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City of Allentown Zoning Ordinance

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How to Use This Ordinance

This summary is intended to describe the best way to use this Ordinance. It is intended to be a user's guide, not part of the actual ordinance.

The Zoning Ordinance is comprised of 17 articles, or sections, and the Official Zoning Map. While each article is an integral part of the ordinance, for most applications it may only be necessary to consult a few key sections. Here's how to use the ordinance.

***Getting Started*:**

- ✓ Turn to the ***Table of Contents*** and the ***Index*** (found at the beginning and end of the ordinance) to find the pages that apply to your particular situation.

- ✓ Review the ***Zoning Map*** or call the Zoning Office to determine the zoning district in which your property is located. The Zoning Map is available from the Zoning Office.

- ✓ Turn to ***Article 1313, Uses Permitted by Zoning District***. This Article is comprised of a series of tables which indicate the uses permitted in each zoning district. The tables are organized by major land use category, such as residential, commercial, industrial, etc. An index of land uses is found at the beginning of this section to help in locating specific uses. These tables often refer to other regulations in the ordinance which certain uses must satisfy.

- ✓ A use may be permitted in two ways. The first is permitted "***by right***." In this case, if the application meets all of the specified requirements, a permit may be issued by the Zoning Office. The second is a use permitted by "***special exception***." In this case, the ***Zoning Hearing Board*** must approve the application after it has determined that all criteria for approval have been met.

- ✓ Look at ***Article 1315, "Area, Yard and Building Requirements"***. This Article contains each of the specific lot area, setbacks, height, building coverage and other similar requirements that a new or expanded structure must meet in each zoning district. It also contains regulations for accessory structures (garages, sheds, etc.).

- ✓ ***Article 1327, "Additional Requirements for Specific Uses"*** contains additional requirements that certain uses must meet before they can be granted a permit. The tables contained in Article 1313 will typically indicate whether or not you must refer to this section.

- ✓ Do you want to erect a fence, construct a retaining wall, or have an unusually shaped lot that makes it difficult to apply the setback requirements of Article 1315? ***Article 1311, "General Regulations and Exceptions"*** is all you need.

- ✓ Refer to ***Article 1303, "Definitions"*** for definitions of terms you may not be familiar with, or that have a particular meaning for the purposes of the Zoning Ordinance.

For more information:

The previous sections of the ordinance are not the only Articles that may affect your application. Other ***"supplemental regulations"*** may apply such as parking, signs, buffering and landscaping as follows:

DRAFT

- ✓ Many uses must provide a minimum amount of off-street parking spaces. These requirements are found in ***Article 1321, "Off-Street Parking and Loading."***

- ✓ If signs are proposed, ***Article 1319, "Signs"*** contains all of the various requirements related to the allowable number, size and location of signs.

- ✓ Certain uses that may cause a visual impact on a neighboring property are required to provide a landscaped buffer or screen according to ***Article 1323, "Buffer Yards and Other Landscaping."***

Some Other Things You Should Know:

☞ ***Variances***

As previously mentioned, permits may be granted one of two ways; either "by right" or by "special exception." If a use is not specifically permitted by either of these means, or any of the related requirements of the ordinance cannot be met, then a permit cannot be issued. But what about those situations where certain unique circumstances make it difficult, if not impossible, to meet the requirements of the ordinance?

An applicant may seek relief from the requirements of the zoning ordinance by filing an application for a variance with the City of Allentown Zoning Hearing Board. ***Article 1307, "Zoning Hearing Board; Special Exception Procedures,"*** provides information on the process and the conditions by which the board may grant ***"variances"*** and hear other matters authorized by the ordinance and state law. Generally, the PA Municipalities Planning Code requires that an applicant prove that a "legal hardship" exists before the Zoning Hearing Board may grant relief in the form of a variance. ***Article 1307*** also provides additional circumstances that must be present for the hearing board to grant a variance. Please review these carefully and consider whether your situation is able to meet these conditions before filing an application.

☞ ***Nonconformities***

If a lot, for example, is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Article 1313, that use is called a ***"Nonconforming Use."*** The same applies to ***"Nonconforming Structures and Lots."*** These are structures or lots that may not meet a particular requirement contained in this ordinance, such as a setback, parking, lot size, but were perfectly legal when initially built or established. In almost all cases, a lawful "nonconformity" can continue, can expand within certain limits, can change use, be sold and even be built upon. ***Article 1329, "Nonconformities"*** deals with all of these situations.

Still Need to Know More?

Zoning is a complex topic, especially in an older, diverse city such as Allentown where much of the building stock was constructed prior to the first Zoning Ordinance which was adopted in 1948. The staff of the ***Zoning Office*** is available to answer any questions that you may have regarding the ordinance in general, or in helping you with your specific project. Feel free to call the office at ***610-437-7630***, or stop

DRAFT

by their office in City Hall between ***8:00 a.m. and 4:30 p.m.*** In many cases, they can answer your questions right on the spot.

DRAFT

PART THIRTEEN

ZONING ORDINANCE

TITLE ONE OF THE CODIFIED ORDINANCES - ZONING

Article Number		Page
1301	Title, Objectives, Interpretation and Enactment	1
1303	Definitions	3
1305	Administration and Penalties	19
1307	Zoning Hearing Board; Special Exception Procedures	23
1309	Establishment of Zoning Districts	29
1311	General Regulations and Exceptions	34
1313	Uses Permitted by Zoning District	39
1314	Overlay District Requirements	
1315	Area, Yard and Building Requirements	76
1317	Environmental and Performance Standards	95
1319	Signs	98
1321	Off-Street Parking and Loading	112
1323	Buffer Yards and Other Landscaping	125
1325	Site Plan Review	128
1327	Additional Requirements for Specific Uses	131
1329	Nonconformities	148
1331	Requirements in Related Ordinances	152
Index		

DRAFT

ARTICLE 1301
TITLE, OBJECTIVES, INTERPRETATION AND ENACTMENT

1301.01 Short Title
1301.02 Statement of Community Objectives
1301.03 Interpretation and Conflict
1301.04 Terms Generally

CROSS REFERENCES

Purposes Under State Law - See Pa. Municipalities Planning Code §105, 604 and 606 (53 P.S. §10105, 10604 and 10606)

1301.01 SHORT TITLE. This Title One shall be known and may be cited as "The Zoning Ordinance of the City of Allentown, Pennsylvania" or the "Allentown Zoning Ordinance."

1301.02 STATEMENT OF COMMUNITY OBJECTIVES. This Zoning Ordinance is intended to serve the following community development objectives:

1. Encourage the most appropriate use of land;
2. Prevent the overcrowding of land;
3. Conserve the value of land and buildings;
4. Lessen the congestion of traffic on the roads;
5. Avoid undue congestion of population;
6. Provide for adequate light and air;
7. Secure safety from fire, flood and other dangers;
8. Facilitate adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks and other public facilities;
9. Give reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses;
10. Give effect to the policies and proposals of the City of Allentown Comprehensive Plan as recommended by the Planning Commission and adopted by Council;
11. Serve purposes and objectives stated in the City of Allentown Comprehensive Plan;
12. Permit the efficient interaction of land use while providing for the optimum flow of traffic;
13. Provide for community facilities to serve the needs generated by the future land use pattern; and
14. Serve such other purposes for zoning as are authorized in the State Municipalities Planning Code, as amended.

1301.03 INTERPRETATION AND CONFLICT. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare. Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any lawfully adopted rules, regulations or ordinances applicable to the City or with one another, the most restrictive upon uses, structures or other development, or that imposing the higher standards shall be controlling.

DRAFT

1301.04 TERMS GENERALLY. The present tense shall include the future, the singular number shall include the plural and the plural the singular. The word “shall” is always mandatory and the word “may” is permissive. The masculine shall include the feminine. The word “sale” includes “rental.”

1301.05 ENACTMENT. This Zoning Ordinance is hereby enacted and ordained, and shall take effect 20 days following its passage by Council and approval by the Mayor.

DRAFT

ARTICLE 1303
DEFINITIONS

CROSS REFERENCES
Definitions in State Law - See State Municipalities Planning Code §107 (53 P.S. §10107)
Public Hearing and Notice - See State Municipalities Planning Code §610 (53 P.S. §10610)

1303.01 DEFINITIONS OF TERMS. For the purposes of this Zoning Ordinance, the following terms shall be defined as stated below:

Accessory Building, Structure or Use means a building, structure, use or portion of a building structure or use customarily incidental or subordinate to the principal building structure or use and located on the same lot with such building, structure or use. An accessory structure attached to a principal structure, shall be regulated as part of the principal structure.

