.
 - b. First - The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
48. Street. A public or private thoroughfare not less than thirty (30) feet in width if in existence prior to the passage of this ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfares except an alley.

49. Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
50. Tract. Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.
51. Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or: maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
52. Variance. The Zoning Hearing Board may authorize departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in the Ordinance.
53. Yard. An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.
54. Zoning Permit. A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the City Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

3. District Designations and Map

3.1 Designation and Intent of Districts

311. Zoning Districts and Purpose Statements.

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

TD-2 Suburban Residential

The Zone provides a livable environment primarily for families through single-family housing, with allowances for select public and semi-public uses. Open space and recreational areas enhance community well-being, while agricultural and forestry activities are permitted as long as they do not disrupt the residential setting. The zone maintains medium-density development with larger lots and lower lot coverage to balance growth with public health, safety, and quality of life.

TD-3 Town Residential

The Zone establishes a predominantly single-family residential environment focused on stability and neighborhood integrity. Other types of development are restricted to protect the residential character, while parks and playgrounds are encouraged to promote community well-being. This zone emphasizes open spaces and neighborhood cohesion, featuring small-to-medium-sized lots, dimensional averaging, and character-based regulations to maintain consistency in development.

TD-4 City Residential

The Zone accommodates a mix of residential and commercial uses, supporting urban living with increased housing density. It allows for planned residential communities and diverse housing arrangements while offering flexibility in lot sizes and higher lot coverage. Though commercial uses are permitted, the emphasis remains on residential development, with open space playing a minimal role. The goal is to create a vibrant, housing-rich environment suited for urban settings.

TD-6 Town Mixed Use

The Zone supports a diverse range of commercial activities while allowing limited residential presence. Designed to serve both residents and visitors, it accommodates businesses, facilities, and gathering spaces that contribute to economic growth and livability. Development in this zone follows character-based standards, ensuring appropriate setbacks, density, and lot coverage while maintaining smaller lot sizes.

TD-7 City Mixed Use

The Zone is designed for high-density commercial and mixed-use development, catering to businesses of all sizes. It fosters a dynamic urban environment by supporting commercial enterprises, gathering spaces, and religious institutions.

Residential use is primarily focused on assisted living and group dwellings rather than individual housing. This zone is characterized by small-to-medium-sized lots, high-density development, and strict access regulations to ensure efficient land use.

TD-8 Highway Activity

The Zone serves as a large-scale commercial and recreational hub, strategically positioned along major transportation routes. It accommodates a variety of retail, service, and entertainment establishments while maintaining minimal emphasis on open space. This zone plays a vital role in connecting the community to commercial amenities and regional business centers.

TD-9 Craftsman Assembly

The Zone supports small-scale manufacturing, artisan production, and light industrial activities while permitting limited commercial uses. Residential development is highly restricted, allowed only for dwellings directly related to business operations. This zone promotes entrepreneurship and small-scale production while ensuring compatibility with surrounding areas through moderate lot sizes, setback requirements, and appropriate screening.

TD-10 Manufacturing – Distribution

The Zone is designed for large-scale manufacturing, industrial, and distribution activities on expansive lots. It accommodates all forms of manufacturing while allowing for high-impact commercial uses, energy facilities, and forestry-related industries. This zone fosters economic growth by supporting large-scale production and efficient distribution networks along major transportation corridors, providing space for industrial operations that are not suitable for residential or commercial neighborhoods.

312. **Overlay Districts and Purpose Statements.**

See Articles 4.3 and 5 of this Ordinance for the designation and intent of the overlay districts.

3.2 Zoning Map

321. The boundaries of the districts in which the City of Carbondale is divided shall be shown upon a map entitled the “City of Carbondale Zoning Map,” which is available on file for public viewing at Carbondale City Hall. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

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

3.3 Degree of Restrictiveness

The sole purpose of this section is to define the process of determining the use to which a nonconforming use can be changed.

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

331. Those uses permitted in a TD-1 Zone are the most restrictive.
332. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: TD-1, TD-3, TD-4, TD-5, TD-6, TD-8, TD-10.
333. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.
334. Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

3.4 Interpretation of District Boundaries

341. Designation of Zone Boundaries. The zone boundary lines are intended to follow the center of right-of-way lines of streets, alleys and other roads, existing lot and property lines, the mean and/or flood level of water bodies and City Boundary lines; and, boundaries indicated as following railroad lines shall be construed to be midway between the main tracks, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its location is shown on the Zoning Map by a specific dimension expressing its distance from a street or road line, or other boundary line as indicated, or by a reference to a contour line delineated on the United States Geological Survey Maps.
342. Determination of Locations of Boundaries. In the event of uncertainty as to the true location of a zone boundary line in a particular instance, any decision of the Zoning Officer may be appealed before the Zoning Hearing Board by any affected property owner. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.
343. Division of Lot or Parcel in Single Ownership. Where a Zone boundary line divides a lot or parcel in single ownership at the time of the passage of this Ordinance, any use authorized or permitted in either zone may be extended a distance not to exceed fifty (50) feet beyond the boundary of the zone in which such use is authorized or permitted.

4. Zoning District Regulations

4.1 Application of district regulations.

411. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
412. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
413. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
414. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
415. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
416. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.
417. Accessory uses shall be permitted on a lot in accordance with Article 4.5.

4.2 District boundaries.

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

421. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
422. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

423. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
424. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
425. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
426. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
427. Boundaries indicated as approximately parallel to or extensions of features identified in Articles 421 through 426 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
428. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by Articles 421 through 427 above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
429. Where one (1) or more district boundary lines divide a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

4.3 Table of Principal Uses by Base Zoning Districts and Overlays..

For any land use not otherwise identified as permitted by right, by condition, or by special exception in the table of the City of Carbondale Zoning Ordinance, an Applicant shall reference and submit said use to another participating NorLACK Multi-Municipal Plan municipality where said land use is identified as permissible in the Zoning Ordinance, as in effect, of the applicable municipality.

Use Designation:

P - Permitted Use by Right

SE - Special Exception Use

C - Conditional Use

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LUID	Uses	TD - 2	TD - 3	TD -4	TD -6	TD -7	TD -8	TD -9	TD - 10	RUO- 1	RUO- 2
1	Adult Business									C	
2	Adult Day Care			P	P	P					
3	All other non-residential uses not otherwise listed					P	P				
4	Animal Hospital / Vet Clinics		SE	SE	SE	P	SE				
5	Animal Shelters	P			P	P	P				
6	Assisted Living Facility			P		P					
7	Asphalt Manufacturing or Refinement									C	C
8	Automobile Repair						SE	SE	P		
9	Automobile Sales					SE	SE	SE			
10	Bakery Retail				P	P					
11	Banks & Other Financial Services				P	P					
12	Billboard					SE	SE	SE	SE		
13	Boarding House / Rooming House			P	P	P					
14	Car Wash					P	P				
15	Casino/Betting Parlor (refer to criteria listed in Article 924)					P	P				
16	Catering Establishment				P	P	P				
17	Cemeteries and Mausoleums	P				P					
18	Child Day Care Facilities			SE	P	P					
19	Clubs and Lodges	P	P	P	P	P					
20	Colleges, Institutes of Higher Learning			SE	SE	SE					
21	Commercial Communication Tower					P	P	P	P		

LUID	Uses	TD - 2	TD - 3	TD -4	TD -6	TD -7	TD -8	TD -9	TD - 10	RUO- 1	RUO- 2
22	Community Intervention Center, Type 1				P	P	P	P			
23	Concrete Plant, Rock Crushing									C	C
24	Contractors' Yards							P	P		
25	Conversions			P	P	P					
26	Convenience Store	P	P	P	P	P					
27	Crematory				SE	SE	SE				
28	DAS*				P	P	P				
29	Data Center									C	
30	Drive in Uses				P	P	P				
31	Drug Treatment Facility					SE	SE	SE			
32	Dry Cleaning and Laundry			P	P	P	P	P			
33	Dwelling 2 family, Duplex semi-attached		P	P							
34	Dwellings, Multi Family		P	P							
35	Dwellings, Townhouse	P	P	P							
36	Essential Services		P	P	P	P	P	P	P		
37	Exercise Club		P	P	P	P					
38	Farm Equipment Sales							P	P	C	C
39	Flea Market				P	P	P				
40	Food Processing						P	P			
41	Forestry	P	P					P			
42	Funeral Homes and Undertakers	P	P	P							
43	Golf Course/ Country Club	SE	SE								
44	Golf Driving Range	P	P								
45	Grocery Stores	P	P	P	P	P	P				

LUID	Uses	TD - 2	TD - 3	TD -4	TD -6	TD -7	TD -8	TD -9	TD - 10	RUO- 1	RUO- 2
46	Group Home	P	P	P							
47	Heavy Equipment Sales and Storage							P	P		
48	Heavy Industrial										C
49	Heliport				C	C	SE				
50	Hospitals					SE	SE	SE			
51	Hotel/Motel			P	P	P	P				
52	Junk Yard							SE	SE		
53	Kennels	P	P		P	P	P				
54	Laboratory, Research and Testing				P		P	P			
55	Large scale Commercial Development							P	P		
56	Large Scale Manufacturing/ Industrial Development								P		
57	Large scale Mixed- Use Development			P		P	P				
58	Laundromat			P	P	P	P				
59	Libraries				P	P	P				
60	Manufacturing, Light				C			P	P		
61	Medical/Dental Clinics			P	P	P	P				
62	Medical Marijuana Dispensary Facility					C					C
63	Metal Goods Manufacture with Foundries, Heavy Presses, etc.(Metal molding and extrusion)								P		
64	Mineral Extraction						P		C		
65	Mixed Use Structure			P	P	P	P				

LUID	Uses	TD - 2	TD - 3	TD -4	TD -6	TD -7	TD -8	TD -9	TD - 10	RUO- 1	RUO- 2
66	Nightclubs					P	P				
67	Nurseries and Greenhouses	SE	SE					P			
68	Nursing Homes	P	P	P							
69	Open Space Conservation	P	P		P		P				
70	Outdoor Storage							SE	SE		
71	Parking Areas				P	P	P				
72	Personal Services				P	P	P				
73	Petroleum or Kerosene Refining and Distillation								P		
74	Pharmacy			P	P	P	P				
75	Places of Worship			P	P	P	P				
76	Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use					P					
77	Printing and publishing establishments					P	P	P			
78	Professional Services / Offices				P	P	P				
79	Public Utility Facilities				P	P	P		P		
80	Railway Yards							P	P		
81	Recreation Facilities, Private	SE	SE	SE	SE	SE					
82	Recreation Facilities, Public	P	P	P	P	P					
83	Restaurants, Traditional				P	P	P				
84	Retail Stores				P	P	P				
85	School, Post-Secondary			SE	SE	SE					
86	School, Pre-Kindergarten	SE	SE	SE	SE	SE					

LUID	Uses	TD - 2	TD - 3	TD -4	TD -6	TD -7	TD -8	TD -9	TD - 10	RUO- 1	RUO- 2
87	School, Primary and Secondary		SE	SE	SE	SE					
88	Sewage Treatment Plant								P		
89	Shooting Range, Indoor					P	SE				
90	Shooting Range, Outdoor						SE				
91	Shopping Centers and Malls					SE	SE				
92	Dwelling, Single Family Cluster		P	P							
93	Dwelling, Single Family Detached	P	P	P							
94	Storage of Explosives								C		
95	Storage of Hazardous Material								SE		
96	Storage Yards							P	P		
97	Studios				P	P	P				
98	Tavern / Bar				P	P	P				
99	Telecommunications Facilities, Residential					SE		SE	SE		
100	Temporary Businesses							SE	SE		
101	Temporary Uses							SE	SE		
102	Theatre					P					
103	Trade / Business Schools				SE	SE					
104	Warehousing				P	P	P				
105	Waste Transfer Station										C
106	Wedding Chapels and Banquet Halls	P	P	P							
107	Wholesale Business				P	P	P	P	P		
108	Urgent Care				P						

* In addition to the criteria established in the Ordinance, the additional criteria detailed in the City of Carbondale Telecommunications Right-of-Way Ordinance, as adopted, shall apply. In case of conflicting provisions, the Telecommunications Right-of-Way Ordinance shall take precedence.

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4.4 Table of Dimensional Requirements.

TYPES OF REGULATION	TD-2	TD-3	TD-4	TD-6 (d) (e)	TD-7 (d) (e)	TD-8	TD-9, TD-10 (d) (e)
Minimum Lot Size (In the case where the lot does not have collective water and sewer facility, refer to Article 639)							
Area (sq. ft.)	(a)	10,000	8,000	5,000	5,000		40,000
Min. Lot Area per D.U. (S.F.)	(a)	10,000	8,000				
Width (ft.)	100	90	80	50	50	100	150
Depth (ft.)	150	100	100	100	100		200
Minimum Tract Area (sq. ft)						175,000	
Minimum Yards (exclusive of buffer zone areas)							
Front (ft.)	30	25	25				25
Rear (ft.)	50	50	25	20	20		30
Each Side Yard (ft.)	25	15	10	(c)	(c)		20
Maximum Building Height							
Number of Stories	2.5	2.5	2.5	6	6	6	4
Feet	45	45	45	75	75	65	60
Maximum Accessory Building Height							
Number of Stories	1.5	1.5	1.5			1.5	
Feet	17	17	17			17	
Maximum Impervious Cover (%)	55	55	55	70	70	60	70
Minimum Permanent Open Space (%)							
Maximum Density (units per acre)						20 (Additionally refer to 638)	
Maximum Building Coverage						30%	
Minimum Lot Width at Building Setback Line (ft.).							
Minimum Principal Building Setbacks from							
Any building face to arterial street right-of-way						30	

TYPES OF REGULATION	TD-2	TD-3	TD-4	TD-6 (d) (e)	TD-7 (d) (e)	TD-8	TD-9, TD-10 (d) (e)
Any building face to collector or local street right-of-way						25	
Any building face to common parking area						5	
Surface parking areas - same as building face to which they are accessory						Refer to Article 8.	
Minimum side and rear building setbacks from tract perimeter (feet):							
From TD-8 zones						25 (b)	
From a Residential district boundary line						100 (b) Residential Uses – Min. 50 ft.	
From other district boundary lines						50 (b)	
Minimum surface parking areas, driveways, interior roadway setbacks from tract perimeter (feet)							
From TD-8 zoned tracts						10	
From any Residential district boundary line						25	
From other district boundary lines						10	

- a. The standards specified in the above table shall apply, except where greater standards are required in other relevant sections hereof. See Articles 7 through 10 for other Supplementary Regulations, governing various uses including variations to lot and yard sizes, and regulations governing accessory structures, signs, off-street parking and loading, and nonconforming uses and lots.
Refer to the table in Article 454 for Regulations Governing Nonresidential Zones and the table in Article 452 for regulations governing Highway Activity Zones.
- b. Where a building in question is greater than 25 feet in height, for every additional foot of height above 25 feet, add a corresponding foot to required setbacks.
- c. None required except where abutting a Residential District; then not less than 15 feet is required where it abuts.
- d. The standards specified in the above table shall apply, except where greater standards are required in other relevant sections hereof.

See Articles 7 through 10 for other Supplementary Regulations, governing various uses including variations to lot and yard sizes, and regulations governing accessory structures, signs, off-street parking and loading, and nonconforming uses and lots.

- e. The minimum distance between egress driveways shall be 200 feet.

DENSITY ILLUSTRATION

- Single Family Cluster - On a tract of 30 acres, there may be up to 30 1-family dwelling units and there is an open space requirement of 15 acres; or on a tract of 20 acres there may be up to 20 1-family dwelling units and there is an open space requirement of 10 acres.
- Compact 1 Family Cluster - On a tract of 30 acres, there may be up to 36 1-family dwelling units and there is an open space requirement of 18 acres.