Abut means to have a common boundary or being along contiguous lot lines that are not separated by a street or alley.

Adaptive Reuse means the conversion of all or at least 75% of a principal building that was constructed for and used for principal commercial, institutional or industrial uses without any principal residential use into dwelling units. The conversion into dwelling units of a commercial storefront with a floor area of less than 5,000 square feet shall not be considered an "Adaptive Reuse".

Adjacent means being along lot lines that are contiguous or that are only separated by a street or alley.

Adult Day Care Center means a facility in which adult daily living services are simultaneously provided for 4 or more clients who are not relatives of the operator for part of a 24-hour day.

A. **Client** means a person 16 years of age or older who requires assistance to meet personal needs and perform activities of daily living.

Adult Use means the following uses: Adult Book Store, Adult Motion Picture Theater or Cabaret.

A. **Adult Book Store** means a commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, videotapes, computer software, photographs or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (see definitions below).

B. **Adult Motion Picture Theater** means an establishment used for presenting films, videotapes or similar images distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" for observation by paying patrons therein.

C. **Cabaret** means a club, bar, tavern, theater, hall or similar place which features topless female or bottomless male or female dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

DRAFT

D. **Specified Anatomical Areas** mean less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.

E. **Specified Sexual Activities** mean:
   1. Human genitals in a state of sexual stimulation or arousal;
   2. Acts of human masturbation, sexual intercourse or sodomy; and
   3. Fondling or other erotic touching of human genitals, pubic region or female breast.

Airport means an area that is used for the landing and take-off of motorized aircraft that carry people, and related support facilities such as maintenance, refueling and parking. See also "Heliport."

Allentown City Planning Commission, "Planning Commission" or "Commission" mean the City of Allentown Planning Commission.

Alley means a public thoroughfare having a right-of-way width of 20 feet or less, regardless of how named.

Amusement Arcade means a structure, or portion of a structure, open to the public, which contains coin operated games and similar entertainment and amusement devices.

Apartment - See "Multi-Family" under "Dwellings."

Arterial Street means a Public Street categorized by the City of Allentown Comprehensive Plan as an "Arterial Street."

Auto Body Shop means a facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. An Auto Body Shop may also include other types of auto repairs.

Auto Sales means a use involving the sale or rental of operable motor vehicles, boats, trailers, recreational vehicles, boat trailers, trucks, construction vehicles or similar equipment. Auto Repair may occur as an accessory use.

Automobile Wrecking - see "Junkyard."

Banquet Hall means an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; and 2) the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public.

Basement means a portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground. See definition of "Story."

Bed and Breakfast Inn means a building involving the rental of overnight sleeping accommodations for temporary visitors to the area, provides meals for overnight guests only and which does not routinely involve rental of accommodations for periods of more than 14 consecutive days.

DRAFT

Betting Use means a use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as "membership club").

Block face means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the block face parallel to the lot's front lot line.

Bring Your Own Bottle Establishment (BYOB) means a place of assembly or any other use defined in this ordinance, other than a dwelling unit, including but not limited to restaurants, taverns, clubs and social buildings, that is not licensed by the Pennsylvania Liquor Control Board, in which no intoxicating beverages are sold, but where patrons are permitted to bring intoxicating beverages upon the premises for their own use and consumption only.

Building means any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.

Building Coverage means that percentage of the lot area which may be covered by all buildings as herein defined.

Bus means a motor vehicle other than a taxicab or limousine, designed to transport 16 or more passengers, including the driver. (14469 §1 02/22/07)

Business or Commercial Districts mean the B-1/R, B-2, B-3, B-4, and B-5 districts.

Business Services means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; and protective services.

Car Wash means a building or portion thereof where automobiles are cleaned mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment or other device.

Cellar means a portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story.

Cellular Telephone means a system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

Certificate of Occupancy means a certificate issued by code enforcement officials of the City of Allentown upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. See Section 1305.03.

DRAFT

Certificate of Zoning Ordinance Compliance means a certificate issued by the zoning officer acknowledging compliance with all requirements of the Zoning Ordinance, including but not limited to, variances granted by the Zoning Hearing Board, non-conforming rights of structures, land or uses, and all standards pertaining to height, bulk and setbacks.

Check Cashing Business means an establishment engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term shall not include any of the following: a) a state or federally chartered bank, savings association, credit union, or industrial loan association, or b) a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

Child Care means care given to 4 or more children under 16 years of age, away from the child's own home, given for part of a 24-hour day, on a regular basis. Child care does not include care furnished in churches during religious services, care in public or private elementary junior high or high schools before, during or after hours of instruction, nursery schools, or care given by relatives. See definition of "Relative" in this Section.

A. **Child Care Center** means a facility, other than a dwelling unit, in which child care is provided for 7 or more children at any one time. A child care center may be a customarily incidental accessory use to a place of employment, such as an office or manufacturing use, if care is primarily given to children of employees of the principal use.

B. **Group Child Care Home** means a dwelling unit in which child care is provided simultaneously for 7 to 12 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.

C. **Family Child Care Home** means a dwelling unit in which child care is provided simultaneously for 4 to 6 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.

Church - see "Place of Worship."

City means the City of Allentown.

City Council or "Council" means the City Council of the City of Allentown.

College means a post secondary educational institution authorized by the State of Pennsylvania to award associate, baccalaureate or higher degrees.

Commercial Communications Antenna means any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

DRAFT

Commercial Communications Tower means a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communications antennas.

Commercial Vehicle means a motor vehicle that is a Class V vehicle or above and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business, or in accomplishing physical work as part of a business (such as hauling material). (14469 §1 02/22/07)

Common Open Space means land that is dedicated to and accepted by a government entity, or dedicated to a homeowner association or other responsible entity approved by the City for the purposes of active or passive recreation or nature conservation. Such land shall be open to responsible use by residents of the development and/or to the general public. Such land shall be permanently protected by a deed restriction and/or conservation easement in a form acceptable to the City to prevent such land from being developed, except for approved non-commercial recreation uses.

Community Center means a building used for recreational, social, educational and cultural activities owned and/or operated by a public or nonprofit group or agency. The use may also include the nonprofit preparation and provision of meals for senior citizens. Any residential uses or a "treatment center" shall only be permitted if they also comply with the requirements for such use.

Community Garage means a group of private garages, detached or under one roof, arranged in a row or around a common means of access, for the use of residents in the immediate vicinity.

Comprehensive Plan means the official City of Allentown Comprehensive Plan, as adopted by City Council, and as may be amended.

Dormitory means a building or portion thereof which contains living quarters for five or more students, staff or members of a college, university, primary or secondary boarding school, theological school, hospital, religious order or comparable organization, provided that such building is either owned or managed by such organization and contains not more than one cooking and eating area.

Drive-In or Drive-Thru Use means an establishment which provides for some or all customers to receive services, obtain food or other goods, or be entertained while remaining in their motor vehicles.

Drug and Alcohol Rehabilitation Facility means a facility which provides residentially based treatment and rehabilitation and/or out-patient services. The residentially based facility may include room and board, personal care, and intensive supervision and case work for no more than 30 patients. Both the residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic as defined in this Ordinance. The foregoing definition shall not be deemed to include a Veterans Treatment Center as defined in this Ordinance and any references in this Ordinance to a drug and alcohol rehabilitation facility shall not include any such Veterans Treatment Center.

Dwelling Types - "Dwelling Units" are residences categorized into the following dwelling types:

A. **Single Family Detached Dwelling** means one "dwelling unit" in a detached building that has open yards on all sides.

B. **Twin Dwelling** means one "dwelling unit" that is attached to a second "dwelling unit," provided that: a) the two dwelling units are completely separated by a vertical fire-resistant wall, b) one

side yard is adjacent to each dwelling unit, and c) each dwelling unit has its own entrance/exit to the outside.

C. **Rowhouse or Townhouse** means one "dwelling unit" that is attached to two or more other "dwelling units," provided that: a) each dwelling unit is completely separated from each other by vertical fire-resistant wall(s), b) one side yard is adjacent to each end dwelling unit, and c) each dwelling unit has its own entrance/exit to the outside.

D. **Multi-Family Dwellings or Apartments** mean three or more "dwelling units" within a building that do not meet the definition of a "Rowhouse or Townhouse." For example, three or more units that are separated by floors as opposed to vertical walls shall be considered apartments.

E. **Low-Rise Multi-Family Dwellings** mean Multi-Family Dwellings that involve 3 or less stories.

F. **Mobile/Manufactured Home** means a type of Single Family Detached Dwelling that is constructed off-site in a manner that does not require a perimeter foundation, and which arrives at the site in one or two substantial pieces, and which is designed for permanent occupancy. A Mobile/Manufactured Home shall not include a "Sectional" Dwelling that is constructed to fully comply with all City Building Codes.

G. **Two Family Dwelling** means two dwelling units within one building, but not including dwellings that meet the definition of a "Twin Dwelling." May also be referred to as a "duplex."

Dwelling Unit means a room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, and which is occupied by a maximum of one "family" living as a single common household.

Efficiency Unit means a dwelling unit providing a sleeping area in combination with one or more other living areas within the dwelling unit.

Employees means the highest number of full-time and part-time workers present on a lot at one time, other than clearly temporary persons working on physical improvements to the site. The term "employees" includes, but is not limited to, volunteers and contractors working on-site.

Extremely Hazardous Substances - Substances defined as, and in excess of the "threshold planning quantity" indicated for, Extremely Hazardous Substances in 40 Code of Federal Regulations Part 355, or its successor regulation.

Facade means the total wall surface, including door and window area, of a building's principal face. In the case of corner buildings which front on more than one street, only one face shall be used to calculate facade area.

Fall Zone means the area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and subject to the review and approval of the City Building Inspector.

Family means either one of the following:

A. Any number of individuals living together on a non-transient basis as a single housekeeping unit doing their cooking on the premises, when the individuals are related by blood, marriage, or adoption, including any number of foster children, under the full-time care of resident parents or resident persons acting in loco parentis; or

DRAFT

B. A maximum of 4 unrelated persons living together as a single housekeeping unit doing their cooking on the premises, without any additional boarders.

Fence means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected for the enclosure of areas.

Flood Plain means the relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. See the definitions of terms in Article 1393 of the Codified Ordinances of the City of Allentown entitled "Flood Control."

Floor Area means the total horizontal areas of the floors of a building, measured inside exterior building walls or party walls separating two buildings. Floor area shall not include vehicle garages, loading space for motor vehicles, uninhabited basement storage areas, unenclosed porches, air shafts, common mechanical equipment rooms, cellars or any space where the ceiling height is less than 6.5 feet.

A. **Habitable Floor Area** means the "Floor Area" of a dwelling unit or other rental unit which is enclosed, heated and usable for human occupancy. Common stairwells, common hallways and elevator shafts shall not be included within Habitable Floor Area.

Floor Area Ratio means the total "Floor Area" of all buildings on a lot divided by the lot area as shown on the following illustration:.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Total Floor Area}}{\text{Total Lot Area}}$$

Fraternity or Sorority House means a building designed or arranged for occupancy by an incorporated nonprofit organization of full-time students of an accredited college or university.

Garage - See "Private Garage."

Gasoline Station means an establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

Government Offices and Structures means the offices of any department, independent agency or instrumentality of the United States, State of Pennsylvania, County of Lehigh, or City of Allentown.

Governmental means owned or operated by City, County, State or Federal governmental agencies or a City authority.

Group Home means residential clients and attendant (24 hours or less) staff, living together in a dwelling unit and functioning as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. The resident clients of a group home must be limited to persons who need specialized housing because of age, disability or illness, and may include, but not necessarily limited to children, the mentally or physically handicapped and elderly, but shall not include drug and alcohol rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses.

A. **Small Group Home** has five or six resident clients. Any number of resident clients less than five is to be considered a "family."

B. **Large Group Home** has seven or more resident clients, up to a maximum of 12 resident clients.

Habitable Floor Area - See under "Floor Area."

Halfway House means a residential facility housing a maximum of 15 persons who receive therapy and counseling under the supervision and constraints of alternatives to imprisonment, such as, but not limited to, pre-release, work release, restitution, or probationary programs or a non-residential facility involving similar types of programs.

Handicapped means (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, and (2) a record of having such an impairment, but does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Height of Building means the vertical distance measured from the average ground level at the front of the building to the extreme high point of the building exclusive of chimneys, parapets and similar fixtures.

Height of Tower means the overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

Heliport means an area that is used for the landing and take-off of helicopters and includes some or all of the auxiliary facilities useful to helicopter operations such as helicopter parking, fueling and maintenance equipment.

Helistop means an area that is used for the landing and take-off of helicopters. Such term may include the parking of a helicopter. However, such term shall not include the fueling or repair of helicopters, which are intended to occur at an airport.

Historic Building(s), Area(s) or Site(s) means any building, area, or site that is: (a) listed individually on the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Home Occupation means a routine and customary non-residential use conducted within or administered from a portion of a dwelling, which is: a) clearly accessory to the residential use, b) primarily conducted by resident(s) of the dwelling, and c) meets the standards of Section 1327. Home occupations may include, but are not limited to, creation of handicrafts, individualized instruction such as in music or tutoring, computer data-inputting, accessory home offices, and dressmaking, but shall not include contract sewing, photo studios, personal services, music, dance or business school or school of any kind with organized classes, or similar activities. A "Home Occupation" also includes activities meeting the definition and requirements of a "No Impact Home Based Business" pursuant to the Pennsylvania Municipalities Planning Code as amended.

Hospital means an institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities, or training facilities. For the purposes of this Ordinance, the term "hospital" shall not include a use that primarily involves drug and alcohol treatment, although such activity may occur as an accessory use incorporated within a general hospital building

Hotel or Motel means an establishment where the public may obtain, for monetary compensation, sleeping accommodations, and which primarily serves transient visitors to the area for stays of customarily 30 days or less. A Hotel or Motel may also include restaurant(s), meeting facilities, an accessory tavern, and a dwelling unit for the manager of the hotel. A Hotel or Motel may also include dwelling units if all of the requirements for such uses are also met.

Industrial District means the B/LI, I-2, and I-3 districts.

Institution or Residence for Children, the Aged, or the Handicapped means a group residential facility that provides supportive services and treatment as well as residence or more than 12 unrelated persons including but not limited to children, juvenile delinquents, the mentally or physically handicapped and elderly, but not including drug and alcohol treatment or rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses.

Intoxicating Beverages means any and all beverages, including malt beverages which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code 47 P.S. ' 1-101, et seq.

Junk and/or Scrap Yard means any area and/or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles or equipment of any kind. Such operation may include the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Kennel means a place, including a dwelling unit, in which more than six (6) dogs or domesticated animals more than four months old are housed, bred, boarded, or sold. This term shall not include: a) the routine keeping of animals within a veterinary office while undergoing recuperation, or b) a permitted retail pet store.

Live Work Unit or Live Work Space means a dwelling unit or other space within a building that is used jointly for residential and non-residential purposes that typically exceed those of a home occupation use pursuant to the regulations contained herein.

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

Lot Area means the total area within the lot lines of a lot expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

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Lot, Corner means a parcel of land at the junction of and fronting on 2 or more intersecting streets.

Lot Coverage - See "Building Coverage."

Lot Frontage means a property line or portion thereof which is co-existent with a street right-of-way line. In the case of a street of undefined width, the property line shall be assumed to parallel the center line of the street at a distance 25 feet therefrom.

Lot Line - See "Property Line."

Lot, Through or Double Frontage means a lot having its front and rear yards each abutting on a street as defined herein.

Lot Width means the horizontal distance between the side property lines measured at right angles to its depth, and at a point which constitutes the rear line of the required front yard space.

Low Rise Multi-Family - See under "Dwelling."

Manufactured Home - See under "Dwelling."

Manufactured/ Mobile Home Park means a lot under single ownership which includes 3 or more "manufactured/mobile homes" for residential use.

Manufacturing means the treatment or processing of raw products, and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

Massage Establishment means a commercial use where manipulative exercises are conducted in return for financial compensation upon one person by another person. Such use shall meet all of the requirements of Article 1157 of the Codified Ordinances for a "Massage Establishment."

Membership Club means a building to house a club or social organization not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, café or other public place.

Mobile Home Park - See "Manufactured Home Park."

Motel - See "Hotel or Motel."

Multi-Family Dwelling - see under "Dwelling."

Municipalities Planning Code means the Pennsylvania Municipalities Planning Code, as amended.