Comparative Illustration (1F Dwelling Units)

Units Per Acre	1-Family Cluster	Compact Cluster
30 Acre Illustration	1/1.0 ac	1.2/1.0 ac
Total No. of 1-Family Units	30	36
Open Space Required	50% = 15 ac	60% = 18 ac
Typical Lot Size (ac)	0.5	0.33
Typical Dimensions	100X200	100X145

4.5 Accessory uses.

Land Uses	TD-2	TD-3	TD-4	TD-6	TD-7	TD-8	TD-9	TD-10
Any accessory use customarily appurtenant to a principal permitted use	P							
Accessory Dwelling Units where principal use is residential use	P	P	P		P	P		
Telecommunications facilities, residential	P	P	P					
Temporary tract offices and tract signs in accordance with Article 7	P	P	P					
Temporary model homes in accordance with Article 7	P	P	P					
Home Occupations as defined in Article 2	P	P	P					
No-impact home businesses	P	P	P					
Off-street parking, including private garages; provided, however, that no garage door shall exceed a height of eight (8) feet	P	P	P					
Off-street truck and trailer parking in accordance with Article 8 hereof	P	P	P	P				
Private swimming pools	P	P	P					
Signs as regulated in Article 9	P	P	P	P				
Nurseries and greenhouses, for on-site use, but not	P	P	P					

Land Uses	TD-2	TD-3	TD-4	TD-6	TD-7	TD-8	TD-9	TD-10
including outdoor storage of equipment and supplies								
T.V. satellite antennae	P	P	P					
Other accessory uses and structures customarily appurtenant to a principal permitted use	P	P	P					
Other accessory uses and structures customarily appurtenant to a principal permitted uses, a permitted Special Exception or a permitted Conditional Use						P		P
Outdoor storage of goods used or produced on the premises								P
Dwelling for watchman or caretaker								P
Self-Storage, Indoor							P	P

5. Overlay Regulations

5.1 Floodplain

Refer to the City of Carbondale Floodplain Ordinance on file available in the **Carbondale City Building**.

5.2 Regional Use Overlay 1

521. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 1 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

522. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in **Article 6**.

523. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the City's Subdivision and Land Development Ordinance as amended (SALDO).

523.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

523.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.

523.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the City SALDO and/ or City Stormwater Ordinance as amended.

523.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

523.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining

residential properties and vehicular traffic as required in the City SALDO.

Sign lighting shall be in conformance with the standards set forth in Article 9.

523.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the City SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the City SALDO.

523.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the City SALDO.

524. Accessory Uses

524.1 Customary accessory structure and use

524.2 Sign, pursuant to Article 8

525. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

526. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

5.3 Regional Use Overlay 2

531. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 1 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

532. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

533. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the City's Subdivision and Land Development Ordinance as amended (SALDO).

- 533.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:
- 533.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.
- 533.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the City SALDO and/ or City Stormwater Ordinance as amended.
- 533.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.
- 533.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the City SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.
- 533.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the City SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the City SALDO.
- 533.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the City SALDO.

534. Accessory Uses

- 534.1 Customary accessory structure and use
- 534.2 Sign, pursuant to Article 8

535. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

536. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

537. Site Plan Review

- 537.1 Required for conditional uses and special exception uses pursuant to the provisions of this Chapter.
- 537.2 Required for all permitted uses.

5.4 Growth Area

541. Purpose.

- 541.1 To align densities of permissible land uses with areas of existing and planned public infrastructure service.
- 541.2 To facilitate Cluster Development as an optional form of infill development within areas in the City served by public sewer and public water.

542. Applicability. The Designated Growth Overlay shall be delineated on the Official Zoning Map.

543. Connection to public infrastructure shall be required in the Designated Growth Overlay.

544. See also SALDO requirements for Sanitary Sewer Disposal.

6. Supplemental Regulations

6.1 Frontage development.

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

611. Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located. The width of any lot in any district, except "TD-6, T-7, TD-8, TD-9 and TD-10" Districts, shall not be less than thirty (30) percent of the depth of said lot at the front lot line, provided however, that no lot need exceed a width of three hundred (300) feet unless otherwise required in the District where located, nor shall any such lot having a depth of three hundred (300) feet or more, be less than one hundred (100) feet along the front line.

612. Corner Lots

At all intersecting public right-of-way lines, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the intersecting public right-of-way and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

613. Through Lots

Where a single lot under individual ownership extends from a street to another parallel, or nearly parallel street or alley, no principal structure shall be erected on the rear of the lot, unless that is the wider road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced; or, as otherwise provided under Articles 641 and 642.

614. Orientation of Buildings on Public Rights-of-Way

614.1 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way or parking lot which it abuts; provided, however, that if it is located on a corner parcel and it will face a road, it shall face the widest road; provided, however, that if both roads are of equal or

near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced. Nothing herein shall preclude compliance with Article 8.2 hereof.

- 614.2 Nonresidential Developments and Dwelling Groups with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways or parking lots; provided, however, where such an orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 693.3.

6.2 Height exceptions.

621. General Application

No building or structure shall have a greater number of stories than are permitted in Article 3 hereof, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in Article 4, except as otherwise provided herein in Article 622.

622. Permitted Exceptions

Height limitations stipulated elsewhere in this Ordinance shall not apply to open amusement areas, barns, silos, schools, church spires, belfries, cupolas and domes, monuments, water towers, utility poles, chimneys, smokestacks, flagpoles, residential telecommunications facilities; or to parapet walls extending not more than four (4) feet above the limiting height of the building. Where applicable, separate height limits are set forth herein for such uses.

623. Protection of Solar Energy Sources

In the event that a system designed for the purpose of providing solar energy for any permitted use has been previously established, no structure, sign, fence or other impediment shall be permitted on adjoining or nearby uses which will materially affect the efficiency of such solar energy system.

6.3 Special lot and yard requirements, sight distance and buffer yards.

631. Side Yard of Corner Lots. Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street; provided, however, that the side street setback line of any corner lot as it existed at

- the time of adoption of this Ordinance or any corner lot shown on any subdivision plat which received final approval prior to the ~~2025~~ adoption of this Ordinance shall not be less than one-half($\frac{1}{2}$) of the depth of the minimum front yard required on any adjoining lot fronting on a side street; provided, however, that a clear-sight triangle shall be maintained as required herein.
632. Front Yard of Corner Lot. The front yard of any corner lot shall be established on the wider of the two (2) streets abutting said lot, except where the widths of the two (2) abutting streets are equal, then the front yard may be established on either street.
633. Front Yard Exception. Except on corner lots, when an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than fifteen (15) feet. Where any unimproved lot shall front on a right-of-way which is proposed, on the Municipality's Official Map, to be widened, the front yard of such lot shall be as required by Article 4 hereof, and shall be measured from such proposed future right-of-way.
634. Projections into Required Yards. Certain architectural features may project into required yards as follows:
- 634.1 Cornices, canopies, eaves, and other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may be increased by 2 inches for each 1-foot by which the yard exceeds a width of 12 feet.
- 634.2 Fire Escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- 634.3 Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third ($\frac{1}{3}$) of the length of the building wall on which they are located.
- 634.4 No patio or open deck shall be permitted in any front yard. Open patios and decks may be located inside yards and rear yards provided that they are not closer than five (5) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened in accordance with the provisions of Article 693.3 hereof. In case of a corner lot, no enclosed patios shall extend into the side yard adjoining such side street.
635. Additional Yards Required Where Nonresidential Uses Abut Residential Districts. All nonresidential uses first permitted in TD-6 or less restrictive districts, which abut, at

- the lot line or on the same street, an "Residential" District, shall provide yards, where they abut, of not less than fifty (50) feet in depth; provided, however, that if the yard requirement for the nonresidential use is greater, then such greater distance shall be required. Such yards shall be maintained as landscaped open spaces and shall not be occupied by parking, loading or outdoor storage uses.
636. Maximum Coverage.
- Impervious Coverage. Land coverage by principal and accessory buildings or structures and other impervious surfaces on each zone lot shall not be greater than is permitted in Article 4 or other pertinent sections of this Ordinance.
637. Number of Buildings Restricted.
- 637.1 Except as otherwise provided herein for dwelling groups and large scale developments, there shall be not more than one (1) principal dwelling structure and appurtenant accessory structures on each residential zone lot.
- 637.2 Where two (2) or more principal residential buildings may be located on a parcel in single ownership, as provided in Article 637.1 hereof, such buildings shall conform with the dimensional requirements of this ordinance which would normally apply to each building if each were on a separate zone lot; provided, however, that the provisions of this section shall not apply to minimum lot width requirements.
638. Additional Criteria for Dimensional requirements.
- a. Dwelling, Townhouses
 - i. No side yard between interior buildings, but not less than 25 feet required at each end. Not more than 8 units per row.
 - ii. The minimum width for each unit shall not be less than 15 ft.
 - b. Dwelling, 2 Family, Duplex Semi-Attached
 - i. For 2 or more units on the same parcel, the distances between buildings shall not be less than required on individual parcels.
 - c. Dwelling, Multi-Family
 - i. The density shall not exceed more than 12 dwelling units per net developable acre.
639. The standards of Article 4.4 governing minimum lot area and width apply only when collective water and sewer facilities are available. When other conditions prevail, the following standards shall apply:
- a. Where both water supply and sanitary sewage disposal are provided by individual on-lot facilities, residential lots shall have a minimum area of twenty thousand (20,000) square feet per dwelling unit and a minimum width, measured in the shortest distance at the building line, of or hundred (100) feet.

- b. Where either water supply or sanitary sewage disposal, but not both, are provided by individual on-lot facilities, residential lots shall have a minimum area of ten thousand (10,000) square feet per dwelling unit and a minimum width measured in the shortest distance at the building line, of eighty (80) feet.
- c. Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities, and evidence indicates that the requirements of the preceding two paragraphs are not adequate, the Commission may, after consultation with the PA Department of Environmental Protection (DEP), require tests, undertaken at the expense of the developer, as may be prescribed by said DEP to determine the adequacy of the proposed water and sewage facilities in relation to the proposed lot size and existing grade and soil conditions. In all such cases where the tests indicate a larger lot size than required in the preceding two paragraphs to be necessary, the City Engineer shall determine the minimum lot size and/or facilities necessary to prevent unsanitary conditions and hazards to the public health. In such cases, the cost of the engineering services shall be borne by the applicant.
- d. Where commercial or industrial subdivisions are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities, the lot area and dimensions required to prevent health hazards shall be subject to individual review and determination by the City Engineer.

6.4 Accessory Buildings

- 641. Except as otherwise provided herein for dwelling groups and large scale developments, there shall be not more than one (1) principal dwelling structure and appurtenant accessory structures on each residential zone lot.
- 642. Where two (2) or more principal residential buildings may be located on a parcel in single ownership, as provided in Article 641 hereof, such buildings shall conform with the dimensional requirements of this ordinance which would normally apply to each building if each were on a separate zone lot; provided, however, that the provisions of this section shall not apply to minimum lot width requirements.
- 643. Accessory Structures
 - 643.1 Maximum Permitted Height

One and one-half (1.5) stories or seventeen (17) feet.
 - 643.2 Minimum Yard Regulations
 - 643.201 Unattached Accessory Structures in Residential Districts. Accessory structures, which are not attached to a principal structure, may be erected within one (1) of the side yards or within the rear yard, but

not in the front yard, in accordance with the following requirements.

- a. Side Yard (interior lot) - 4 feet
- b. Side Yard (corner lot) - same as for principal structure
- c. Rear Yard - 4 feet; if adjacent to an alley - 10 feet
- d. Not closer than 10 feet to a principal structure on the same lot or on an adjacent lot

643.202 Attached Accessory Structures in Residential Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

643.203 Non-Dwelling Accessory Structures in Other Districts. Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

6.5 Residential Standards.

651. Short-Term Rentals

- 651.1 The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six (6) months of the calendar year. The owner or lessee shall register as a Short-Term Rental with the City of Carbondale.
- 651.2 An owner or lessee of the dwelling may provide short term rentals up to six (6) times in one calendar year.
- 651.3 The short-term rental shall not permit more than two (2) persons to occupy one (1) bed.
- 651.4 If the short-term rental pertains specifically to couches, the short-term rental shall not permit more than one (1) house guest to occupy one (1) couch. Additionally, if the short-term rental does not offer private sleeping quarters, then the house guests shall be limited to one (1) per dwelling at a time.
- 651.5 All activity at the short-term rental shall be subject to enforcement of the City's noise-, nuisance- and property maintenance-related ordinances including but not limited to parts of this ordinance pertaining performance standards and property maintenance.
- 651.6 Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for

any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals.

651.7 Within the context of short-term rentals, a meeting room shall refer to the location within the dwelling unit where people gather for personal and/or professional purposes.

651.8 The short-term rental shall provide parking in accordance with part 8 of this ordinance. All house guest parking exceeding one (1) space shall be private off-street parking.

6.6 Traffic impact study requirements.

661. Purpose. Traffic impact studies are required for certain activities to enable the City to assess the effect on the transportation system in and around the City and to:

661.1 Ensure that proposed uses do not adversely affect the transportation network.

661.2 Identify any traffic problems associated with site access.

661.3 Determine traffic problems on private, City, County or State roads in the project traffic study area.

661.4 Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

662. Thresholds. A TIS shall be required for all residential and nonresidential proposals that are projected to generate 150 or more trip-ends per project peak hour or 750 trip-ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) that meet or exceed the peak hour or daily thresholds.

663. Requirement.

663.1 State Roads- In cases where PennDOT requires a TIF for access to a state road, a separate TIS shall not be required by the City. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.

663.2 City Roads- If a TIS is required for access to a City road, the TIS shall be prepared in accord with PennDOT methodology.

6.7 RESERVED.

6.8 Temporary structure or use.

681. Temporary Tract Office, Tract Sign, Model Home. Such temporary use in any district shall be located on the property to which it is appurtenant and it shall be limited to a six (6) month period at the expiration of which time the applicant may request a further extension of time. Otherwise such temporary use shall be removed at the expense of the owner.
682. Other Temporary Uses
- 682.1 Types of Other Temporary Uses. Temporary uses, other than "sidewalk sales" and those specified in Section 5.971 hereof, shall be permitted only as Special Exceptions and may include such uses as a circus, carnival, bazaar, concert, and other special exhibits, as well as the removal of culm banks and other waste deposits.
- 682.2 Time Limitation on Permits. Except for tract offices, tract signs, model homes, and the removal of culm banks and other waste deposits, no temporary permits shall be issued for a period of more than thirty (30) consecutive days. For events of one (1) to two (2) day duration the permit shall be limited accordingly. Such limitation shall not, however, preclude the applicant from securing temporary permit renewals not to exceed a period of thirty (30) days covered by any such temporary permit.
- 682.3 Condition of Site of Temporary Event. Upon the termination of the temporary event, the applicant shall restore the site to its original condition with 24 hours of termination.
- 682.4 Other Conditions
- 682.401 The applicant shall provide the City Council with evidence of adequate liability insurance in an amount to be determined by the City on a case-by-case basis, as well as evidence of adequate resources to assure the safety of the participants and the surrounding area.
- 682.402 Provide bathroom facilities.
- 682.403 Provide a site plan showing location of structure(s), parking layout, and ingress and egress.
- 682.404 Provide one (1) or more container(s) adequate for trash removal.
- 682.5 Any use which involves a structure such as a temporary tent shall conform with all other City codes and ordinances such as applicable BOCA codes.

- 682.6 Temporary uses which involve a structure on a fixed site shall provide evidence of a Highway Occupancy Permit for any site located on a State Highway.
- 682.7 Additional Requirements. The City Council may establish additional requirements related to the terms and conditions, and the duration of each such temporary use on a case-by-case basis as needed to protect the public health, safety and welfare.

6.9 Landscaping.

691. Applicability

All new land development, substantial redevelopments, and major renovations to any properties shall comply with the landscaping requirements of this section.

692. General Landscape Requirements

- 692.1 Vegetation shall be native or naturalized, non-invasive, and suited to the plant hardiness zone of the City.
- 692.2 Trees and shrubs must be spaced and planted according to ANSI Z60.1 Nursery Stock Standards.
- 692.3 Plantings shall not obstruct sight lines and must maintain a vertical clearance of 13 feet 6 inches in vehicular areas. No landscaping over 30 inches high within clear sight triangles.
- 692.4 Vegetation shall be planted in hydrologically appropriate zones (e.g., drought-tolerant species in uplands, water-tolerant species in BMP basins).
- 692.5 At least 50% of all plants must be native species; projects are encouraged to exceed this minimum.

693. Setbacks

- 693.1 No disturbance of land shall occur within 300 feet of an existing stream as inventoried on the Planned Residential Development Existing Conditions Drawings.
- 693.2 As established within the City Zoning Ordinance, all minimum structure and building setbacks as required from any right-of-way lines and any lot lines shall apply to a Planned Residential Development. No structures or buildings shall be located and/or constructed within required setbacks.
- 693.3 All non-residential structures, buildings and activity areas shall be buffered from public rights-of-way, from adjacent existing residential lots and, if vacant, from existing lots zoned for residential.