Nonconforming Lot means a lot of record that existed with a lawful lot area or lot width prior to the adoption date of this Ordinance or amendment, but which lot area or lot width fails to conform to the current required minimum lot area and/or lot width for the applicable zoning district.

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Nonconforming Structure means a structure, or part of a structure that does not comply with the applicable yards or other dimensional or bulk provisions in this Ordinance as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use means a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Non-Residential District means a zoning district other than a "Residential District."

Nursing Home means a facility licensed by the State of Pennsylvania as a "Nursing Home" and which provides residential accommodations and health care to persons who, by reason or advanced age, chronic illness, accident or infirmity, are unable to care for themselves. The term does not include drug and alcohol rehabilitation facilities as defined by this ordinance.

Office means a room or group of rooms used for conducting the affairs of a business, professional service, industry or government.

Open Porch means a roofed structure, open on 3 sides, and having no enclosed features of glass, wood or other material more than 36 inches above the floor thereof, except for transparent mesh screening and necessary roof supports. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

Open Space means an unoccupied space open to the sky on the same lot with a principal and/or accessory structure.

Ordinance means the City of Allentown Zoning Ordinance.

Outdoor Storage means the storage of goods, products, materials, vehicles not in service, equipment and similar items in an unenclosed area for preservation, later use, or disposal. For purposes of this ordinance, this definition does not include the storage of trucks and/or tractor trailers unless as accessory to another permitted principal use.

Parking Space means a designated indoor or outdoor space meeting City requirements that is intended to accommodate one motor vehicle.

Party Wall means a vertical wall built between and to support contiguous buildings.

Pawn Shop means an establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

Personal Care Center means a facility which provides, on a regular basis, housing, limited health care and specialized assistance with daily living to individuals who do not need care within a hospital or nursing home, but who need such care because of their advanced age, physical or mental handicap or

DRAFT

illness. The term Personal Care Center shall only include facilities licensed as such or an Assisted Living Facility by the Pennsylvania Department of Public Welfare or its successor agency.

Personal Services means an establishment that provides a service oriented to the personal needs of the general public, and which is not primarily a retail or wholesales sales business. Personal services include, but are not limited to: haircutting/hairstyling, shoe repair, nail salons, and closely similar uses. An Adult Use shall not be considered to be "Personal Services."

Pigeon Coop means a cage or small enclosure for the purpose of housing pigeons.

Place of Worship means a building or group of buildings including customary accessory buildings designed or intended for public worship by 10 or more persons at one time. For the purpose of this Ordinance, "Place of Worship" includes churches, chapels, cathedrals, temples, mosques and similar designations as well as accessory residential uses permitted under Article 1327.

Plan, Certified means a plan prepared by a State-licensed and registered professional engineer, architect, landscape architect or surveyor. All certifications shall meet applicable state laws.

Planning Commission - See "Allentown City Planning Commission."

Preliminary Opinion means a written review and opinion given by a zoning officer as provided in Section 1305.02 of this Ordinance.

Principal Structure or Use means a structure or use in which is conducted the main or principal use of the lot on which such structure or use is located.

Private Garage means a building that is accessory to a principal dwelling(s) and is used primarily for the parking of a maximum of three motor vehicles. Such a garage shall not be used for business purposes, unless specifically approved for such purposes, nor shall any repairs be made to motor vehicles within the garage other than to those vehicles registered to the property owner or lessee of any dwelling located on the property. Such a garage may be used for the parking of a maximum of one commercial vehicle, which shall be operated by a resident of the lot. See Section 1315.04.

Property Line or **Lot Line** means a line forming the front, rear or side boundaries of a lot or parcel of property as described in the recorded deed.

Public Notice means notice required under the State Municipalities Planning Code. (Note: As of the date of adoption of this Ordinance, such notice was required to be given not more than 30 days in the case of the first publication, and not less than 7 days in the case of the second publication in advance of any public hearing required by this Zoning Ordinance. Such notice shall be published once each week for 2 successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.)

Public Utility Transmission Tower means a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

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Recycling Center, Bulk means a use involving the bulk separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve: highly hazardous or toxic substances, incineration, putrescent waste or a junkyard. Waste materials shall be stored only for the short term and shall be transported from the site on a regular basis.

Relative means spouse, parent, guardian, child, grandparent, grandchild, great grandparent, great grandchild, stepparent, stepchild, stepbrother, stepsister, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.

Repair Garage means a facility other than a private garage, which is used for the storage, servicing and repair of automobiles or other motor vehicles, which may also include the supplying of oil, gasoline, and similar fuels. Such use may only include Auto Sales if the requirements for such use are also met.

Residential Conversion means to increase the number of dwelling units within an existing residential or mixed use building consisting of three or less dwelling units.

Residential District means the RSO, RLC, RL, RML, RMLP, RM, RMP, RMH and RH districts. (14430 §1 10/12/06)

Restaurant means any establishment, however designated, at which ready-to-eat food and beverages are sold, and at least a portion is consumed on the premises. A facility that primarily involves off-site delivery of ready-to-eat food shall also be considered a restaurant. A snack bar at a public or community playground, playfield, golf course, park or swimming pool operated solely by the agency or group operating the recreational facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant. A restaurant may include the sale of alcohol, but if it meets the definition of a "Tavern" then the requirements for a Tavern shall also be met.

Restaurant, Drive-In or Drive-Thru means a restaurant where at least a portion of patrons order and are served food and non-alcoholic drinks while seated in their vehicles for consumption outside the confines of the principal building or in vehicles parked upon the premises.

Restaurant, Take-Out means any establishment that primarily serves ready to eat food and/or beverages for consumption off the premises.

Retail Use, means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail store may include the creation of custom crafts, such as jewelry or leather items, as an accessory use.

Rooming House and/or Boarding House means a building where lodging is provided with or without meals for 3 or more persons as their primary residence who are not members of the operator's family, and for compensation, whether direct or indirect. This term shall not include lawful dwelling units that are each occupied by one "family", nor shall it include nursing homes or personal care centers; fraternities; sororities; or dormitories.

Rowhouse - See under "Dwelling."

Sale means purchase or rental of goods, or provision of services, in return for monetary compensation.

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School, Elementary means any public or private institution of learning licensed by the State of Pennsylvania and which meets the state requirements for elementary education.

School, Secondary means any public or private institution of learning licensed by the State of Pennsylvania and which is authorized to award diplomas for secondary education.

School, Vocational or Trade means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade meeting the state requirements as a vocational facility.

Semi-Detached Dwelling or Twin Dwelling - See under "Dwelling."

Setback Line means the line beyond which structures may not be erected.

Shopping Center means a building including 5 or more distinct retail sales and/or personal service establishments or other permitted uses that are entirely separated from each other by vertical walls from floor to ceiling and have their own independent access. A lot including a Shopping Center may also include permitted detached buildings occupied by permitted uses.

Sign - See Section 1319.01.

Single Family Detached Dwelling - See under "Dwelling."

Solid Waste Transfer Facility means land and/or structures where solid waste is received and temporarily stored at a location other than the site where the waste was generated, and which facilitates the bulk transfer of accumulated solid waste to a different site for disposal. A Transfer Facility may also include separation and/or processing of recyclables.

Sorority House - See "Fraternity or Sorority House."

Special Exception means a use which by virtue of its own peculiar characteristics may be permitted in particular areas only after review, hearing and approval by the Zoning Hearing Board.

Stadium means a large open or enclosed structure used for games and major events and partly or completely surrounded by tiers of seats for spectators.

State means the Commonwealth of Pennsylvania, and its governmental agencies.

Story means that part of a structure included between any floor and the floor or roof next above and which has an interior height of at least 7.5 feet. When regulating the maximum height of buildings, the term "story" shall not include a basement if the basement is not designed for living quarters and if the floor thereof is more than 4 feet below the average ground level at the front of the building. Story shall not include an attic not designed for living quarters. (14326 §1 11/17/05)

Street means a thoroughfare publicly or privately owned, open to general public use and having a right-of-way width of more than 20 feet.

DRAFT

Streetscape means the overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks and bulk, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

Street Line means the right-of-way or established property line of a street as indicated by dedication or by deed of record.

Structures means anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground. Fixed or movable awnings shall not by themselves be considered a structure for the purposes of this Ordinance. See also definition of "Buildings."

Student Residence means a living arrangement consisting of three or four full-time or part-time students living in a dwelling unit, one or more of whom are unrelated by blood, marriage or adoption, and who:

a) attend undergraduate colleges or universities,
b) attend graduate programs at colleges or universities,
c) are on a semester or summer break from studies at colleges or universities, or
d) any combination of such persons.

The residents of a Student Residence shall live in a dwelling unit as a single housekeeping unit, doing their cooking on the premises. A Student Residence shall not include dormitories, fraternities or sororities. The Student Residence living arrangement shall only be regulated within the Student Residence Overlay District. In all other districts where three or four unrelated students live together, the definition of "Family" shall prevail.

Tavern means an establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages are served or sold as accessory to the primary use.

Temporary Shelter means a facility operated by a nonprofit agency providing temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (such as fire, flood, domestic violence, condemnation, court ordered eviction, or other urgent event) or homelessness.

Theater, Drive-In means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in vehicles or outdoor seats.

Total Area of the Tract means the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space. (14487 §2 06/08/07)

Townhouse - see under "Dwelling."

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Tractor means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn. (14463 §1 12/21/06)

Tractor Trailer means every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a tractor as defined by this ordinance. (14463 §1 12/21/06)

Trucking Terminal means an area and/or building where trucks load and unload materials on a regular basis, or where tractor trailers are transferred from one tractor cab to another for the purpose of continuation to another destination, or where trucks or tractors or tractor trailers are stored, parked or waiting for dispatch. (14538 §1 11/07/07)

Twin Dwelling - see under "Dwelling."

Two-Family Dwelling or Duplex Dwelling - see under "Dwelling."

University - see under "College."

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

Veterans Treatment Center means a facility which provides residentially based treatment and rehabilitation and/or out-patient services for veterans and veterans' family members. The residentially based facility may include room and board, personal care, and intensive supervision, including but not limited to treatment for drug and alcohol abuse, Co-Occurring Disorders ("PTSD"), family education and intervention, education, and mentoring programs and case work for no more than 60 patients. Both the residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic as defined in this Ordinance. For purposes of this definition, a "veteran" means an individual who has served in the armed forces of the United States and any reserve component thereof.

Visitor's Center means a facility providing educational and informational exhibits and materials to visitors to the area, and which may include accessory retail sales of books, souvenirs and similar items.

Warehouse means a building used primarily for the storage of goods and materials.

Wholesale use means an establishment or place of business primarily engaged in selling merchandise to retailers and 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.

Yard, Front (required) means an area extending along the full length of a front lot line wholly between side lot lines and back to a line drawn parallel to the front lot line at a certain distance from the front lot line. The minimum front yard requirements of this Ordinance specify a minimum measurement (setback) from the front lot line within which the location of structures is restricted.

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Yard, Rear (required) means an area extending along the full length of a rear lot line wholly between side lot lines and back to a line drawn parallel to the rear lot line at a certain distance from the rear lot line. The minimum rear yard requirements of this Ordinance specify a minimum measurement (setback) from the rear lot line within which the location of structures is restricted.

Yard, Side (required) means an area extending from the front setback line to the rear setback line along a side lot line and back to a line drawn parallel to the side lot line at a certain distance from each side lot line. The side yard does not include areas within a required front yard or rear yard. The minimum side yard requirements of this Ordinance specify a minimum measurement (setback) from each side lot line within which the location of structures is restricted.

Yard Sale means all general sales, open to the public, conducted from a residential property in any zoning district, for the purpose of disposing of household items including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "basement", "auction", "backyard", "patio", "flea market", "rummage" or "moving" sale. (14628 §1 9/4/08)

Zoning Hearing Board means the Zoning Hearing Board of the City of Allentown, known also as the Board.

Zoning Officer means the Zoning Supervisor and any assistants authorized to administer and enforce this Ordinance.

Zoning Ordinance means Ordinance No._____, passed _____, as amended, which is codified as Title One of this Part Thirteen - Zoning Code.

Zoning Permit means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Zoning Ordinance for the district in which it is located or is to be located.

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ARTICLE 1305
ADMINISTRATION AND PENALTIES

1305.01 Zoning Officer; Enforcement; Notice of Violations
1305.02 Zoning and Building Permits
1305.03 Certificates of Occupancy and Zoning Ordinance Compliance
1305.04 Amendments to this Ordinance
1305.05 Content of Public Notice for Amendments
1305.06 Amendment Publication after Enactment
1305.07 Severability
1305.08 Effect on Other Ordinances
1305.09 Penalties

CROSS REFERENCES TO PA. MUNICIPALITIES PLANNING CODE ("PMPC")
Appointment and Powers of Zoning Administrator - See PMPC Section 614 (53 P.S. §10614)
Enforcement Penalty and Remedy - See PMPC Sections 616 and 617 (53 P.S. §10616 & §10617)
Appeals from Zoning Officer - See PMPC Section 909 (53 P.S. §10909)

1305.01 ZONING OFFICER; ENFORCEMENT; NOTICE OF VIOLATIONS

A. The provisions of this Zoning Ordinance shall be enforced by the Zoning Supervisor, and Zoning Officers. For purposes of this ordinance, the term "Zoning Officer" shall apply to both positions.

B. It shall be the duty of the Zoning Officer to keep a record of all applications for permits and a record of all permits issued, with a notation of all special conditions involved. All plans and documents filed in connection with any application shall become part of the record of the zoning office.

C. If the Zoning Officer finds that any of the provisions of this Zoning Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. An Enforcement Notice shall be provided meeting the requirements for such notice as are stated in the Municipalities Planning Code. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

1305.02 ZONING AND BUILDING PERMITS; TIME LIMITATIONS

A. Zoning Permits.

1. Permit Required. A Zoning Permit shall be required from the Zoning Officer prior to any of the following:

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a. the initiation of a new or expanded use of land or structures or the development of new or expanded outdoor storage and display, parking and/or loading docks,

b. the construction, expansion or placement of any structure or part of structure thereof,

c. the construction, extension or placement of any stationary sign, "portable sign" or billboard, other than signs specifically exempted by this Ordinance from permit requirements.

2. Application. All requests for zoning permits shall be made in writing by the owner or by his/her authorized agent on forms supplied by the Zoning Officer. When determined to be necessary by the Zoning Officer, the application shall be accompanied by a certified plan drawn to scale, showing the proposed structures and uses in their exact location, in relation to lot and street lines.

3. Compliance. No zoning permit shall be issued for any conversion, addition or alteration or change in use of any existing structure unless that structure meets all requirements of this Ordinance.

4. Preliminary Opinion of Zoning Officer. The provisions of the Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were within Section 916.2 of such Act.)

a. Fees. All persons requesting a preliminary opinion of the Zoning Officer shall be subject to the payment of a reasonable fee, to be established pursuant to the provisions of the City's Administrative Code, to cover the costs of preparing and publishing an advertisement as required by the Municipalities Planning Code.

B. Building Permits. Building permits shall be secured from the Building Inspector prior to starting any construction, erection or alteration of any building, structure, street sign or billboard, but such building permits shall be issued only after receipt by the Building Inspector of a copy of the required zoning permit. Display of the building permit on the premises, as required by the Building Code, shall serve the purpose of the zoning permit on the construction.

C. Time Limits on Permits, Variances and Approvals. A zoning permit for a use, structure or sign and any related decision of the Zoning Hearing Board shall only remain valid if:

1. required City permits are issued and work is actively initiated within 12 months after the date of issuance of the zoning permit or Board decision; and

2. all construction work is completed and the use is established within 24 months after the date of issuance of the zoning permit or Board decision.

D. Notice of Starting Work. The Zoning Officer shall be given at least 24 hours notice by the owner or applicant prior to commencement of work at the site under zoning or building permits. In the case of construction of a new building or building addition, the Zoning Officer shall be given notice at least 24 hours before footings are constructed.

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1305.03 CERTIFICATES OF OCCUPANCY AND ZONING ORDINANCE COMPLIANCE

A. If a Certificate of Occupancy is required under another City code or ordinance, and if the activity involves a new building or change in the type of use, then a signature shall be required by the Zoning Officer on the Certificate of Occupancy prior to occupancy of the building or affected portion thereof. Such signature is intended to show that such building or use complies with this Ordinance, to the best knowledge of the Zoning Officer.

B. Upon request, a Certificate of Zoning Ordinance Compliance may be issued by the Zoning Officer certifying that an existing building, structure or use complies with all applicable provisions of the Zoning Ordinance and/or decisions of the Zoning Hearing Board. The City may require a fee for the issuance of such a certificate, said fee to be established in accord with the provisions of the City's Administrative Code.