694. Buffer Area Planting/ Landscaping

- 694.1 A minimum of one hundred (100) foot perimeter buffer shall be planted along the perimeter of the approved Planned Residential Development.

- 694.2 Plantings for any buffer area shall be installed to achieve a minimum of eighty percent opacity measured at six (6) feet in height.
 - 694.3 Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable (in terms of such factors as topography, visibility, aesthetics, shape of parcel, etc.) the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walk-ways.
695. Landscape Plan and Design Standards
- Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, including zoning permits, where applicable. Landscape plans for zoning lots greater than ten thousand (10,000) sq. ft. in size must be prepared by a registered landscape architect.
- 695.1 Elements of the landscape plan shall include the following:
 - 695.101 Plant list including common and Latin names, size and root condition (i.e. container or ball & burlap).
 - 695.102 Site amenities, including bike racks, benches, trash receptacles, etc.
 - 695.103 Storage areas including trash and loading.
 - 695.104 Lighting (landscape, pedestrian or parking area).
 - 695.105 Irrigation.
 - 695.106 Hard surface materials.
 - 695.107 Labeling of mulching, edging and curbing.
 - 695.108 Areas of seeding or sodding.
 - 695.109 Areas to remain undisturbed and limits of land disturbance.
 - 695.110 Plants shall be depicted at their size at sixty percent (60%) of growth.
 - 695.111 Existing trees eight (8) inches or more in diameter.
 - 695.112 Site grading plan, including stormwater management, if applicable.
 - 695.2 Plant Selection. Plant materials provided in conformance with the provisions of this section shall be nursery quality and tolerant of individual site microclimates. It shall be

695.3 Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.

696. Minimum Landscaping Requirements by the Total Lot Area

Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area is defined as that area within a single contiguous boundary which is made up of structures, parking, driveways and docking/loading facilities, but excluding the area of any building footprint at grade, land designated for open space uses such as athletic fields, and undeveloped land area on the same zoning lot. There are three methods for calculating landscape points depending on the size of the lot and Zoning District.

696.1 For all lots except those described in (ii) and (iii) below, five (5) landscape points shall be provided for each three hundred (300) sq. ft. of developed area.

Total square footage of developed area _____

Total landscape points required _____

696.2 For lots larger than five (5) acres, points shall be provided at five (5) points per three hundred (300) sq. ft. for the first five (5) acres developed, and one (1) point per one hundred (100) sq. ft. for all additional acres.

Total square footage of developed area _____

Five (5) acres = 217,800 square feet

First five (5) developed acres = 3,630 points

Remainder of developed area _____

Total landscape points required _____

696.3 For TD-6, 7, 8 9, and 10, one (1) point shall be provided per one hundred (100) sq. ft. of developed area.

Total square footage of developed area _____

Total landscape points required _____

The following standards apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures. The entire development site must be brought up to compliance with this section unless all of the following conditions apply, in which case only the affected areas need to be brought up to compliance:

696.4 The area of site disturbance is less than ten percent (10%) of the entire development site during any ten (10) year period.

696.5 Gross floor area is only increased by ten percent (10%) during any ten-(10) year period.

- 696.6 No demolition of a principal building is involved.
- 696.7 Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
- 697. Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, as foundation plantings, or as general site landscaping. The total number of landscape points provided shall be distributed on the property as follows.
 - 697.1 Total Developed Area - Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area is defined as that area within a single contiguous boundary which is made up of structures, parking, driveways and docking/loading facilities, but excluding the area of any building footprint at grade, land designated for open space uses such as athletic fields, and undeveloped land area on the same zoning lot.
 - 697.2 Development Frontage Landscaping - Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of plant materials.
 - 697.3 Interior Parking Lot Landscaping - The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with ten (10) or more parking spaces shall be landscaped in accordance with the interior parking lot standards.
 - 697.301 One planting island shall be provided for every ten parking stalls. There shall be no more than ten contiguous parking stalls in a row without a planting island.
 - 697.302 The ends of all parking rows shall be divided from drives by planting islands.
 - 697.303 In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
 - 697.304 In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
 - 697.305 Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material); mounded at no more than a 4: 1 slope, nor less than a 12: 1 slope; and shall be protected by curbing or bollards. Each planting island

shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.

697.306 All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4: 1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein-described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

697.307 Plant materials shall be in accordance with the provisions of Articles 693.303 hereof.

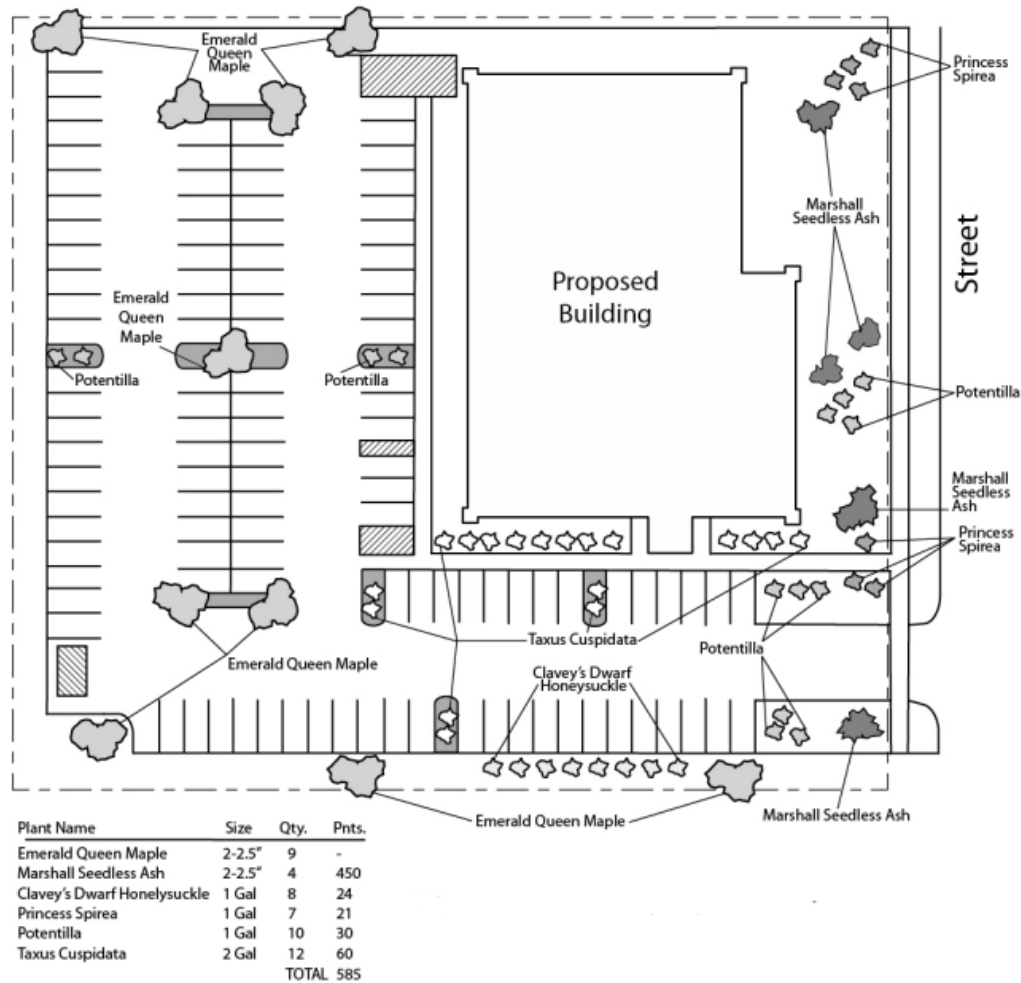
697.308 All parking lots shall be screened from public roads and from adjacent properties as required in the article.

697.4 Foundation Plantings - Foundation plantings shall be installed along building facades, except where building facades directly abut the sidewalk, plaza, or other hardscape features. Foundation plantings shall consist primarily of shrubs, perennials, and native grasses.

697.5 Screening Along District Boundaries - Screening shall be provided along side and rear property boundaries between TD-6, 7, 8, 9 and 10 and TD-2, 3 and 4.

697.6 Screening of Other Site Elements - The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site: refuse disposal areas, outdoor storage areas, loading areas, and mechanical equipment.

Example Landscape Plan



698. Landscape Credits

698.1 Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings, or as general site landscaping.

698.2 Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover.

698.3 Canopy tree diversity requirements for new trees:

698.301 If the development site has fewer than 5 canopy trees, no tree diversity is required.

698.302 If the development site has between 5 and 50 canopy trees, no single species may comprise more than 33% of trees.

698.303 If the development site has more than 50 canopy trees, no single species may comprise more than 20% of trees.

698.4 Developers shall fulfill landscape requirements using the point system as given below, where each element contributes to a required minimum total based on project size. Any combination of the elements is permitted provided that it fulfills the requirements.

Topic	Landscape Element		Minimum Size at Installation	Credit Value
Amenities	1	Bench (public seating, shaded)	All amenities must be within developed area, publicly accessible, and can not comprise of more than 5% of the total required points.	5 credit each
	2	Bike Rack		5 credit each
	3	Trash/ Recycling Bins		5 credit each
	4	Pedestrian Lighting		10 credits per light fixture
	5	Green Shade Structure or Pergola with plantings		15 credits
	6	Educational/ Interpretive Signage		10 credit each
	7	Habitat Feature (e.g., birdhouse)		15 credit each
	8	Compost Area		20 credits
	9	Community Garden Plots		25 credits per 100 sq ft
Stormwater Management	10	Rain Garden		50 credits per 125 sq ft
	11	Bioretention Planter		45 credits each per 125 sq ft
	12	Bioswale		15 credits per 15 linear ft
	13	Tree Pit with Stormwater Capture		40 credits
	14	Rainwater Harvesting Systems		40 credits
	15	Permeable Paving (in pedestrian/parking areas)		20 credits per 250 sq ft
Vegetation	16	Canopy/ Shade Tree (native)	2.5" caliper at breast height	35 credits
	17	Ornamental Tree (non-invasive)	1.5" caliper	15 credits
	18	Evergreen Tree	5-6 ft. tall	35 credits
	19	Street Tree in ROW	2.5" caliper at breast height	20 credits
	20	Preserved Mature Tree		25 credits
	21	Pollinator Garden (native)		40 credits per 150 sq ft
	22	Shrubs	Size of a 3 gallon container, minimum height of 12"-24"	4 credit per 3 shrubs
	23	Native Grasses/ Meadow Plantings	Size of a 1 gallon container, minimum height of 8"-18"	2 credits per 200 sq ft
	24	Wetland Plantings (native wetland species)		4 credits per 300 sq ft

Topic	Landscape Element		Minimum Size at Installation	Credit Value
	25	Raised Planters (with perennials/shrubs)	Size of a 3 gallon container, minimum height of 12"-24"	4 credits each
	26	Wooded Buffer (minimum 10 trees)		6 credits
	27	Evergreen Buffer Screen (for screening uses)		4 credits per 30 linear ft
	28	Living Green Wall (≥75% plant coverage)		25 credits per wall section
Surface Elements	29	Green Roof		55 credits per 125 sq ft
	30	Landscaped areas with a soil depth ≥ 24 inches (depth may be reduced with an approved engineering design plan)		3 credits per 300 sq ft

698.5 Conditions

698.501 Bioretention and vegetated stormwater BMPs must be constructed in accordance with City stormwater design standards.

698.502 Plantings must be maintained and replaced as needed to ensure continued compliance.

699. Additional Requirements and Considerations

699.1 Development Frontage Landscaping Typologies - Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of plant material meeting the following minimum requirements:

699.101 One (1) tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) tree.

699.102 In cases where building facades directly abut the sidewalk, required frontage landscaping shall be deducted from the required point total.

699.103 In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.

- 699.104 Fencing shall be a minimum of three (3) feet in height, and shall be constructed of metal, masonry, stone or equivalent material. Chain link or temporary fencing is prohibited.
- 699.2 Interior Parking Lot Landscaping Typologies - The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.
- 699.201 For new development on sites previously undeveloped or where all improvements have been removed, a minimum of eight percent (8%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands, peninsulas, or landscaped strips. For changes to a developed site, a minimum of five percent (5%) of the asphalt or concrete area shall be interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every ten (10) contiguous stalls with no break or alternatively, landscaped strips at least nine (9) feet wide between parking bays.
- 699.202 The primary plant materials shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of required landscaped area. Two (2) ornamental deciduous trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees. No light poles shall be located within the area of sixty percent (60%) of mature growth from the center of any tree.
- 699.203 Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design approved by the Director of Public Works. The ability to maintain these areas over time must be demonstrated.
- 699.3 Foundation Plantings Typologies - Foundation plantings shall be installed along building facades, except where building facades directly abut the sidewalk, plaza, or other hardscape features. Foundation plantings shall consist primarily of shrubs, perennials, and native grasses. The Zoning Administrator may modify this requirement for development existing prior to the effective date of this ordinance, as long as improvements achieve an equivalent or greater level of landscaping for the site.

- 699.4 Screening Along District Boundaries - Screening shall be provided along side and rear property boundaries between commercial, mixed use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height.
- 699.5 Screening of Other Site Elements - The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:
- 699.501 Refuse Disposal Areas. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than seven (7) feet.
- 699.502 Outdoor Storage Areas. Outdoor storage areas shall be screened from abutting residential uses with a by a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- 699.503 Loading Areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
- 699.504 Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.
- 699.6 Tree Planting Recommendation
The Plan shall refer to the document as on record at the City Municipal Building for the approved plant list.
- 699.7 Stream Buffer

To uphold the United States Forest Service parameters that vegetative buffers serve different planning functions including but not limited to streambank stabilization and aquatic food web processes, water temperature moderation, nutrient removal, sediment control, flood mitigation, and wildlife habitat and to form a transition zone between aquatic and terrestrial environments, managed differently from the surrounding landscape, primarily to provide conservation benefits, or similar functions otherwise defined by the US Department of Agriculture, or any successor authority/agency:

699.701 Riparian buffer areas along any existing stream shall be a minimum of 250' in width as measured from each top of bank and, if not already established, contain a combination of native trees, shrubs, and/or other perennial plants.

699.702 Riparian buffer areas along any manmade or otherwise established water body shall be a minimum of 50' from the top of bank and contain a combination of native trees, shrubs, and/or other perennial plants.

699.8 Circulation

699.801 A bike/walk lane, configured as a share-the-road route, shall be designated along Klein Road and Hoffman Road.

699.802 To promote safety and circulation between private lots and rights-of-way, one or more of the following traffic calming devices shall be incorporated into the Planned Residential Development:

- Speed tables
- Speed humps

699.803 Traffic calming devices shall be placed along straight sections of roadways within the development and before stop signs as specified by the City Engineer.

699.804 A permanent right-of-way shall be designated for access to surrounding existing agricultural uses with maintenance and operational provisions specified in the final Developer's agreement.

699.9 Maintenance and Monitoring

All landscaping must be maintained in good condition, with dead or damaged plants replaced promptly. BMP vegetation must remain functional and inspected as per City guidelines.

6.10 Site plan review.

The following standards have been established to guide the Zoning Hearing Board in its review of site plans and hearing of special exception requests. The standards are not absolute requirements, but any site plan should generally conform to their provisions. The Zoning Hearing Board may require any of the appropriate conditions to be met prior to approval.

6.11 Fences, Walls and Hedges.

6111. Fences.

- 6111.1 Privacy Fences. No solid fence exceeding six (6) feet in height, measured along the ground level along the full length of the fence, shall be permitted in any residential district nor between buildings or lots used for dwelling purposes in any district except as otherwise required herein. No fence or other structure or appurtenance, more than thirty (30) inches in height, however, may be erected within the clear-sight triangle on all corner lots for a distance of thirty (30) feet measured along street right-of-way lot lines from their point of junction.
- 6111.2 Screening Fences. Unenclosed nonresidential uses except off-street parking areas, commercial recreation areas, automobile sales areas and other similar uses shall be screened from public view and from adjacent properties in accordance with the provisions of Article 693.303 hereof.
- 6111.3 Installation of Fences. When any fence is installed, the supporting posts shall be located on the inside of the fence, facing the property to be fenced; and, the finished side of the fence shall face the adjoining property and/or right-of-way.
- 6111.4 Condition of Fences. All fences, hedges, walls, and shrubs must be maintained in good condition. When adjoining an Residential District, no commercial advertising shall be permitted on property line fences. When located in an Residential District, no advertising shall be permitted on any fence. Fences owned and maintained by non-profit organizations, however, shall be exempt from this prohibition against advertising.
- 6111.5 Fences and Walls Located in Yards. Fences, walls and hedges not exceeding six (6) feet in height may be located in any yard or court. It is the sense of this section that the total height of walls plus fences etc., shall not extend to a vertical height exceeding six (6) feet from natural ground level.
- 6111.6 Fencing for Storage Yards and Heavy Equipment Sales and Storage.
 - a. Uses shall be enclosed by a fence with a minimum height of eight (8) feet.