1305.04 AMENDMENTS TO THIS ORDINANCE.

A. Amendments. The regulations, restrictions and the classification of buildings, structures and land and the manner of establishing the boundaries of districts, contained in this Zoning Ordinance, may from time to time and after public notice and hearing, be amended, supplemented or changed by City Council. The procedural requirements of the Municipalities Planning Code shall be met.

B. Hearing and Review. Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the planning agency, Council shall submit each such amendment to the Allentown City Planning Commission and the Lehigh Valley Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

C. Revisions After Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised, to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

D. Vote. An affirmative vote of at least 4 members of Council shall be required to pass the proposed amendment, supplement or change.

1305.05 CONTENT OF PUBLIC NOTICE FOR AMENDMENTS

A. Legal Ad. Public notices of proposed amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the City where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

B. Posting. If a proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the

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Zoning Officer along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

1305.06 AMENDMENT PUBLICATION AFTER ENACTMENT. After enactment, if the advertisement of an amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the City where copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost of reproduction thereof and available for examination without charge. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

1305.07 SEVERABILITY. If any part of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the Zoning Ordinance, which shall remain in effect. City Council declares that it would have passed the Zoning Ordinance and each section and subsection thereof, except the part declared unconstitutional or invalid, if it had knowledge that such part would be declared unconstitutional or invalid.

1305.08 EFFECT ON OTHER ORDINANCES. No provision of this Ordinance shall be interpreted as superseding any greater restriction or regulation contained in any other ordinance of the City.

1305.09 PENALTIES

A. Actions for Compliance. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance, the Zoning Officer of the City, in addition to other remedies, may institute in the names of the City any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

B. Penalties. Any person, partnership or corporation who or which violates the provisions of this Zoning Ordinance, or a prior City of Allentown Zoning Ordinance then in effect, shall, upon being found liable in a civil enforcement proceeding commenced by the City, pay a judgment of not more than $500.00 Dollars plus all court costs, plus reasonable attorney fees incurred by the City. Each day that a violation is continued shall constitute a separate offense.

C. See Section 1305.01.C. of this Ordinance concerning Notice of Violations.

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ARTICLE 1307
ZONING HEARING BOARD; SPECIAL EXCEPTION PROCEDURES

1307.01	Establishment; Composition; Meetings and Decisions; Alternate Board; Compensation
1307.02	Jurisdiction
1307.03	Variances and Special Exceptions
1307.04	Appeals; Procedure; Notice and Hearing
1307.05	Content of Public Notice for Appeals and Special Exceptions
1307.06	Fee for Appeals
1307.07	Petition of Appeal to Court
1307.08	Temporary Permits
1307.09	Cancellation of Board Permit
1307.10	Special Exception Procedures

CROSS REFERENCES

Creation, Functions and Membership - See Municipalities Planning Code (PMPC) §901 et seq. (53 P.S. §10901 et seq.)
Variances - See PMPC §912 (53 P.S. §10912)
Special Exceptions - See PMPC §913 (53 P.S. §10913)
Zoning Appeals - See PMPC §1001 et seq. (53 P.S. §11001 et seq.)

1307.01 ESTABLISHMENT; MEETINGS; DECISIONS; ALTERNATE MEMBERS; COMPENSATION

A. Establishment - There is authorized, to be appointed by the Mayor, with the advice and consent of City Council, a Zoning Hearing Board consisting of 3 members. The present members of the Board shall continue in office until their terms expire. Thereafter their successors shall be appointed by the Mayor, with the advice and consent of Council, on the expiration of their respective terms, to serve for 3 years.

1. City Council may remove any member for just cause, after a public hearing. Vacancies shall be filled by appointment of the Mayor, with the advice and consent of Council for the unexpired term of any member whose place becomes vacant.
2. The Board shall elect its own officers and formulate its own rules of procedure within the confines of the Zoning Ordinance.

B. Meetings - Meetings of the Board shall be at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in his/her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact. The Board shall keep records of its examinations and other official actions.

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1. Every rule or regulation, every amendment or appeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the Zoning Office and shall be a public record.

C. Time Limits. See Section 1305.02.C.

D. Alternate Members - There is created, to be appointed by the Mayor, with the advice and consent of Council, a list of alternate members of the Zoning Hearing Board consisting of 3 members who shall perform the duties of a regular member of the Zoning Hearing Board, when it is found that regular members of the Board cannot perform due to absence or disqualification and a quorum is not reached, or as otherwise provided by the Municipalities Planning Code. Each alternate member shall be appointed for a term of three years.

1. The chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum, or as is otherwise provided under State law.
2. Any alternate members of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

E. Compensation - Each member of the Zoning Hearing Board shall be compensated the sum of thirty-five dollars ($35.00) for attendance at each officially convened hearing of the Board, unless such compensation is revised by resolution of City Council. Said compensation shall apply to regular and alternate members. Compensation shall be paid monthly by the City, upon receipt of certificates from the Secretary of the Hearing Board setting forth the date or dates the Board was in session, including the names of those members of the Board actually present at the times indicated in said certificates.

1307.02 JURISDICTION. The Zoning Hearing Board shall have jurisdiction to hear and render decisions in the following matters:

A. Substantive challenges to the validity of the Ordinance, except those brought before the Council pursuant to sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

B. Challenges to the validity of the Zoning 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 the Ordinance.

C. 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 permit application, and the issuance of any cease and desist order.

D. Appeals from a determination by the City Engineer or the Building Officer with reference to the administration of the Flood Control Ordinance.

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E. Applications for variances from the terms of the Zoning Ordinance and Flood Control Ordinance.

F. Applications for special exceptions under the Zoning Ordinance or Flood Control Ordinance pursuant to section 912.1 of the Municipalities Planning Code.

G. Appeals from the Zoning Officer's determination under section 1305.02.

H. Appeals from the determination of the Zoning Officer or City Engineer in the administration of the Zoning or Land Development Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development applications not involving Article V or VII of the State Municipalities Planning Code.

1307.03 VARIANCES AND SPECIAL EXCEPTIONS. The Zoning Hearing Board shall serve the following functions:

A. Variances

1. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
   a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
   b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
   c) That such unnecessary hardship has not been created by the appellant;
   d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
   e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Zoning Ordinance.

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B. Special Exceptions. The Board shall hear and decide requests for special exceptions in accordance with standards and criteria as found in Section 1307.10 of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

C. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant special exception approval allowing modifications to specific requirements of this Ordinance when the applicant proves to the satisfaction of the Zoning Hearing Board that:

1. Such modifications are necessary to provide a "reasonable accommodation" required by the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable State law, as amended.
2. Only persons who the applicant proves have "disabilities" as defined in and protected by such laws are served.
3. The standards for such accommodation found in Section 1327 are met.

D. Other Authority. The Zoning Hearing Board shall also serve such other purposes as are authorized by this Ordinance and State law.

1307.04 APPEALS; PROCEDURE; NOTICE AND HEARING

A. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by a decision of the Zoning Officer. Such appeal shall be taken within 30 days from the date of decision or determination appealed from, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of competent jurisdiction, on notice to the Zoning Officer and on due cause shown.

C. The Board shall fix a reasonable time, not to exceed 60 days from the date of application, for the hearing of an appeal, give public notice thereof as well as due notice at least 6 days prior to the hearing, by mail, to the parties in interest at the address filed with the appeal, and decide the same within 45 days from the date of hearing completion. Any party may appear at the hearing in person, by agent or by attorney.

1307.05 CONTENT OF PUBLIC NOTICE FOR APPEALS AND SPECIAL EXCEPTIONS. Public notices of appeals and/or special exceptions shall include: the names of the parties of interest; location; requested appeal and/or special exception; zoning district classification; reference to a place within the City where the proposed appeal and/or special exception may be examined, in addition to the time and place of hearing.

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1307.06 FEES FOR APPEALS

A. Fees. All persons hereafter taking an appeal from the decision of the Zoning Officer to the Zoning Hearing Board shall be subject to the payment of a reasonable fee established pursuant to the provisions of the City's Administrative Code. Such fee shall generally be intended to compensate the City for the costs of the Secretary and Members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. In addition, the appearance fee for a stenographer shall be shared equally by the applicant and the City.

B. Stenographic Costs. The cost of the original transcript shall be paid by the City if the transcript is ordered by the Board or hearing officer as the case may be, or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting the copy or copies. In other cases, the party requesting the original transcript shall bear the cost.