- b. All fencing materials shall provide a minimum opacity of 75%.
- c. Shrubs and similar landscaping materials shall be installed along vinyl fencing.

6112. Enclosure of Porches. In any new construction, no porch shall extend into any required yard except open patios and decks as provided under Article 634.4.

Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:

- 6112.1 On an interior lot where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.
- 6112.2 On a corner lot, the same provisions described in Article 6112.1 shall apply. In addition, the enclosure of a front porch must also be in accordance with Article 631, concerning the clear sight triangle.
- 6112.3 The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped zone lot in separate ownership.
- 6112.4 The enclosure is in the rear yard.

6.12 RESERVED.

6.13 Wireless Communications Facilities.

Refer to Article 766.

6.14 Miscellaneous Building/Site Regulations and Design Standards

6141. Uses to be Enclosed. All nonresidential uses, except for off-street parking and loading facilities, automobile service stations, transportation terminals, storage yards, junk yards, vehicle sales lots, temporary circus, temporary flea market, and retail sales conducted as sidewalk sales only as a use accessory to a permitted principal use on the same site as the principal use to which it is appurtenant, and similar uses shall be conducted wholly within a completely enclosed building.

6142. Unenclosed Nonresidential Uses. Unenclosed nonresidential uses identified in Article 6141 hereof, except off-street parking and loading, shall not be located less than 100 feet distant from any Residential District.

6143. Aesthetic Design Standards for Commercial and Manufacturing Uses.

6143.1 Aesthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:

6143.101 To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.

6143.102 To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.

6143.103 To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.

6143.2 Aesthetic Design Standards.

6143.201 Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.

6143.202 Waste Disposal.

- a. No Lot shall be used as a dumping ground for trash.
- b. All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
- c. All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law, regulation and other requirements and standards governing same.

- d. "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.

6143.203 Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.

6143.204 Landscaping.

- a. All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
- b. Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
- c. Each site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.

6143.205 Utilities. All electric, telephone, and cable television lines shall be underground.

6144. Standards for Open Space Design and Maintenance.

6144.1 Use and Design of Permanent Open Space. Permanent Open Space to be provided in accordance with certain Sections of this Ordinance shall be designed in accordance with the following standards:

6144.101 Permanent Open Space shall be so designated on the submitted plans, and the plans shall contain a notation stating, "Permanent Open Space shall not be separately sold and shall not be further developed or subdivided;"

6144.102 Permanent Open Space shall be contiguous to the development, not separated by existing streets, and shall not be a part of any lot within the development;

- 6144.103 Each area of Permanent Open Space shall contain not less than ten thousand (10,000) square feet;
- 6144.104 Permanent Open Space areas shall be designed as a continuous system of open space and shall be interconnected with open space areas on abutting parcels whenever possible;
- 6144.105 Permanent Open Space shall be provided with safe and convenient access to the residentially-developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle, and maintenance vehicle traffic. The Permanent Open Space shall contain appropriate access improvements and shall be provided with perimeter parking areas where appropriate;
- 6144.106 All portions of a tract not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation. Permanent Open Space shall predominantly consist of natural environmental features or planted and maintained vegetation that may also contain walking, biking, or equestrian trails. Permanent Open Space may also contain impervious surface areas such as tennis courts, clubhouses, or other active recreation facilities, but such active recreation facilities shall consist of less than twenty-five percent (25%) of the Permanent Open Space;
- 6144.107 Permanent Open Space shall be configured so as to create areas of adequate size and shape to permit a variety of uses, active or passive, throughout the system.
- 6144.2 Ownership and Maintenance of Permanent Open Space. Permanent open space to be provided in accordance with certain Sections of this Article may be offered for dedication to the City, although the City need not accept any such offers. Provision for ownership and maintenance of the Permanent Open Space shall be made in a manner so as to ensure its preservation. This shall be accomplished in one of the following manners:
- 6144.201 The City may accept dedication of the Permanent Open Space or any interest therein for public use and maintenance, but the City need not accept a dedication of the Permanent Open Space if offered;
- 6144.202 With permission of the City, and with appropriate deed restrictions in favor of the City and in language acceptable to the City Solicitor, the developer may transfer the fee simple title in the Permanent

Open Space or a portion thereof to a private, not-for-profit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:

- a. The organization is acceptable to the City and is a bona fide conservation organization with a perpetual existence;
- b. The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions, and;
- c. A maintenance agreement acceptable to the City is entered into by the developer, the organization and the City.

6144.203 The developer shall provide for and establish an organization for the ownership and maintenance of the Permanent Open Space consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.S. 33101 et seq. If such an organization is created, the deeds for the Permanent Open Space and for all individual lots within the development shall contain the following requirements in language acceptable to the City Solicitor.

- a. Such organization shall not dispose of the Permanent Open Space by sale or otherwise except to the City or other government body unless the City has given prior approval. Such transfer shall be made only to another organization that shall maintain the Permanent Open Space in accordance with the provisions of this Ordinance;
- b. The organization and all lot owners within the development shall agree to maintain the Permanent Open Space. If private ownership fails to do so, the City may proceed to maintain deteriorating open space and may assess and lien the properties within the development accordingly;
- c. All lot owners shall be required to become members of the organization and pay assessments for the maintenance of the Permanent Open Space, which may be increased for inflation and which may provide for professional management.

6.15 Performance Standards

6151. General Application

All existing and proposed permitted uses, special exceptions, and conditional uses and uses accessory thereto, are subject to the following performance standards and procedures.

6152. Performance Standards Procedures

6152.1 Prior to Construction and Operation:

Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.

Such application shall further be accompanied by a report prepared by a licensed professional engineer describing the methods or procedures to be undertaken to assure compliance with the Performance Standards specified herein; provided, however, that the Zoning Hearing Board will consider requests for a waiver of this requirement and may waive this requirement for uses which are not considered likely to violate any of the standards set forth herein.

6152.2 Continued Compliance:

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the responsibility of the Zoning Officer.

6152.3 Determination of Violation:

The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall initiate the procedures set forth in Article 13.6 hereof.

6153. Regulation of Nuisance Elements

6153.1 Definition of Elements

No land or building in any District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other nuisance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "Dangerous or objectionable elements"); provided that any use permitted by this Ordinance may be undertaken and maintained in any District where it is designated if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

6153.2 Locations Where Determinations Are to Be Made for Enforcement of Performance Standards.

The determination of the existence of any dangerous and objectionable elements shall be made at:

6153.201 The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

6153.202 The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

6154. Standards to be Enforced

6154.1 Fire and Explosion Hazards

6154.101 In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.

6154.102 No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal Specifications.

6154.103 All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.

6154.104 All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards.

6154.105 No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water course or render such stream or water source unusable or undesirable as a source of water supply, or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water course by natural

causes or forces, or by rupture of storage containers or accidental discharge.

6154.2 Radioactivity or Electrical Disturbance.

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6154.3 Noise.

At the points of measurement specified in Article 6153.2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table III after applying the corrections shown in Table N. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association.

(American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds Z24.10-1953, or latest approved revision thereof, American Standards Associated, Inc., New York, N.Y., shall be used.)

Table 3

Octave Band Frequency (Hz)		Residential District (Decibels)	Non-Residential (Decibels)
>	≤		
20	75	72	79
75	150	67	74
150	300	59	66
300	800	52	59
800	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	-	32	39

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. one or more of the corrections in Table 4 shall be applied to the octave band levels given in Table 3.

Table 4

Type or Location of Operations or Character of Noise	Correction in Decibels
--	------------------------

Daytime operation only	5
Noise Source Operates less than*	
a. 20% of any one-hour period	5
b. 5% of any one-hour period	10
Noise of impulsive character, hammering, etc.	-5
Noise of periodic character, hum, screech, etc.	-5
Property is located in an "M" District and is not within 500 feet measured horizontally or vertically of any R District	10
* Apply one of these corrections only.	

6154.4 Vibration.

No activity or operation shall produce at any point along the property line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency (Hz)		Residential District Displacement (in inches)	Non-Residential District Displacement (in inches)
>	≤		
0	10	0.0004	0.002
10	20	0.0002	0.001
20	30	0.0001	0.0006
30	40	0.0001	0.0004
40	50	0.0001	0.0003
50	-	0.0001	0.0002

Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

6154.5 Glare.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Article 6153.2. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance. In no event shall a lighting intensity greater than one twenty-five hundredths (.25) footcandle (2.7 lux), measured at grade, be permitted beyond property lines.

6154.6 Smoke, Dust, Fumes, Vapor, and Gas Control.

The emission of dust, dirt, fly ash, fumes, vapors, or gases which cause any damage to human health, to animals or to vegetation or other forms of

property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited.

No activity in any industrial district shall be reactivated, established, modified, constructed, or operated without having obtained valid permits and/or certificates from the Pennsylvania Department of Environmental Protection or its successor agency for airborne emissions. Such proof of compliance shall consist of duplicate copies of such permits and/or certificates for the current time period. In addition to the requirements of the Department of Environmental Protection or its successor agency, the following requirements shall apply:

- 6154.601 Particulate Matter. No use shall exceed the national ambient air quality standards established in the federal Clean Air Act or the requirements of Titles 25 and 35 of the Pennsylvania Code as they are amended and adopted for particulate matter.
- 6154.602 Smoke or Steam. No use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1, except that an emission that does not exceed a density of equivalent capacity of Ringelmann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district. All measurements shall be taken at the point of emission of the smoke. [For the purpose of determining the density of equivalent opacity of smoke, the Ringelmann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann No. 1 indicates a 20 percent density of the smoke observed.
- 6154.603 Toxic Matter and Hazardous Material. Emissions of chemicals, gases, components, or elements, listed as being toxic matter or hazardous material by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency, or their successor agencies, shall not exceed any stated

Threshold Limit Value in any industrial district. No emission of toxic matter shall exceed fifty percent (50%) of the Threshold Limit Value in any adjacent residential or commercial district.

6154.7 Odors.

No emission shall be permitted of malodorous gases or other malodorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.

6154.8 Liquid and Solid Wastes

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided. Such evidence of approval shall be provided to the City. The owner of any parcel governed by this ordinance may be required at the discretion of the City to monitor the ground water and surface water in the vicinity of his premises. Water testing shall be conducted at an interval deemed appropriate by the governing body on any stream located on the premises or any stream within five hundred (500) feet of any area used for storage of liquid or solid wastes. In addition, the well located on the premises shall also be sampled at an interval to be deemed appropriate by the governing body. The sample shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the governing body and results shall be provided to the City. If samples exceed the limits established by the Pennsylvania Department of Environmental Protection, remedial action shall be taken in accordance with this Ordinance.

6154.9 Heat

No activity or use shall produce heat perceptible beyond its property lines and no use shall be permitted that would cause the ambient water temperature, as defined by the Pennsylvania Department of Environmental Protection, or its successor agency, to rise or fall more than five (5) degrees Fahrenheit (2.8 degrees Celsius) during the ten (10) year, seven (7) day low flow in any natural pond, stream, river, or other watercourse.

6.16 RESERVED.

6.17 RESERVED.

6.18 RESERVED.

45-DAY REVIEW DRAFT

7. Specific Criteria, Special Exceptions, and Conditional Uses

7.1 Purpose.

This article sets forth the process and conditions which must be met before a special exception or conditional use can receive approval and be granted a zoning permit.

7.2 Special Exception Use Procedure.

721. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Articles 4.3 and 4.5 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific use by special exception have been met.

722. Procedure.

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

723. Conditions for Approval.

723.1 In addition to the minimum conditions contained in Section 6.4 for each use by special exception, the use shall meet the following additional requirements:

723.101 The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.

723.102 The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements and shall be at no additional cost to the City for the services.

723.103 The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.

- 723.104 The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Community's adopted Comprehensive Plan.
- 723.105 The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 723.2 In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

7.3 Conditional Use Procedure.

731. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Article 4.3 and Article 4.5 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific conditional use have been met.

732. Procedure.

732.1 An application form prescribed by the City of Carbondale shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the City of Carbondale City Council.

732.2 The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the City of Carbondale. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:

- 732.201 That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
- 732.202 That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
- 732.203 That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
- 732.204 That the proposed conditional use is in general conformity with the Community's adopted Comprehensive Plan; and
- 732.205 That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The City of Carbondale City Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 732.3 If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
- 732.4 The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the City of Carbondale approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other City of Carbondale ordinance.
- 732.5 The City of Carbondale City Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- 732.6 Public Hearings.
- 732.601 Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the City of Carbondale Planning Commission. The Planning Commission and City of Carbondale Engineer shall be given an opportunity to provide written recommendation to City of Carbondale City Council concerning

whether to approve, conditionally approve, or deny the application.

732.602 A minimum of one (1) public hearing shall be held by the City of Carbondale City Council at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.

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

732.604 If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.

732.605 The City of Carbondale City Council shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.

732.606 If the City of Carbondale City Council denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

732.7 Duration of Conditional Use Permit.

732.701 If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the City of Carbondale City Council, in its discretion, may grant an

extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

732.702 If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the City of Carbondale City Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

7.4 Specific Requirements for Special Exception and Conditional Uses.

741. Animal Hospital / Vet Clinics

741.1 In any zone district where permitted, no such use shall be located closer than one hundred (100) feet to any Residential District, restaurant, or hotel, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration shall be permitted on the premises.

742. Automobile Repair

742.1 A site development plan shall accompany all applications and shall show building and fuel pump placement and dimensions, parking, landscaping, internal circulation, and the size and location of signage.

742.2 All vehicular servicing activities except for those normally performed at fuel pumps shall be performed within completely enclosed buildings.

742.3 Location of Gasoline Pumps. Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.

742.4 Fuel pumps shall not interfere with parking spaces or internal circulation and shall be located at least thirty (30) feet from all parking areas.

742.5 A minimum width of two hundred and fifty (250) feet at the building setback line is required.

742.6 Shall not be located within 100 feet of any boundary line of any Residential District; provided, however, that where the rear lot line of the property shall be less than 100 feet distant from a Residential District there shall be established along such rear lot line a buffer zone which shall be landscaped in accordance with the provisions of Article 693.303 hereof; and, no part of

any parking space shall be less than 20 feet from any residential property line.

742.7 Shall not be located within two hundred (200) feet of property dedicated to or intended for schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children, when located along the same street or road and in the same block as said properties.

742.8 Vehicular access to the above automotive uses shall be well-defined driveways and shall not be closer to the intersection of any two (2) street right-of-way lines than fifty (50) feet.

743. Automobile Sales

743.1 Lighting shall not exceed 50% power or intensity between the hours of 10:00pm and 5:00am unless just cause can be provided that doing so would jeopardize the safety of the users. In lieu of meeting this requirement, the facility may install motion sensor lighting.

743.2 A commercial parking lot or structure shall be screened with a fifty foot (50 ft) landscape buffer along the public road right-of-way and along all required side and rear property lines.

743.3 Dumpsters shall be positioned and screened so as to not be visible from any right-of-way nor within any area between the front façade of the building and the front lot line.

744. Billboard

744.1 No outdoor advertisement shall be permitted within two hundred (200) feet of any residential district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than two hundred (200) feet.

744.2 No two outdoor advertisements shall be located closer to one another than one thousand (1000) feet. Double outdoor advertising signs shall be treated as a single sign regarding this restriction governing the minimum distance between signs.

744.3 Outdoor advertisements shall conform with all yard spaces required for the district in which they are located.

744.4 The total surface of any outdoor advertisements, exclusive of structural supports, and trim, shall not exceed, in square feet, four times the frontage of the lot or tract on which it or they stand, nor shall any individual outdoor advertisement exceed 672 square feet.