C. Payment. All fees and charges under this Ordinance shall be paid to the City in full in order for an application to be considered complete and officially accepted by the City.

1307.07 PETITION OF APPEAL TO COURT. Decisions, actions, interpretations and determinations under this Ordinance by the Zoning Hearing Board or Zoning Officer or another City Staff-person may be appealed as provided by State law. (Note: In most cases, State law requires that an appeal be filed within 30 days.)

1307.08 TEMPORARY PERMITS. A temporary permit may be authorized by the Zoning Hearing Board for buildings, structures or uses which are deemed by the Board to be beneficial to the public health, and necessary to the public welfare. Temporary permits for construction and real estate offices may be issued by the Zoning Officer pursuant to Section 1311.13

1307.09 CANCELLATION OF BOARD PERMIT. The Zoning Hearing Board, upon notification by the Zoning Officer, may cancel or revoke a permit previously granted by the Board for violation of this Zoning Ordinance or of any order of the Board. The standard enforcement and penalty provisions established in Article 1305 shall also apply.

1307.10 SPECIAL EXCEPTION PROCEDURES

A. Purposes. The following standards are intended to provide the Zoning Hearing Board with a guide for the purpose of reviewing certain uses not otherwise permitted in specified districts except under restrictions of this Ordinance.

B. Procedures.

1. Application. Applications for special exception approval shall be made on forms available at the Zoning Office. If required by the Zoning Officer or elsewhere in this ordinance, four copies of a proposed site plan must accompany the application. The submission shall include the data required for site plan review under Article 1325, and other such information as may be required to enable the

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Zoning Officer and the Zoning Hearing Board to properly evaluate the submission.

2. Reviews. The Zoning Officer shall refer such site plan to the Planning Commission, or its designee, for its review and recommendation in accordance with the provisions of Article 1325, and shall prepare a written report on the application and its compliance with the standards of this Ordinance, and shall forward any comments of applicable City departments and agencies.
   a. The Planning Commission, or its designee, should, within 45 days of receipt of the site plan and application for which the special exception is pending, submit to the Zoning Officer any comments regarding the adequacy of the site plan under the provisions of Article 1325 and its recommendations concerning the effect of the proposed use on the surrounding properties and the City's Comprehensive Plan.

3. Consideration of Commission Comments. The Zoning Hearing Board should not take action on the application until receipt of written comments from the Planning Commission or its designee, or after the 45 day period, whichever is first. In taking action on an application the Board shall consider the written comments of the Commission or its designee or any City department or agency, and the written report of the Zoning Officer, and may suggest site plan modifications and changes in the application. Changes and modifications required by the Board, as well as the original provisions of the application which have not been modified, shall serve as conditions upon the use.

C. Zoning Hearing Board Approval.
1. Special exceptions may be authorized by the Zoning Hearing Board only in accordance with the requirements of this Ordinance. The Zoning Hearing Board may place reasonable conditions upon any approval under this Ordinance. Such conditions may be intended to: protect the public health and safety, protect existing residential neighborhoods, provide for compatible development, minimize traffic congestion and safety problems, and serve other purposes and objectives of this Ordinance.
2. The Zoning Hearing Board shall not approve a special exception application if evidence is presented that:
   a. The use would result in a significant traffic safety hazard;
   b. The use would create a significant public health and/or safety hazard; and/or
   c. The use would cause substantial negative impacts upon the desirable character of an established residential neighborhood.
   d. The application does not meet the criteria for approval found in Section 1327 of this ordinance.

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ARTICLE 1309
ESTABLISHMENT OF ZONING DISTRICTS

1309.01 Area, Yard, Building and Use Requirements
1309.02 List of Districts
1309.03 Zoning Map; Incorporation and Amendments
1309.04 Determination of District Boundaries
1309.05 Changes to Zoning Map
1309.06 Purposes of Each District

CROSS REFERENCES

Official Map - See Pa. Municipalities Planning Code §401 et seq. (53 P.S. §10401 et seq.)
Classifications To Be Uniform - See PMPC §605 (53 P.S. §10605)

1309.01 AREA, YARD, BUILDING AND USE REQUIREMENTS. Within each zoning district, each lot or structure shall comply with Articles 1313, 1315 and all other requirements of this Ordinance.

1309.02 LIST OF DISTRICTS. For the purpose of this Zoning Ordinance, the City is divided into the following districts:

R-H	High Density Residential District
R-MH	Medium High Density Residential District
R-MP	Medium Density Residential - Planned District
R-M	Medium Density Residential District
R-MLP	Medium Low Density Residential - Planned District
R-ML	Medium Low Density Residential District
R-L	Low Density Residential District
R-LC	Low Density Conservation Residential District
R-SO	Student Residence Overlay District
B-1/R	Limited Business/Residential District
B-2	Central Business District
B-3	Highway Business District
B-4	Shopping Center Business District
B-5	Urban Commercial District
B/LI	Business/Light Industrial District
I-2	Limited Industrial District
I-3	General Industrial District
I-G	Institutional and Government District
P	Parks District
RRO	Riverfront Redevelopment Overlay District

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HSO	Hamilton Street Overlay District
TNDO	Traditional Neighborhood Development Overlay District
HBDO	Historic Building Demolition Overlay District

1309.03 ZONING MAP; INCORPORATION AND AMENDMENTS. The boundaries of the districts set forth in Section 1309.02 are established on a map entitled City of Allentown Zoning Map, which map accompanies and is declared to be a part of this Zoning Ordinance. Map changes and amendments shall be made in accordance with the provisions of Article 1305 of this Ordinance.

1309.04 DETERMINATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to any district boundaries as shown on the Zoning Map, the following rules shall apply:

A. District boundary lines are intended to follow street, alley or public rights-of-way, center lines, railroad rights-of-way, waterways and lot or property lines as they exist on plats of record at the time of the passage of this Zoning Ordinance unless such district boundary lines are fixed by dimensions shown on the Zoning Map. Whenever any street, alley or other public right-of-way is vacated, the district adjoining each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacated right-of-way.

B. Where the Zoning Map shows a street, alley or waterway as the zoning district boundary, and the entire width of such feature is within the City of Allentown, then such boundary shall be the centerline of such feature, unless specified otherwise.

C. Where land area has become a part of the City by annexation, the same shall automatically be classified as being in the R-L District until such classification is changed by an amendment to this Ordinance as provided herein.

1309.05 ORDINANCE AMENDMENTS. It is the responsibility of the applicant to contact the Zoning Officer or City Clerk's Office to make sure that they possess the latest amendments to this Zoning Ordinance.

1309.06 PURPOSES OF EACH DISTRICT. In addition to serving the overall community development objectives of this Ordinance, and the purposes of the Comprehensive Plan, the following districts shall serve the following purposes:

A. R-H High Density Residential District - This district's development is more dense and intense, and is located typically, though not exclusively, in Allentown's center city. Its purpose is to provide areas of high density appropriate for the development of high rise residential and nonresidential structures with controls necessary for insuring compatible development with other uses permitted in this district.

B. R-MH Medium High Density Residential District - This district is generally found at the fringe of the center city area. Its density is high, but less than that found in the R-H district. Its purposes are to provide areas of medium high density with a mix of housing types, to protect these areas from incompatible uses, and to stabilize and preserve older neighborhoods.

DRAFT

C. R-M Medium Density Residential District - The purpose of this district is to provide areas for medium density residential use, relatively small lot sizes and attached as well as detached dwelling units and to stabilize and protect the characteristics of these areas.

D. R-MP Medium Density Residential - Planned District - The purpose of this district is to provide for medium density residential development with a variety of housing types in areas of the city that would benefit from relatively flexible lot requirements for housing other than single family detached homes. This district requires that rowhouse and apartment developments provide common open spaces to offset the lack of large individual yard areas.

E. R-MLP Medium Low Density Residential - Planned District - The purpose of this district is to provide for residential development at a generally medium-low density, while allowing for relatively flexible lot requirements for housing other than single-family detached homes. This district is similar to the R-ML district except that it allows attached dwellings in the form of twin dwellings and rowhouses/townhouses at a medium-low density with flexible development standards. (14430 §1 10/12/06)

F. R-ML Medium Low Density Residential District - The purpose of this district is to provide for primarily residential development at a generally medium-low density, while protecting these areas from incompatible uses. Similar to the R-L, this district provides for residential neighborhoods composed of single-family detached homes at a low density.