744.5 No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than 25 feet.

- 744.6 Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- 744.7 Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than 15 inches out from the wall surface. Wall signs exceeding forty (40) square feet in area shall be of non-combustible material.
- 744.8 Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) square feet in area shall be made of non-combustible material.
- 744.9 Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located nor shall any sign be located upon the roof of any building except as otherwise provided in Article 9. No such free-standing sign shall extend more than thirty (30) feet above the mean ground level where it is located.
- 744.10 Permits (Building) for Signs. Building permits shall be required for all signs except temporary political signs, signs provided for in Article 9.3 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
- 744.11 Signs shall not use reflectorized background or letters or figures, except for directional signs, traffic control signs and signs of a constituted governmental body.
- 744.12 Signs shall be illuminated only by a white, steady, internal or external stationary light of reasonable intensity directed at the sign, without causing glare for motorists, pedestrians or neighboring properties. Awnings may only be externally illuminated. Colored neon-style signs may be utilized if such signs are located inside a window or door. Colored stationary lighting may also be utilized for halo-lit type signs.
- 744.13 Where color-changing or fading illumination effects are proposed including, the rate of change or fade must not exceed 300 transitions per hour, and all changes must be non-distracting to ensure public safety and visual compatibility with surrounding properties. There shall be no effects of

movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.

744.14 Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, scrolling, shading, dissolving, or similar effects as part of the change

744.15 Any illumination intensity or contrast of light level shall remain constant and shall not exceed a luminance of one thousand five hundred (1,500) nits during daylight hours between sunrise and sunset, shall not exceed a luminance of one hundred fifty (150) nits at all other times.

744.16 Fees. Fees for all signs requiring permits shall be in accordance with Article 13.9 hereof.

745. Child Day Care Facilities

745.1 Such uses shall be situated on a zone lot of not less than one (1) acre, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Article 693.302. Such uses shall provide evidence of all required State approvals.

745.2 Each facility shall have a minimum of 40 square feet (372 square decimeters) of indoor space for each child, measured wall to wall inclusive of space occupied by cupboards, shelves, furniture, and equipment, but exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas.

745.3 Each facility shall have a minimum of 65 square feet (604 square decimeters) of accessible outdoor play space for each child. Outdoor play space is considered accessible if it is no more than 1/2 mile (.8 kilometer) from the building. The following exceptions to the space requirements shall be permitted:

- a. A minimum of 32.5 square feet (302 square decimeters) 50% less space of accessible outdoor play space shall be required for each infant; a minimum of 48.89 square feet (453 square decimeters) 25% less space of accessible outdoor play space shall be required for each child from age 18-24 months;
- b. Less outdoor space if it is offset by a large indoor activity room, as long as the 65 square feet (604 square decimeters) per child requirement is met and the indoor activity room provides for equivalent activity as outdoor play space; and
- c. Less outdoor space if it is scheduled for alternate use, provided that the 65 square feet (604 square decimeters) per child requirements is met for each child based on the number of children using the space at any one time

- d. If there are unsafe areas, such as open drainage ditches, wells, holes, or heavy street traffic, in or near the outdoor play space, there shall be fencing or natural barriers to restrict children from these areas.
- 746. Colleges, Institutes of Higher Learning
 - 746.1 In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
- 747. Crematory
 - 747.1 Any of these uses shall provide entrance on a street or road with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6) foot high fence, evergreen or evergreen type hedges or shrubs, at intervals of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any Residential District or residential street.
 - 747.2 All facilities and their employees shall obtain and maintain all licenses required by the Commonwealth of Pennsylvania and shall remain in compliance with all applicable licensing requirements. A copy of the license shall be provided to the City along with the application for the use.
 - 747.3 Standards for the operations of the facility, including but not limited to timelines, infrastructure, items used, fumes and other emissions, shall be regulated under the relevant standards established by the Commonwealth of Pennsylvania.
- 748. Drug Treatment Facility
 - 748.1 No methadone treatment facility shall be permitted unless it is licensed by the PA Department of Health which shall be obtained by the applicant.
 - 748.2 No methadone treatment facility shall be permitted if it is determined by the PA Department of Health that such use would be detrimental to the health, welfare, peace and morale of the inhabitants of the neighborhood within a radius of five-hundred (500) feet of the facility.
 - 748.3 No methadone treatment facility or any other permitted drug rehabilitation facilities and drug treatment centers shall be nearer to any of the following uses than five-hundred (500) feet. For the purposes of this section, spacing distances shall be measured as follows: (1) from all property lines of the uses regulated in this **Article 748** hereof; (2) from the outward line or boundary of all residential zoning districts; (3) from all property lines of any of the following uses:
 - a. Church, charitable institution, school or public playground.

- b. Child day-care center or family day-care home.
 - c. Pennsylvania liquor store established, operated and maintained pursuant to the terms of Article III of the PA Liquor Code.
 - d. Hotel, restaurant or club possessing a retail liquor license issued pursuant to Article IV of the PA Liquor Code.
 - e. Older adult daily living center licensed by the PA Department of Aging.
 - f. Any "senior center" as defined in Section 3 of the PA Senior Center Grant Program Act.
- 748.4 Such use shall have frontage on a collector street, and, it shall be accessible from such a street.
- 748.5 All treatment administered at the facility shall be medically supervised and conducted in accordance with applicable federal, state, and local regulations.
- 748.6 The facility operator shall notify the City of any change in the number of patients served or accommodated at the facility.
 - a. Any license issued for the facility shall be directly associated with the approved occupancy of the facility.
- 748.7 Copies of all applications, reports and supporting documentation submitted to the Commonwealth of Pennsylvania for the issuance or renewal of required licenses shall also be submitted to the City and all applicable safety-related agencies and departments.
- 749. Golf Course/ Country Club
 - 749.1 Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Article 693.302.
 - 749.2 Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
 - 749.3 No public address system is permitted except where such system will not be audible at any residential property line.
- 750. Heliport

Heliports may be permitted, including the construction of runways and landing pads, provided that plans for such construction shall be approved by the Federal Aviation Administration and that such construction will not interfere with the comprehensive plan for the area which may be affected by it, nor create any hazards or inconvenience in presently developed areas. Except in the event of an emergency helicopter landings shall be permitted only at approved heliports.

751. Hospitals

All such uses shall be located on a public street which shall have a pavement width of not less than 20 feet, and they shall maintain a minimum 10-foot wide landscaped strip in accordance with the provisions of Article 693.302 on all property lines abutting Residential Districts and all residential streets. Such uses shall not be located or designed in such a manner as would be detrimental to the privacy, convenience and property values of nearby residential development.

752. Junk Yard

No new junk yards or similar storage areas shall be permitted within the City limits from the date of passage of this Ordinance. Such uses existing at said date of adoption may continue their operations, but shall terminate within one year of the adoption of this Ordinance unless they comply with the following provisions:

752.1 All junk yards shall be completely screened from roads and developed areas with a solid fence or wall eight (8) feet or more in height, maintained in good condition, and painted, except for masonry construction, or in accordance with Article 693.302 hereof. Materials stored shall not be visible at any property line.

752.2 No operations shall be conducted which shall cause a general nuisance or endanger the public health of the surrounding neighborhood.

752.3 No highly inflammable or explosive material shall be stored in bulk above ground, with the exception of fuel tanks or drums which are directly connected with heating appliances. Inflammable and explosive material storage shall be in compliance with all applicable Federal and State laws and regulations.

752.4 All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, may be stored outdoors only in enclosed containers.

752.5 All fencing materials shall provide a minimum opacity of 75%.

752.6 Shrubs and similar landscaping materials shall be installed along vinyl fencing.

753. Mineral Extraction

753.1 Procedure. All types of earth-extraction industrial activities shall be considered a temporary use of land and may be permitted by the City Council as a Conditional Use in the TD-10 in accordance with the procedures established herein for Conditional Uses. Such use shall only be authorized as a temporary use for a period of not more than ten (10) years or such lesser period as may be established on a case-by-case basis by the City Council.

Such temporary use may be extended for periods of time equal to or less than the original temporary use permit; provided, however, that each such request for an extension shall be in accordance with the procedures for any new application for a Conditional Use. Any such request for an extension of authorization shall be initiated not less than 120 days prior to the scheduled termination of the temporary use.

753.2 Excavations. All excavations must be enclosed by a fence not less than six (6) feet in height located at least ten (10) feet from the sides or perimeter of the excavation. All such excavation must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

753.3 Special Provisions Governing Earth Extraction Activities.

753.301 The operator of any and all earth extraction operations existing within the City at the time of passage of this Ordinance shall apply for a permit as required under the terms of this Ordinance. Said application shall not include any such earth extraction activities which will be completed within 60 days of the passage of this Ordinance.

753.302 All applications for earth extraction permits shall be filed with the Zoning Officer and shall include the following:

- a. A map in duplicate drawn to scale of not less than one inch equals 200 feet, which outlines the entire proposed area of earth extraction activities and shows the surface features, including buildings, dwellings, schools, railroads and highways within a distance of 500 feet from the perimeter of the proposed activities. In addition, said map will indicate the approximate or proposed depth of excavation and the number of surface acres of land subject to these activities.
- b. A bond payable to the City of Carbondale conditioned on saving the City and its officials of and from any and all claims, suits or demands caused by any blasting and further, to guarantee backfilling as required herein. The amount of said bond shall be set by an engineer designated by the City and based on his estimate of the reasonable cost of such replacement, but in no case shall the amount be less than \$1500 per acre of land to be excavated. Such bond shall be signed by the applicant and a corporate surety licensed to do

business in the State of Pennsylvania, or the applicant may elect to deposit cash or United States Securities in lieu of surety bond. Upon covering the exposed surface and approval thereof by the Engineer, the City will release the applicant and his surety from their bond.

- c. A certificate of insurance with limits of \$100,000 for personal injuries and \$300,000 for property damage for the benefit of all persons who might be injured or suffer property damage as a result of said earth extraction operations.
- d. All earth extraction operations shall be backfilled and all overburden material shall be replaced in a manner which will restore the premises to an equal or same grade as existed on the original site before the commencement of the proposed earth extraction operation.
- e. The perimeter of any earth extraction operation shall not be nearer than 100 feet to any public right-of-way.
- f. If required by the City Council to ensure the public safety and welfare of persons and property in the immediate vicinity open excavation and pits shall be enclosed with a fence of not less than six (6) feet in height.
- g. A statement signed by the applicant agreeing to comply with the requirement that no earth-extraction activities will be operated earlier than 7:00 A.M. nor later than 8:00 P.M. during each day and such activities shall not be operated on Sundays.

754. Data Centers

754.1 Height. Principal and accessory structures shall comply with applicable height limits set forth in Article 4.

754.2 Setbacks. Principal and accessory structures shall comply with applicable setback limits set forth in Article 4.

754.3 Water and Sewer Service

754.301 The applicant shall provide a service letter from local water utility company providing capacity is available and service can be provided.

754.302 The applicant shall provide a service letter from local sanitary sewer conveyance utility company providing capacity is available and service can be provided.

754.303 The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources conducted by certified hydrologist indicating quantity of water required. At the request of the City, which the City can request at any time, the Developer shall fund a water study to be conducted on behalf of the City by an entity selected by the City.

754.304 The applicant shall provide a water feasibility study to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells in the vicinity within one thousand (1000) feet of all external property lines. No Data Center shall be approved without sufficient water supply and no Data Center shall be approved that demonstrates a likelihood of adverse impacts on existing wells in the vicinity. The water feasibility study(s) shall include the following minimum information:

- a. Calculations of the projected water needs.
- b. A geologic map of the area with a radius of at least one mile from the site.
- c. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
- d. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
- e. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- f. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
- g. Identification of how water will be recycled or released into surrounding water bodies and the environmental impact of each release.
- h. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

754.4 Sound and Vibration

754.401 Noise. No principal commercial or industrial uses or their operations on their lot shall generate a re-occurring sound level exceeding the limits established in the table below, when measured at the specified locations:

Land use or zoning district receiving the noise	Hours/Days	Max. Sound Levels
At a lot line of a residential use in a residential district	1. 7 a.m. to 10 p.m., other than anytime on: Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day, 4th of July, and Memorial Day 2. 10 p.m. to 7 a.m., plus anytime on any of the following days: Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day, 4th of July and Memorial Day	1. 55 dBA 2. 45 dBA
At a Lot Line of a TD-6, TD-7, TD-8, TD-9 and TD-10	All times and day	65dBA
Any Lot Line other than noted above	All times and day	70dBA

Note:

1. Preliminary sound study submitted as part of the Special Exception process.
2. Interim sound study submitted with building permit plans.
3. As-built sound study required six (6) months after certificate of occupancy.
4. Emergency generator noise shall be evaluated but exempt during outages.
5. A vibration study shall demonstrate no perceptible vibration beyond property lines.

754.5 Power Supply.

754.501 Grid-connected facilities shall provide certification of capacity from the electric utility.

754.502 On-site energy generation used during normal operations is a separate use and subject to applicable zoning regulations.

754.6 Emergency Management. An Emergency Response Plan (ERP) shall be submitted and reviewed as part of the Conditional Use process and shall include fire suppression, evacuation, access, responder training, NFPA 855 compliance, and annual inspections.

754.7 Access and Security

754.701 Primary access from an arterial or collector street required.

754.702 Emergency access routes shall include approved Knox-Box devices.

754.703 Security fencing limited to six (6) feet in height.

- 754.704 Non-riverine water bodies and stormwater facilities shall be fenced (minimum four (4) feet).
- 754.705 Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.
- 754.706 All access roads shall comply with the City of Carbondale Subdivision and Land Development Ordinance.
- 754.707 A minimum of one (1) aerial fire lane meeting fire code standards shall be provided and be able to access roof structures.
- 754.8 Environmental Regulations. Includes public water/sewer, emissions compliance, riverine intake protection, and submission of a decommissioning plan addressing E-waste and hazardous materials.
- 754.9 Supplemental Regulations. SMR (small modular reactor) energy generation stations, provided the same can demonstrate the following
 - 754.901 Approval from the Nuclear Regulatory Commission (NRC), or similar/successor entity;
 - 754.902 Demonstration by developer of a Federally approved constructor and operator of the proposed facility;
 - 754.903 The licensed operator and developer must demonstrate that there is an adequate repository of nuclear fuel produced by the SMR with a federally licensed facility and/or agency;
 - 754.904 There will be no processing or enrichment activity at the SMR site;
 - 754.905 Any temporary fuel storage, used for refueling, or removed during refueling, will be disposed of in accordance with a plan approved by the NRC and other applicable Federal and State agencies having jurisdiction.
 - 754.906 Before commencement of construction the operator prepares and submits to the City and NRC any required decommissioning plan, and if none is required by the NRC at time of construction, then to the City a proposed decommissioning plan which ensures the removal of all radioactive materials when the SMR is no longer in operation.
 - 754.907 A Safety Plan shall be submitted in a form reasonable acceptable to the City for the SMR. If the Safety Plan complies with the federal standards, or is approved by a Federal agency, the Safety Plan shall be deemed approved by the City.

754.10 Decommissioning.

754.1001 Data Centers that cease operation for 12 consecutive months shall be deemed abandoned and decommissioned accordingly. The Data Center Owner and/or Operator is required to notify the City immediately upon permanent cessation or abandonment of the Data Center.

754.1002 A Decommissioning Plan and financial security shall be provided as part of the Conditional Use Application to ensure removal of improvements and restoration of the Data Center site if deemed abandoned.

754.1003 The Decommissioning Plan shall include the following items:

- a. Cost estimate for decommissioning and removal activities, including:
 - i. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
 - ii. Proper disposal of all electronic equipment, battery components, and hazardous materials in compliance with DEP and U.S. EPA regulations.
 - iii. Disconnection and discontinuation of public utilities.
 - iv. Site restoration with planting or seeding of native vegetation and soil stabilization.
- b. A detailed timeline identifying the anticipated length of time necessary to complete the decommissioning process.
- c. A detailed plan for the removal, demolition, disposal, recycling, and/or repurposing of all buildings, structures, equipment, utility infrastructure, foundations, fuel storage systems, battery energy storage systems, substations, cooling systems, and other above-ground and below-ground improvements associated with the Data Center.
- d. A description of the extent of site restoration proposed, including grading, stabilization, revegetation, and removal of impervious surfaces where applicable.
- e. A plan for completion of a post-decommissioning Phase I Environmental Site Assessment (ESA), and such additional environmental investigations or remediation as may be required by applicable law or recommended by the environmental professional preparing the assessment.

- f. A plan for coordination with applicable public utility providers regarding the safe disconnection, removal, relocation, abandonment, or transfer of electric, water, sewer, telecommunications, gas, and other utility infrastructure during the decommissioning process.

754.1004 Financial security provided in accordance with MPC Section 509 in a form acceptable to the City Solicitor to guarantee proper decommissioning, such as a posted bond. The amount of the security shall be sufficient to cover the full cost of removal of all Data Center structures, accessory uses, and equipment, and restoration of the site. The requirements of the financial security shall be as follows:

- a. The Data Center Applicant shall post financial security in the amount of 110% of the decommissioning cost, as approved by the City Engineer, securing the decommissioning obligations of the Data Center and naming the City as beneficiary, the original of which security shall be delivered to the City. The form of the financial security shall be subject to the review and approval of the City Solicitor.
- b. Every five (5) years after the date of providing the financial security, the Data Center Owner and/or Operator shall provide an updated decommissioning cost estimate to be approved by the City Engineer. If the decommissioning financial security amount increases, the Data Center Owner and/or Operator shall remit the increased financial security to the City within 30 days of the approval of the updated estimate by the City. If the financial security amount decreases by greater than 10%, the City shall release any amounts held in excess of 110% of the updated cost estimate.
- c. After the Data Center site is fully decommissioned and written certification is issued by the City Engineer to the City Council that the project parcel(s) have been restored to an environmentally stable condition substantially similar to the condition they were in prior to construction of the Data Center, the City shall release the financial security.
- d. The financial security shall be in a form to be approved by the City Solicitor. If the Data Center Owner and/or Operator fails to remove Data Center structures, accessory uses, and equipment

in accordance with the requirements of this Section, the City, shall have the authority to execute upon the financial security, enter the property, physically remove structures, accessory uses, and equipment, and restore the property to its original, pre-construction condition. The Data Center Owner and/or Operator shall be liable for all costs incurred by the City associated with the decommissioning, including attorneys' and engineering fees and any costs or fees associated with drawing on the financial security.

754.1005 The Data Center Owner and/or Operator is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal and state laws.

754.1006 Any soil exposed during the removal shall be stabilized in accordance with applicable standards.

754.1007 Any paved access drives from public roads shall remain for future use unless directed otherwise by the City.

754.1008 The Data Center Owner and/or Operator shall have 18 months in which to dismantle and remove Data Center Structures, accessory uses, and equipment, and to restore the site to an environmentally stable condition, in accordance with industry practice.

754.1009 In the event that the present Data Center Owner and/or Operator has temporarily ceased its operation but is in the process of transferring ownership or operational management, the present Owner and/or Operator has the responsibility of notifying the City. The decommissioning financial security also must be maintained during this time.

754.1010 Any necessary permits shall be obtained prior to decommissioning activities.

754.11 Developer's Agreement. The Data Center Applicant shall, within 90 days after issuance of a Conditional Use Permit for a Data Center, execute a Development Agreement, in a form approved by the City, specifying all the terms and understandings relative to the construction and operation of the Data Center, the permit holder's responsibilities according to this Ordinance, and the requirements of the Conditional Use Permit.

754.1101 All costs incurred by the City, including attorney fees, in drafting and approving the Developer's Agreement, shall be paid by the Data Center Applicant.

754.1102 The content of the Developer's Agreement shall, at a minimum, provide the following terms:

- a. A survey of the acreage involved in the proposed Data Center development.
- b. A description of the ownership of the subject property.
- c. General description of the Data Center facility and all associated site improvements.
- d. Written confirmation that the Data Center Owner and/or Operator shall maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
- e. Written confirmation that the Data Center Owner and/or Operator will participate in annual inspections by the City of Carbondale Fire Department that includes an inventory of the Data Center buildings to note changes in use and occupancy.
- f. A description of the timing and sequencing to complete the development of the Data Center. If the Data Center is to be developed in phases, a timeline to complete the construction of each phase shall be provided.
- g. A listing of any contingencies for removing Data Center buildings, structures, accessory uses, or equipment from service because of a reduction in needed capacity, a fire or other catastrophic event, or any other reason.
- h. A Host Community Agreement, as required below.
- i. The approved Site Plan and Conditional Use Permit shall be incorporated by reference and attached as an exhibit.

754.12 Host Community Agreement.

754.1201 The holder of a Conditional Use Permit for a Data Center shall enter into a Host Community Agreement with the City. Such Host Community Agreement shall be included as part of the Developer's Agreement.

754.1202 The terms of the Host Community Agreement may include but are not necessarily limited to provisions related to:

- a. Environmental Performance — e.g., noise, air quality, energy usage, water usage, wastewater discharge, and heat mitigation;
- b. Site Design — e.g., landscaping, buffering and screening, fencing, lighting, and stormwater management;
- c. Operational Considerations — e.g., emergency management, noise testing, electronic waste, and decommissioning; and
- d. Community Engagement and Transparency — e.g., public availability of information related to the use, complaint response processes, local hiring, and annual reporting.

755. Nurseries and Greenhouses

- 755.1 All vehicles and equipment associated with the business shall be parked in an enclosed building, or to the rear of the building, or screened from view by a fence or hedge row during off business hours.
- 755.2 Pick-up and receiving (loading and unloading) areas shall contain an all-weather, dust free surface.
- 755.3 Pick-up and receiving areas shall be located behind the front face of the building and otherwise compliant with the setbacks and screening of the underlying zoning district.
- 755.4 Fenced-in areas shall contain a non-chain link decorative solid plastic vinyl variety fence.
- 755.5 Outdoor storage of product and material is specifically permitted as a part of said use, however, these areas shall be screened with a twenty-foot (20 ft) landscape buffer from public roads and adjacent residential uses.
- 755.6 Service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- 755.7 A Delivery Plan for the use shall be submitted for City approval.
- 755.8 Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
- 755.9 Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
- 755.10 A six (6) to eight (8) foot high plastic decorative solid vinyl fence shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground.

- 755.11 No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
- 755.12 The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- 755.13 Garden materials and other saleable products shall not utilize any required parking stalls or standing areas or building sidewalks for storage at anytime.
756. Outdoor Storage
- 756.1 Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.
- a. Uses shall be enclosed by a fence with a minimum height of eight (8) feet.
 - b. All fencing materials shall provide a minimum opacity of 75%.
 - c. Shrubs and similar landscaping materials shall be installed along vinyl fencing.
- 756.2 Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- 756.3 All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
757. Recreational Facilities, Private
- 757.1 Such uses shall include golf courses, ice-skating rinks, ski areas, swimming pools, tennis courts and other similar uses.
- 757.2 Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Article 693.302.
- 757.3 Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

- 757.4 No public address system is permitted except where such system will not be audible at any residential property line.
- 757.5 Private swimming pools, permanent and portable, which shall be accessory to a principal non-commercial dwelling use shall be regulated as follows; except that these regulations shall not apply to portable swimming pools which shall be not more than 3 feet in height nor more than 15 feet in length.
- 757.501 May be erected only on the same zone lot as the principal structure.
- 757.502 Shall be distant not less than ten (10) feet from all property lines and shall not be located within a required front yard.
- 757.503 The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
- 757.504 The swimming pool, or entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties, said wall or fence to be not less than six (6) feet in height and maintained in good condition. The terms "wall or fence" above shall not be construed to mean the side wall of an above ground pool. Above-ground pools with an attached fence or deck/fence combination are exempt from the above regulation, if;
- a. The fence is equipped with a gate that can be closed when the pool is not in use; and
 - b. The height of the fence above the entrance level of the pool is not less than thirty (30) inches.
- 757.505 All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or State Health Department authorities.
- 757.6 Drive-in Theaters shall be subject to the following regulations:
- 757.601 Situated on a minimum zone lot of ten (10) acres.
- 757.602 The screen shall be obscured from public streets.
- 757.603 Lights shall be reflected away from adjoining property and streets.
- 757.604 The sounds directly appurtenant to the visual presentations at such theaters shall not be audible at the boundary line of any R-District.
- 757.605 Only one-way interior vehicular circulation.
- 757.606 Surface drainage shall be such that will not subject adjoining properties or streets to damage.

- 757.607 Any activity that is conducted at such theater shall not be closer to any Residential District than 500 feet, except where topographic considerations make such requirements excessive or unnecessary.
- 757.608 Areas of access and egress shall be not less than 24 feet in width, and shall be designed in such a manner so as to preclude the potential traffic hazards on adjacent rights-of-way caused by vehicles entering and leaving the establishment.
758. School, Post-Secondary
In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
759. School, Pre-Kindergarten
Such uses shall be situated on a zone lot of not less than one (1) acre, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Article 693.302. Such uses shall provide evidence of all required State approvals.
760. School, Primary and Secondary
In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
761. Shooting Range, Indoor
- 761.1 The building and method of operation shall conform to any applicable Commonwealth of Pennsylvania, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, and lead management.
- 761.2 The design and construction of the shooting range shall completely confine all ammunition rounds within the building and in a controlled manner.
- 761.3 The design and construction of the shooting range shall be certified by a registered architect or engineer in the State of Pennsylvania.
- 761.301 The certified plans shall include the specification and construction of the bullet trap(s), ceilings, exterior and interior walls and floors.
- 761.302 The certified plans shall state what type and caliber of ammunition the shooting range is designed to totally confine.
- 761.303 A security plan for the building shall be submitted which secures the shooting range against unauthorized entrants.

- 761.4 No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
- 761.5 For shooting ranges that are other than used for private recreational purpose, firearms shall not be stored on the premises when the shooting range is closed for business, unless they are stored in an acceptable gun safe or other secure locking device.
- 761.6 On-site supervision shall be supplied at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for the conduct of his or her place of business and the conditions of safety and order in the place of business and on the premises.
- 761.7 Each shooting range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all shooting range users to study and use.
- 761.8 Minors shall not be allowed in the shooting range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
- 761.9 In multitenant buildings, the shooting range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
- 761.10 The applicant shall have the burden to demonstrate that the shooting range is designed to promote the safety of all persons on the premises or on abutting property when the shooting range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association or other generally recognized guidelines for shooting range design and safety or by submitting evidence from persons with experience and expertise in shooting range design and safety.
762. Shooting Range, Outdoor
- This section is intended to provide minimum standards to regulate outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as ranges) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such ranges shall be permitted only in those districts as specified in the Schedule of Uses.
- 762.1 Setbacks
- 762.101 All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this section.

This shall not apply to structures on the same parcel as the shooting range.

762.102 All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this section. This shall not apply to structures on the same parcel as the shooting range.

762.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the City may require such additional safety features deemed necessary to meet the intent of this section. Such features may include but not be limited to Increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

762.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Article 6.15 of this Ordinance unless more restrictive standards are required by the City as a condition of approval.

762.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 10:00 PM and 9:00 AM prevailing local time. However, the City may establish more restrictive time limits as a condition of approval.

762.5 Fence

Security fencing may be required by the City of such extent and design to restrict accidental access to any range.

762.6 Posting

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

762.7 NRA. State and Federal Regulations

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

763. Shopping Centers and Malls

763.1 It is the intent of this section to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as multiple occupant commercial establishments) while at the same time to assure the compatibility of the

commercial development with the surrounding character of the City. This shall be accomplished by:

- 763.101 Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- 763.102 Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- 763.103 Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- 763.104 Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- 763.105 Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- 763.106 Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

763.2 Special Exception Use and Land Development: Any proposed multiple occupant commercial establishment shall be considered a special exception use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this **section**. Said proposal shall also be considered a land development as defined by the Pennsylvania Municipalities Planning Code and the **City of Carbondale Subdivision and Land Development Ordinance** and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The City may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other City Ordinances.)

- 763.201 Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- 763.202 A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.

- 763.203 Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- 763.204 Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- 763.205 Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- 763.206 Location and dimensions of pedestrian entrances, exits, walks;
- 763.207 Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- 763.208 Preliminary architectural drawings for all buildings;
- 763.209 Location, size, height, and orientation of all signs other than signs flat on building facades;
- 763.3 Ownership. The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the City evidence of said ownership and/or control.
- 764. Storage of Explosives
No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground, except as permitted by state and federal regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
- 764.1 Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.
 - a. Uses shall be enclosed by a fence with a minimum height of eight (8) feet.
 - b. All fencing materials shall provide a minimum opacity of 75%.
 - c. Shrubs and similar landscaping materials shall be installed along vinyl fencing.
- 764.2 Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- 764.3 In the event that the volume of material received at the facility increases by twenty (20) percent or more above the existing volume, the operator shall submit a report identifying the material and their new volumes/ quantities

for all applicable public safety-related agencies and departments to review and comment.

- 764.4 In the event that any new material type is proposed to be received or processed at the facility, the operator shall submit a report identifying the material and their new volumes/ quantities for all applicable public safety-related agencies and departments to review and comment.

765. Storage of Hazardous Material

All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

- 765.1 Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.

- a. Uses shall be enclosed by a fence with a minimum height of eight (8) feet.
- b. All fencing materials shall provide a minimum opacity of 75%.
- c. Shrubs and similar landscaping materials shall be installed along vinyl fencing.

- 765.2 Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

- 765.3 In the event that the volume of material received at the facility increases by twenty (20) percent or more above the existing volume, the operator shall submit a report identifying the material and their new volumes/ quantities for all applicable public safety-related agencies and departments to review and comment.

- 765.4 In the event that any new material type is proposed to be received or processed at the facility, the operator shall submit a report identifying the material and their new volumes/ quantities for all applicable public safety-related agencies and departments to review and comment.

766. Telecommunications Facilities, Residential

- 766.1 Purpose. The following regulations governing antennae are designed to protect the aesthetic environment of the vicinity where they are to be located as well as to protect the public health, safety and welfare. In addition to the criteria established below, the additional criteria detailed in the City of Carbondale Telecommunications Right-of-Way Ordinance, as

adopted, shall apply. In case of conflicting provisions, the Telecommunications Right-of-Way Ordinance shall take precedence.

766.2 Permit Requirements. A special Satellite Reception Permit shall be required only for specific situations described below in Articles 766.3 and 766.4.

766.3 Allowed Locations. In the TD-7, TD-9, and TD-10 districts, they shall be allowed anywhere on the site or on the building. In the TD-2, TD-3, and TD-4 districts, they shall be limited to the rear yard.

766.4 Size and Height. In the TD-6, TD-7, TD-8, TD-9, and TD-10 districts, there shall be no restrictions regarding their size or height. In all R-districts, however, except as otherwise provided herein, they shall not exceed a diameter of 12 feet or a height of 20 feet. However, where such height and/or size restrictions preclude the feasibility of reception, these dimensions may be exceeded, but a special Satellite Reception Permit shall be required.

766.5 Additional Requirements

766.501 Except in the TD-7, TD-9, and TD-10 districts, satellite television antennas shall be located and designed (to the extent reasonably feasible) to reduce visual impact on surrounding properties.

766.502 Antennae shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

766.503 Every antenna must be adequately grounded for protection against a direct strike of lightning.

767. Temporary Businesses

767.1 Proposed use shall have frontage on and receive its collector or major arterial road in the City's Ordinances.

767.2 Applicants shall submit proof of a valid lease, license, or written property owner authorization for the temporary business. Documentation shall state the permitted use, term of occupancy, and any applicable conditions. The City may require additional information to verify compliance.

767.3 Any renewal or extension shall require City approval and must comply with all applicable regulations.

768. Temporary Uses

Such temporary use in any district shall be located on the property to which it is appurtenant; shall be limited to a six (6) month period at the expiration of which time the applicant may request a further extension of time. Otherwise such temporary use shall be removed at the expense of the owner.

- 768.1 The applicant shall provide the City Council with evidence of adequate liability insurance in an amount to be determined by the City on a case-by-case basis, as well as evidence of adequate resources to assure the safety of the participants and the surrounding area.
- 768.2 Provide bathroom facilities
- 768.3 Provide a site plan showing location of structure(s), parking layout, and ingress and egress.
- 768.4 Provide one (1) or more container(s) adequate for trash removal.
- 768.5 Any use which involves a structure such as a temporary tent shall conform with all other City codes and ordinances such as applicable BOCA codes.
- 768.6 Temporary uses which involve a structure on a fixed site shall provide evidence of a Highway Occupancy Permit for any site located on a State Highway.
- 768.7 Additional Requirements. The City Council may establish additional requirements related to the terms and conditions, and the duration of each such temporary use on a case-by-case basis as needed to protect the public health, safety and welfare.
- 769. Trade/ Business Schools
In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
- 770. Adult Businesses
 - 770.1 An adult-related facility shall not be permitted to be located within 1,000 feet of any other adult-related facility.
 - 770.2 No adult-related facility shall be located within 1,000 feet of any residentially zoned land.
 - 770.3 No adult-related facility shall be located within 1,000 feet of any parcel of land that contains any one or more of the following specified land uses:
 - a. Amusement park.
 - b. Camp (for minors' activity).
 - c. Child care facility.
 - d. Church or other similar religious facility.
 - e. Community center.
 - f. Museum.
 - g. Park.
 - h. Playground.
 - i. School.

j. Other lands where minors congregate.

- 770.4 The distance between any two adult-related facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult-related facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult related facility to the closest point on the property line of said land use.
- 770.5 No materials, merchandise or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- 770.6 Any building or structure used and occupied as an adult-related facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited or displayed and no sale materials, merchandise or film shall be visible from outside of the building or structure.
- 770.7 No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- 770.8 Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- 770.9 No adult-related facility may change to another adult-related facility, except upon approval of an additional special exception.
- 770.10 The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- 770.11 No unlawful sexual activity or conduct shall be permitted.
- 770.12 No more than one adult-related facility may be located within one building or shopping center.
- 770.13 Lighting shall not exceed 50% power or intensity between the hours of 10:00pm and 5:00am unless just cause can be provided that doing so would jeopardize the safety of the users. In lieu of meeting this requirement, the facility may install motion sensor lighting.
- 770.14 A commercial parking lot or structure shall be screened with a fifty-foot (50 ft) landscape buffer along the public road right-of-way and along all required side and rear property lines.

- 770.15 Dumpsters shall be positioned and screened so as to not be visible from any right-of-way nor within any area between the front façade of the building and the front lot line.
771. Asphalt Manufacturing or Refining
- 771.1 A traffic impact report shall be developed by a professional engineer presenting the comparison of existing and proposed peak hour traffic volumes and traffic types.
- 771.2 The applicant shall prove to the satisfaction of the City Council that the use will involve adequate on-site supervision and security measures to protect public safety.
- 771.3 Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- 771.4 An inventory and Material Safety Data Sheets (MSDS) of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- 771.5 No vehicular idling shall be permitted, and all queuing shall occur on the lot.
- 771.6 The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the wholesaling facility.
772. Concrete Plant, Rock Crushing
- 772.1 A Circulation and Safety Plan shall be submitted for review and approval.
- 772.2 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.
- 772.3 All site access shall be immediately adjacent to and occur on a State-owned Road.
773. Medical Marijuana Dispensary Facility
- 773.1 A dispensary facility must be owned and operated by a legally registered dispensary in the commonwealth and possess a current and valid medical marijuana permit from the DOH pursuant to the Act.
- 773.2 A dispensary facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 773.3 A dispensary facility may not operate on the same site on which a grower/processor facility is located.

- 773.4 A dispensary facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana, all of which shall be in accordance with the Act.
- 773.5 Permitted hours of operation of a dispensary facility shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).
- 773.6 A dispensary facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of medical marijuana, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area of the dispensary facility.
- 773.7 A dispensary facility shall:
- 773.701 Not have a drive-through service;
 - 773.702 Not have outdoor seating areas;
 - 773.703 Not have outdoor vending machines;
 - 773.704 Prohibit the administering of, or the consumption of, medical marijuana on the premises; and
 - 773.705 Not offer direct or home delivery service.
- 773.8 A dispensary facility may dispose only medical marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of the DOH.
- 773.9 A dispensary facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- 773.10 A dispensary facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/ processor facility or academic clinical research centers and the specific dispensary facility they serve, or with which they partner.

- 773.11 Any medical marijuana facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- 773.12 All external lighting serving a dispensary facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 773.13 Parking requirements will follow the parking schedule found in this Ordinance. Off-street parking regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- 773.14 A buffer planting is required where a dispensary facility adjoins a residential use or district pursuant to the Ordinance, as applicable.
- 773.15 Entrances and driveways to a dispensary facility must be designed to accommodate the anticipated vehicles used to service the facility.
- 773.16 The dispensary facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Ordinances.
- 773.17 Any and all other provisions contained in the Act affecting the construction, use and operation of a dispensary facility.
- 774. Heavy Industrial
 - 774.1 A traffic impact report shall be developed by a professional engineer presenting the comparison of existing and proposed peak hour traffic volumes and traffic types.
 - 774.2 The applicant shall prove to the satisfaction of the City Council that the use will involve adequate on-site supervision and security measures to protect public safety.
 - 774.3 The landowner and/or developer shall provide a Lighting Plan illustrating the maximum footcandles associated with proposed lighting on the lot to demonstrate no light spillover, or glare will exist on adjacent lots.
 - 774.4 Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - 774.5 An inventory and Material Safety Data Sheets (MSDS) of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
 - 774.6 No vehicular idling shall be permitted, and all queuing shall occur on the lot.

774.7 The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the wholesaling facility.

775. Waste Transfer Station

775.1 Unless otherwise regulated by the Commonwealth of Pennsylvania, the Department of Environmental Protection, and/or any other applicable entities, the following conditions apply:

- a. Content: Solid Waste Material Permitted at Facilities. No facility shall accept materials inconsistent with the Solid Waste Management Act, as amended, and/or the PA Department of Environmental Protection.
- b. Environmental Assessment. All proposed facilities shall prepare and submit to the City an Environmental Assessment and shall fully comply with the regulations of the Pennsylvania Department of Environmental Protection.
- c. Such Environmental Assessments shall also include a traffic study and plan which shall comply with the following requirements:
 1. Any facility located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.
 2. Any facility located adjacent to a State Highway shall comply with all regulations of the Pennsylvania Department of Transportation.
 3. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residential home, commercial, retail establishment, public school, or religious institution.
 4. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

775.2 Storage of Waste

- a. All solid waste facilities, including transfer stations and staging areas, which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building.
- b. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the aforesaid motor vehicles, truck trailers or other containers shall be stored within a building in accordance with the following provisions.

1. All municipal solid waste is brought to the site shall be removed from the site by the end of business on the date that it is brought to that site, notwithstanding and DEP regulations which would allow said municipal waste to remain thereon for a longer period of time; provided, however, that not more than one (1) loaded or partially loaded vehicle may be stored overnight in an enclosed building for a period of not more than eighteen (18) hours. Hazardous waste, infectious waste, and/or residual waste as classified by DEP shall not be disposed of at a facility. Such wastes shall not be stored overnight in the City except as otherwise provided herein. regulations of the Federal Highway Administration.
2. Facility operators shall be responsible for the cleanup of the facility's road entrance and surrounding area, throughout the work period, with a final cleanup at the conclusion of the work period.

775.3 Screening, Fencing and other Security Requirements

- a. All facilities shall be completely enclosed by a litter fence. The fence shall be fully enclosed with slats to a height of not less than ten (10) feet for the purpose of retaining all litter waste within the confines of the site. The erection of said fence shall be completed within six (6) months after the issuance of license for a facility. A locked gate system shall be installed on the property so as to prevent any and all illegal dumping which may take place on site and its surroundings. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Such a fence shall not be located closer than two hundred (200) feet to any property line. In cases where natural vegetation is not adequate to screen the facility from view from adjoining properties or roads, a dense evergreen planting to effect such screening shall be provided and maintained by the applicant in accordance with a planting plan submitted by the applicant and approved by the City.
- b. An evergreen buffered area shall be provided outside of the litter fence, but on the same property. Such natural vegetation shall be designed to act as a visual screen against the site from all adjoining landowners.
- c. Security guards shall be placed at the site for the purposes of control against illegal dumping.

- 775.4 Location Restrictions
- a. After the effective date of this ordinance no facility shall be located closer than seven hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure existing at the time of adoption of this ordinance; public, semi-public, or institutional use; or commercial or recreational facility.
- 775.5 Vector Control
- a. All facilities shall establish a vector control program designed to eradicate all rodent problems at the subject site and on surrounding sites. A description of the planned vector control program shall be submitted with all applications for facilities.
776. Farm Equipment Sales
- 776.1 Applicants must identify in a sketch plan the location of the proposed activities, all dwellings, existing and proposed driveways, access drives, parking areas, vehicle turnaround areas, location of applicable sanitary facilities (if required) and buffering and landscaping in accordance with the Ordinance.
- 776.2 Parking. Adequate off-street parking is provided, parking areas and driveways are treated as necessary to control dust and parking areas are screened from neighboring properties. No vehicles may be parked on adjacent shoulders of roads and, design of driveways and adequate sight distance to accommodate expected traffic must be provided.
- 776.3 The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
- 776.4 All facilities shall be designed and constructed with safety facilities to prevent accidental damages and the City may require such additional safety features deemed necessary to meet the intent of this Section. Such features may include but not be limited to increased setbacks, orientation, and a limitation of hours of operation.
- 776.5 Noise Reduction. All facilities shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Section 6.15 of this Ordinance unless more restrictive standards are required by the City as a condition of approval.
- 776.6 A Circulation and Safety Plan shall be submitted for review and approval. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. The City shall consider the suitability of the

adjacent roads for the amount and weights of truck traffic that will be generated.

- 776.7 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.

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8. Parking and Loading

8.1 Required number of parking spaces.

Sr. No.	Uses	No. of Minimum Parking as per use
1	Residential	2 per dwelling unit
2	Temporary Living	1.1 per bedroom
3	Agribusiness and related	1 employee per maximum shift
4	Commercial (Light)	1 per 100 sq. ft. of gross floor area open to public
5	Commercial (Heavy)	1 per 200 sq. ft. of gross floor area open to public
6	Institutional	1 per 4 seats
7	Industrial (Light)	1 per 600 sq. ft. of gross floor area
8	Industrial (Heavy)	1 per 2 employees on maximum shift or 1 per 1,000 sq. ft. of gross floor area (whichever is greater)
9	Recreation, Open Space	As per City

8.2 General regulations for off-street parking.

821. No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.
822. Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable (in terms of such factors as topography, visibility, aesthetics, shape of parcel, etc.) the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walk-ways.

8.3 Design standards for off-street parking.

831. In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space for automobiles available to the occupants of such buildings and to visitors thereto at no charge in accordance with the requirements set forth herein.

831.1 Size and Access. Each off-street parking space in a parking lot shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area shall contain less than 3 spaces. There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. No off-street parking shall be located in the front yard of any residential lot. No point of ingress or egress shall be nearer, one to the other, than 300 feet, except where inadequate highway frontage precludes the feasibility of complying with this requirement.

831.2 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in Article 8.1 following in accordance with the definition of "floor area" as set forth in Article 2 hereof, provided further that in any TD-2, TD-3 and TD-4 District, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than four (4) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-half (1/2) acre by which the area of the lot exceeds one (1) acre.

In any case of a building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

831.3 Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided with a radius of no greater distance than 400 feet from the zone lot, and provided further, that required spaces are

provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

8.4 Off-street loading.

841. In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement following.

841.1 Size and Location. Each loading space shall be of sufficient size to accommodate vehicles that are likely to utilize the berth, but not less than 15 feet in width, 50 feet in length and 16 feet in height, and may occupy all or any part of any required yard, except where located adjacent to any Residential District where they shall be set back a minimum of 6 feet from any such property line.

Uses	Sq. Ft. of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	From 10,000 -30,000 For each additional 30,000 or major fraction thereof.	1 1 additional
Undertakers and Funeral Homes	5,000 For each additional 5,000 or major fraction thereof.	1 1 additional
Hotels and Offices	10,000 or more	1
Retail, Commercial, Wholesale,	From 10,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000	1 2 3

Manufacturing, Storage & Miscellaneous	From 60,000 - 100,000 For each additional 50,000 or major fraction thereof	4 1 additional
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842. Joint Facilities for Parking or Loading

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

8.5 Design and Layout of Off-Street Loading Facilities.

851. Development and Maintenance of Parking and Loading Areas. Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained in accordance with the following requirements.

851.1 Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any Residential District, or institutional premises, by a solid fence or hedge in accordance with Article 6.9 hereof. Any space between such fence or hedge and the side lot line adjoining premises, or the front lot line facing premises, in any Residential District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

851.2 Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

851.3 Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any Residential District.

851.4 Modification of Requirements. The Zoning Hearing Board may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if

it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action. Such modification shall be granted only in accordance with the procedure for variances, Article 11.3 hereof.

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9. Signs

9.1 Purpose and applicability.

Signs may be erected, reconstructed and maintained only when in compliance with the following provisions and the Building Code of the City of Carbondale.

9.2 Sign Regulations according to Districts

921. Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

921.1 Nameplates and Identification Signs.

921.101 Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.

921.102 For buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

921.2 Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected or maintained, provided:

921.201 The size of any such sign is not in excess of six (6) square feet; and

921.202 Not more than one (1) sign is placed upon any property unless such property fronts upon more than one street, in which event one (1) more sign may be erected on each additional frontage.

921.3 Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature may be erected and maintained, provided:

921.301 The size of any such sign is not in excess of 20 square feet; and

921.302 Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

- 921.4 Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each shall be permitted for each direction of traffic flow. One sign per parking area designating the conditions of use and identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- 921.5 Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:
- 921.501 The size of any sign is not in excess of 20 sq. ft.
- 921.502 Not more than two (2) signs are placed upon any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on such frontage; and
- 921.503 Any such signs except signs identifying the development shall be removed by the developer within thirty (30) days of the final sale of property.
- 921.6 Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
- 921.601 The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
- 921.602 Not more than one such sign is erected on each five hundred (500) feet of street frontage.
- 921.7 Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
- 921.701 The size thereof is not in excess of twelve (12) square feet; and
- 921.702 Such signs are removed promptly upon completion of the work.
- 921.8 Private Driveways. Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2) square feet.
- 921.9 Height and Projection of Signs. No sign in an residential district shall project into the public way or project higher than one story or twenty (20) feet, whichever is lower.

922. Signs in Non-Residential Districts. Business signs shall be permitted as follows:
- 922.1 Size of Signs. (Detached). No detached sign shall have a gross surface of more than 100 sq. ft. in any TD-6, TD-7, TD-9 and TD-10 Districts.
 - 922.2 Size of Signs. (Attached). No attached sign shall have a gross surface area in excess of 20 percent of the building side on which it is attached.
 - 922.3 Location of Signs. No free-standing signs shall be nearer to any property line than the height of such sign, but in no case less than twenty (20) feet.
 - 922.4 Illumination of Signs. Flashing signs are prohibited. Revolving illuminated signs shall be considered as a Special Exception permitted in TD-10 District provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in TD-6, TD-7, TD-9 and TD-10 Districts only.
 - 922.5 Portable Signs. Portable signs other than temporary artisans" signs are prohibited; provided, however, that portable signs shall be permitted only on a temporary basis, for a period of not more than one (1) month; provided, further, that, upon written application such temporary permit for a portable sign may be extended by the Zoning Officer, for cause, for a period of not more than one (1) additional month.
 - 922.6 Display Windows. Signs within display windows shall not be considered a part of the permitted sign area unless the signs are self-illuminating, in which case the area shall be considered part of the permitted sign area.
923. Outdoor Advertising. Outdoor advertisements (billboards) are permitted in only TD-7 district.
- 923.1 No outdoor advertisement shall be permitted within two hundred (200) feet of any residential district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than two hundred (200) feet.
 - 923.2 No two outdoor advertisements shall be located closer to one another than two-thousand (2000) feet. Double outdoor advertising signs shall be treated as a single sign regarding this restriction governing the minimum distance between signs.
 - 923.3 Outdoor advertisements shall conform with all yard spaces required for the district in which they are located.
 - 923.4 The total surface area of any outdoor advertisements, exclusive of structural supports, and trim, shall not exceed, in square feet, four times the frontage of the lot or tract on which it or they stand, nor shall any individual outdoor advertisement exceed 672 square feet.

- 923.5 No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than 25 feet.
- 923.6 Such signs shall not be illuminated in a manner which will create a traffic hazard nor shall it abut or face a residential property or a residential zone lot.
- 923.7 The maximum height of any outdoor, off-premises sign shall be 35 feet above the level of the roadway directly below where the sign is located.
- 923.8 All outdoor advertising signs shall be monopole construction.
- 924. Signs related to Casino/ Betting Parlor.
 - 923.1 Signs shall not use reflectorized background or letters or figures, except for directional signs, traffic control signs and signs of a constituted governmental body.
 - 923.2 Signs shall be illuminated only by a white, steady, internal or external stationary light of reasonable intensity directed at the sign, without causing glare for motorists, pedestrians or neighboring properties. Awnings may only be externally illuminated. Colored neon-style signs may be utilized if such signs are located inside a window or door. Colored stationary lighting may also be utilized for halo-lit type signs.
 - 923.3 Where color-changing or fading illumination effects are proposed including, the rate of change or fade must not exceed 300 transitions per hour, and all changes must be non-distracting to ensure public safety and visual compatibility with surrounding properties. There shall be no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
 - 923.4 Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, scrolling, shading, dissolving, or similar effects as part of the change
 - 923.5 Any illumination intensity or contrast of light level shall remain constant and shall not exceed a luminance of one thousand five hundred (1,500) nits during daylight hours between sunrise and sunset, shall not exceed a luminance of one hundred fifty (150) nits at all other times.

9.3 General Regulations.

The following regulations shall apply to all permitted signs.

- 931. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

932. Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than 15 inches out from the wall surface. Wall signs exceeding forty (40) square feet in area shall be of non-combustible material.
933. Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) square feet in area shall be made of non-combustible material.
934. Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located, nor shall any sign be located upon the roof of any building; provided, however, that a business sign may be affixed to a parapet. No free-standing sign shall extend more than thirty-five (35) feet above the mean ground level where it is located.
935. Permits (Building) for Signs. Building permits shall be required for all signs except temporary political signs, signs provided for in Article 921 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
936. Fees. Fees for all signs requiring permits shall be in accordance with Article 13.9 hereof; provided, however, that no fee shall be charged for the erection of a sign necessary to the public welfare. Fees for all other signs shall be in accordance with Article 13.9 hereof.

10. Nonconformities

10.1 Intent and Applicability.

1011. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
1012. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this Section and subject to the following criteria and standards:
- 1012.1 The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
- 1012.2 The alteration or extension does not constitute the addition of a new nonconforming use or structure.
- 1012.3 The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
- 1012.4 The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

10.2 Nonconforming Uses.

1021. Expansion of Nonconforming Residential Uses.
An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:
- 1021.1 The number of dwelling units is not increased;
- 1021.2 The expansion meets all applicable setbacks;
- 1021.3 No new types of nonconformities are created; and
- 1021.4 A nonconformity is not made more severe (including the building area within the required setback area).
1022. Expansion of Nonconforming Nonresidential Uses.
A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- 1022.1 An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 11.
- 1022.2 Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- 1022.3 The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
- 1022.4 Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
1023. Abandonment of Nonconforming Uses.
If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.
1024. Nonconforming Outdoor Storage Activities.
If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.
1025. Change from One Nonconforming Use to Another.
- 1025.1 Once changed to a conforming use, such use shall not revert to a nonconforming use.
- 1025.2 A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
- Traffic generation (especially truck traffic);
 - Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;
 - Amount and character of outdoor storage;
 - Hours of operation if the use would be close to dwellings; and
 - Compatibility with the character of the surrounding area.
1026. Nonconformities Due to Zoning Changes.

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

10.3 Nonconforming Structures.

1031. Reconstruction or Expansion of Nonconforming Structures.

1031.1 The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:

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

1031.2 In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

1032. Damaged or Destroyed Nonconforming Structures.

1032.1 A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.

1032.2 Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.

1032.3 Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

1033. Abandonment of Nonconforming Structures.

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

1034. New Construction and Building Permits.

1034.1 New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1034.2 Building Permits and Nonconformities.

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

10.4 Nonconforming Lots of Record.

1041. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1041.1 Has a minimum width of 100 feet measured at the minimum building setback line;

1041.2 Has a minimum lot area of 0.5 acres;

1041.3 Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and

1041.4 Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

1042. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less

nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of the City of Carbondale.

10.5 Registration of Nonconformities.

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

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11. Zoning Hearing Board

11.1 Organization and expenditures.

1111. Organization.

1111.1 The City of Carbondale Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided.

1111.2 The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the City of Carbondale and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of the City of Carbondale. The Zoning Hearing Board shall submit reports of its activities to the City of Carbondale City Council when requested.

1112. Membership, Terms, and Vacancies.

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

1113. Removal of Members.

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

1114. Appeals and Applications to the Zoning Hearing Board.

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

- 1114.1 The name and address of the applicant;
 - 1114.2 The name and address of the owner of the real estate involved in the appeal;
 - 1114.3 A brief description and location of the real estate involved in the appeal;
 - 1114.4 A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;
 - 1114.5 Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;
 - 1114.6 An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;
 - 1114.7 A plot plan of the involved real estate as required to accompany applications for permits; and
 - 1114.8 An application fee, in an amount as established from time to time by resolution of the City of Carbondale City Council, payable to the City of Carbondale.
1115. Conduct of Hearings.
The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).
1116. Expenditures for Services.
Within the limits of funds appropriated by the City of Carbondale City Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the City of Carbondale City Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the City of Carbondale City Council.

11.2 Jurisdiction and functions.

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

- 1121. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the City of Carbondale City Council;

- 1122. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
- 1123. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
- 1124. Appeals from a determination by the City of Carbondale Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- 1125. Applications for variances from the terms of this Ordinance;
- 1126. Applications for uses by special exception under the terms of this Ordinance;
- 1127. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;
- 1128. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- 1129. Appeals from any determination of the City of Carbondale Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

11.3 Variances.

- 1131. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
 - 1131.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the lot is located;

- 1131.2 That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
 - 1131.3 That such unnecessary hardship has not been created by the appellant;
 - 1131.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
 - 1131.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
1132. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
1133. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

11.4 Uses by Special Exception.

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article 7.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

11.5 Hearings and decisions.

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

1151. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
1152. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.
1153. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
1154. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
1155. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
1156. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
1157. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
1158. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
1159. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.

1160. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the City of Carbondale, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
1161. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
1162. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
1163. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
1164. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to

the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.

1165. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.
1166. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.
1167. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

11.6 Parties appellant before the Board.

Appeals under the jurisdiction of the Zoning Hearing Board as identified in Article 11.2 may be filed in writing by:

1161. The landowner affected;
1162. Any officer or agency of the City of Carbondale; or
1163. Any person aggrieved.

11.7 Mediation.

1171. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be

interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

1172. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The City of Carbondale, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1172.1 Funding mediation;

1172.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;

1172.3 Completing mediation, including time limits for such completion;

1172.4 Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the City of Carbondale, if either is not a party to the mediation;

1172.5 Identifying all parties and affording them the opportunity to participate;

1172.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and

1172.7 Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

1173. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

11.8 Time Limitations.

1181. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate City of Carbondale officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance

or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.

1182. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

11.9 Appeals to Court and Other Administrative Proceedings.

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

12. Amendment Procedure

12.1 Amendments.

1211. Zoning Ordinance Amendments.

The City of Carbondale Elected City Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

1212. Zoning Map Amendments (Rezoning).

1212.1 Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the City of Carbondale's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Community's adopted Comprehensive Plan.

1212.2 Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- a. Statement of existing and proposed base and overlay zoning districts;
- b. Conceptual site development plan;
- c. Topographic survey;
- d. Site conditions report;
- e. Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
- f. Off-street parking projections (number of parking spaces) available on site;
- g. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
- h. Other related studies that the City of Carbondale may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:
 - i. Traffic impact study;
 - ii. Fiscal impact analysis;

- iii. Density comparison between existing and proposed zoning districts;
and/or
- iv. Geotechnical/stormwater analysis.

1212.3 Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to City of Carbondale a curative amendment, any fees established by resolution of the City of Carbondale, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The City of Carbondale City Council shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

1212.4 Municipal Curative Amendments.

If the City of Carbondale City Council determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

12.2 Public hearing.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

12.3 Review by Planning Commission.

1231. Review of Rezoning Applications.

1231.1 The Zoning Officer will:

- a. Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the City of Carbondale and Lackawanna County planning commissions for review;
- b. Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
- c. Submit a written recommendation to the Planning Commission and the City of Carbondale City Council, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not

the proposed rezoning is in accordance with the objectives of the
Community's adopted Comprehensive Plan;

- 1231.2 As part of the rezoning approval process, the City of Carbondale City Council and Planning Commission can consider the motivation and implications of each plan, analysis, and report.
- 1231.3 The Planning Commission will:
- a. Consider any projected beneficial and/or detrimental effects on the City of Carbondale and hold a public hearing on the application, if deemed applicable; and
 - b. Forward to the City of Carbondale City Council a recommendation for the nature of action regarding rezoning.
- 1231.4 The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the City of Carbondale City Council and Planning Commission.
- 1231.5 The City of Carbondale City Council will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

12.4 Review by County Planning Agency.

1241. A completed application and packet will be forwarded to the County planning commissions for review by the Zoning Officer.
1242. The County Planning Commission shall review such requests and provide comments as necessary to the City Council and City Planning Commission.
1243. All steps for the processes shall be completed in accordance with the Pennsylvania Municipalities Planning Code (MPC) requirements.

12.5 Opportunity to be heard.

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

12.6 Enactment of amendment.

The City Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

12.7 Copy to County Planning Agency.

All copies for the ordinance and amendments must be provided to the County Planning Agency in accordance with the Pennsylvania Municipalities Planning Code (MPC).

12.8 Curative amendments.

The City Council may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that their challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

45-DAY REVIEW DRAFT

13. Administration and Enforcement

13.1 General procedure.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the City of Carbondale to review said applications for full compliance with the provisions of this and other applicable ordinances. The City of Carbondale reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

13.2 Zoning permit.

1321. Zoning Permits.

1321.1 A zoning permit shall be required prior to:

- a. A change in use of land or structure;
- b. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- c. The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- d. The alteration or development of any improved or unimproved real estate; and
- e. The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

1321.2 No zoning permit shall be required for the following:

- a. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- b. Ordinary repair to existing structures, except signs;
- c. Light fixtures for single-family and two-family dwellings complying with the provisions of Article 6154.5;
- d. Sidewalks or walkways on grade;

- e. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
- f. Handrails along sidewalk or walkway steps;
- g. Access drives;
- h. Parking spaces for dwellings having three (3) or fewer dwelling units;
- i. Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
- j. Vegetation, including trees, landscaping, and vegetative buffering;
- k. Landscaping materials, excluding patios, decks, and porches;
- l. Decorative lawn ornaments and walls not exceeding 32 inches in height;
- m. Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;
- n. Stormwater management facilities;
- o. Traffic control devices located within a public right-of-way or governmental easement;
- p. Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
- q. Railroad sidings;
- r. Public transit stops involving surface improvements only;
- s. Signs specifically exempted from permit; and
- t. Temporary construction buildings or trailers as permitted in Article 768.

1321.3 A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:

- a. All applicable regulations of this Ordinance;
- b. Any conditions imposed upon the site by the City of Carbondale Zoning Hearing Board or the City of Carbondale City Council; and
- c. Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of City of Carbondale.

1321.4 Application Procedures.

- a. Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
- b. An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it

shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.

- c. The Zoning Officer may consult with or call upon other City of Carbondale staff and/or City of Carbondale-appointed consultants in the review of submitted materials for applications.
- d. Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the City of Carbondale Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
- e. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
- f. No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the City of Carbondale City Council, is paid to the City of Carbondale. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the City of Carbondale City Council shall be doubled to reflect the additional expense incurred by the City of Carbondale resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other

applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- g. In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
- h. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
- i. The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
- j. The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
- k. All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

1321.5 General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the

structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- a. The actual dimensions and shape of the lot to be developed;
- b. The exact location and dimensions of any structures to be erected, constructed, and/or altered;
- c. Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
- d. The location and number of off-street parking and loading spaces;
- e. Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
- f. Alteration or development of any improved or unimproved real estate;
- g. Two (2) copies of any approved highway occupancy or driveway permits;
- h. Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 5;
- i. Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
- j. Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

1321.6 Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- a. A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- b. A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- c. A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety

- hazards, or the emission of any potentially harmful or noxious matter or radiation;
- d. Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
 - e. The proposed number of shifts to be worked and the maximum number of employees on each shift; and
 - f. Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.
1322. Certificates of Use and Occupancy.
- 1322.1 It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.
- 1322.2 The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.
- 1322.3 The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.
- 1322.4 The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.
- 1322.5 Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the

temporary permit has been requested from and granted by the Zoning Officer.

- 1322.6 A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the City of Carbondale or which abuts upon a street which has been paved with a base wearing course.
- 1322.7 The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
- 1322.8 If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.
1323. Building Permits.
- 1323.1 Building permit administration shall be governed by provisions of the current building code adopted by the City of Carbondale; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
- 1323.2 The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
- 1323.3 The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

13.3 Zoning Officer.

It shall be the duty of the Zoning Officer to:

1331. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 9;
1332. Initiate enforcement proceedings;

- 1332.1 Receive all fees to the City of Carbondale as required by this Ordinance and to post a schedule of fees at Carbondale City Hall;
- 1332.2 Receive complaints and notify persons of violations of the provisions of this Ordinance;
- 1332.3 Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;
- 1332.4 Present to the City of Carbondale City Council, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;
- 1332.5 Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the City of Carbondale City Council and other City of Carbondale officials;
- 1332.6 Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and
- 1332.7 To perform other duties in the administration and enforcement of this Ordinance as may be directed by the City of Carbondale City Council.

13.4 Planning Commission.

The City of Carbondale Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the City of Carbondale City Council in the administration of this Ordinance and the adopted subdivision and land development regulations of City of Carbondale.

1341. Membership.

- 1341.1 The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of City of Carbondale. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the City of Carbondale.
- 1341.2 The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
- 1341.3 When any vacancies occur, the chairman of the Planning Commission shall promptly notify the City of Carbondale City Council, upon which a member of the City of Carbondale City Council shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

1342. Duties.

The Planning Commission shall, at the request of the City of Carbondale City Council, have the power and shall be required to, at the request of the City of Carbondale City Council:

- 1342.1 Represent the City of Carbondale in the development of the Community's adopted Comprehensive Plan and any future comprehensive plan;
- 1342.2 Maintain and keep records of its actions, which shall be in the possession of the City of Carbondale City Council;
- 1342.3 Make recommendations to the City of Carbondale City Council concerning adoption or amendment of an official map;
- 1342.4 Prepare and present to the City of Carbondale City Council a zoning ordinance and make recommendations to the City of Carbondale City Council on proposed amendments to it; and
- 1342.5 Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

13.5 Nonconforming use registration.

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

13.6 Enforcement; violations and penalties.

1361. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the City of Carbondale City Council or an officer of the City of Carbondale, with the approval of the City of Carbondale City Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon City of Carbondale at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the City of Carbondale City Council. No such action may be instituted until such notice has been given.

1362. Enforcement Notices.

- 1362.1 If it appears to the City of Carbondale that a violation of this Ordinance has occurred, the City of Carbondale shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.
- 1362.2 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- 1362.3 An enforcement notice shall be in writing and shall state at least the following:
- a. The name of the owner of record and any other person against whom the City of Carbondale intends to take action;
 - b. The location of the property in violation;
 - c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - e. A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
 - f. A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- 1362.4 In any appeal of an enforcement notice to the Zoning Hearing Board, the City of Carbondale shall have the responsibility of presenting its evidence first.
- 1362.5 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City of Carbondale if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
1363. Penalties and Remedies.
- 1363.1 District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.
- 1363.2 Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Carbondale, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City of Carbondale

as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City of Carbondale may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

- 1363.3 The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- 1363.4 Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the City of Carbondale the right to commence any action for enforcement pursuant to this Ordinance.

13.7 Appeal from Zoning Officer.

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

1371. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
1372. Appeals from a determination by the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
1373. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
1374. Appeals from any determination of the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

13.8 Public hearings and notice.

- 1381. All procedures shall be completed in compliance with the PA Municipal Planning Code and Article 11.5 of the Ordinance.
- 1382. Rehearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 1383. Publication, Advertisement and Availability of Ordinances
All processes related to the Amendments for the ordinance shall be completed in compliance with the Pennsylvania Municipal Code (MPC).

13.9 Filing fees.

- 1391. The City of Carbondale City Council shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
- 1392. The schedule of fees shall be available in the City of Carbondale Council Building.
- 1393. All such fees shall be payable to City of Carbondale.
- 1394. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.