G. R-L Low Density Residential District - The purpose of this district is to provide for residential neighborhoods at a low density with a generally suburban character, and that primarily involve single family detached homes.

H. R-LC Low Density Conservation Residential District - The purpose of this district is to protect environmentally sensitive areas that are characterized by environmental features such as woodlands, steep slopes and view-sheds of river valleys through the provision of large lot sizes and tree protection regulations.

I. R-SO Student Residence Overlay District - The purposes of this district are to protect the single family owner-occupied residential character of the immediate neighborhood surrounding an institution of higher learning, while permitting the residence of students "off-campus" proximate to the institution, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single family owner-occupied residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds.

J. B-1/R Limited Business/Residential District - The purpose of this district is to provide for mixed use areas adjacent to residential districts in which business uses are permitted on a limited basis or as are normally required for the convenient household and business needs of nearby neighborhoods.

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K. B-2 Central Business District - The B-2 District is Allentown's Central Business District. The district promotes residential density and building intensity, and encourages a wide variety of retail, office, service, residential, governmental, cultural, entertainment and institutional uses in the Downtown. The district's standards are intended to maximize commercial development opportunities and housing density, as a tool to enhancing the market for Downtown businesses and increase the pedestrian levels. To broaden the reuse commercial opportunities for older and larger buildings, the B-2 provides opportunities for selected light manufacturing uses whose impacts are compatible with the qualities of the downtown.

L. B-3 Highway Business District - The B-3 District is usually found along a City arterial street. The purpose of the district is to provide locations for highway oriented and other retail uses and services for large areas of the City and beyond.

M. B-4 Shopping Center Business - The purpose of this district is to provide areas appropriate to and reserved for large complexes of shopping facilities containing a wide range of business and service uses and servicing large areas.

N. B-5 Urban Commercial District - The purpose of this district is to provide an area that balances neighborhood commercial needs with those of a larger service area, though less highway oriented than Highway Business Districts. The district is also intended to facilitate the redevelopment and reuse of obsolete and vacant land and buildings by providing for a range of compatible commercial, entertainment and public uses.

O. B/LI Business/Light Industrial District - The purpose of this district is to provide for a mix of commercial and light industrial uses to offer a wide market in areas suitable for both types of uses.

P. I-2 Limited Industrial District - The purpose of this district is to provide for a range of lighter industries and related businesses in a manner that is compatible with adjacent neighborhoods, parks and the Queen City Airport. The district regulations include a set of performance standards and other regulations designed to protect residential property values, provide a desirable transition between industrial and other uses, and promote a high order of industrial development.

Q. I-3 General Industrial District - The purpose of this district is to provide areas suitable for a wide variety of industrial and related uses with controls necessary for insuring sound industrial development.

R. I-G Institutional and Government - The purpose of this district is to provide for areas for major governmental and institutional uses, including hospitals, related medical offices and colleges.

S. P Parks - The purpose of this district is to primarily recognize public recreation land, cemeteries and public/semi-public open spaces.

T. RRO Riverfront Redevelopment Overlay District - This district recognizes an area of

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Allentown that is uniquely situated compared to other areas of the City. This district allows future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RRO District is intended to:

1. Promote redevelopment that enhances the Lehigh Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
3. Improve the public's access to the river and maximize the visibility of the riverfront.
4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reduce commuting distances, while promoting use of public transit.
5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions of the State Municipalities Planning Code, which are hereby included by reference.
6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
7. Promote housing that serves various types of households.
8. Allow modification of certain requirements through the PRD process by the Planning Commission.
9. Promote a pedestrian-oriented main street through the development that includes a mix of commercial and residential uses.

U. HSO Hamilton Street Overlay District – This district recognizes Hamilton Street between 5th and 12th Streets as herein defined as a unique area with important historical and architectural resources. The regulations of this district are intended to serve the following major purposes:

1. To protect the existing physical character and historic streetscape identity of the Hamilton Street District, which has been determined to be eligible for the National Register of Historic Places.
2. To provide a mechanism to review proposals for alterations to buildings to ensure consistency with established design guidelines for the area.
3. To encourage continued use, appropriate rehabilitation and adaptive reuse of buildings.
4. To strengthen the local economy by promoting downtown business activity, improving property values and increasing investment in older buildings.

V. TNDO Traditional Neighborhood Development Overlay District – The regulations of this district are intended to serve the following major purposes:

1. To protect the character of Allentown's traditional neighborhoods and promote development that is consistent with the physical form and characteristics of those neighborhoods.
2. To encourage the continued use, appropriate rehabilitation and adaptive reuse of historic buildings.

3. To promote non-residential development that is designed to promote walkability and is of a scale and design that is compatible with adjoining residential neighborhoods.
4. To carry out the recommendations of the City's Comprehensive Plan, including recommendations to preserve neighborhoods and community character.

W. HBDO Historic Building Demolition Overlay District – The regulations of this district are intended to serve the following major purposes:

1. To promote the retention of community character through preservation of the local heritage by recognizing and protecting historic and architectural resources.
2. To establish a clear process to review the demolition of designated historic buildings.
3. To encourage the continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. To strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
5. To carry out the recommendations of the City's Comprehensive Plan, including recommendations to preserve historic buildings and community character.

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ARTICLE 1311
GENERAL REGULATIONS AND EXCEPTIONS

1311.01 Adequate Access Required
1311.02 Soil Removal, Deposit and Grading
1311.03 Yards on Corner Lots
1311.04 Yards or Open Space for Buildings
1311.05 Yard Areas on Double Frontage Lots
1311.06 Sight Clearance Near Intersections
1311.07 Fences or Walls
1311.08 Irregularly Shaped Lots
1311.09 Height Exceptions
1311.10 Emergency Exit Projection
1311.11 Side Yard Reduction For Nonconforming Lots
1311.12 Front Yard Averaging
1311.13 Construction and Real Estate Offices
1311.14 Number of Principal Buildings on a Lot
1311.15 Yard Sale Regulations
1311.16 Exceptions For Roof Overhangs
1311.17 Exemption For Municipal Uses

1311.01 ADEQUATE ACCESS REQUIRED. A principal building shall only be built on a lot having an adequate means of vehicle ingress and egress improved to meet City standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Regulations of the City.

1311.02 SOIL REMOVAL, DEPOSIT AND GRADING. All soil disturbing activities shall be performed in accord with the provisions of the City Land Development Controls Ordinance. The deposit of soils, detritus or other debris which would be unsightly or detrimental to surrounding properties, streets, sewers and natural waterways as a result of site preparation, grading and/or excavating shall be prohibited.

1311.03 YARDS ON CORNER LOTS. Corner lots fronting on 2 intersecting streets shall be considered to have 2 front yards, one side yard which shall be the minimum of the applicable district and one rear yard. One front yard shall meet the yard requirements for the applicable district and the other shall be not less than 15 feet.

1311.04 YARD OR OPEN SPACE FOR BUILDINGS. A yard or other open space provided around one building shall not be considered as meeting requirements for a yard or open space for another building. A yard or other open space on one lot shall not be considered as meeting requirements for a yard or other open space on another lot.

1311.05 YARD AREAS FOR DOUBLE FRONTAGE LOTS. The front yard regulations of the district in which a double frontage lot is located shall apply to both frontages. Furthermore, no garage or other outbuilding shall be placed closer to the rear street line than the required front yard regulations of the subject district.

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1311.06 SIGHT CLEARANCE NEAR INTERSECTIONS

A. No structure, fence, wall, hedge, shrub or other planting shall be maintained between 30 inches above curb level and 10 feet above curb level within the triangular area adjacent to an intersection drawn as specified below:

1. one side of the triangle shall be measured 15 feet along the property line of any street,
2. one side of the triangle shall be measured 10 feet along the property line of any alley,
3. where two alleys intersect, the two shorter sides of the triangle shall only be 5 feet in length,
4. the longer side of the triangle shall connect lines drawn under "1.," "2." or "3.",
5. in the case of a rounded property corner, the two shorter sides of the triangle shall be drawn from the intersection of the property lines extended.

B. On any lot where a private driveway enters a street, no obstruction between 30 inches above curb level and 10 feet above curb level shall be located within the triangular area formed by the property line, the private driveway paving and a line connecting them at points 10 feet from their intersection.

C. A utility pole or a pole for a permitted sign may be located within a clear sight triangle provided it does not have a diameter greater than 20 inches. A trunk of an existing tree may continue to be located in a clear sight triangle, provided the adjacent landowner trims the branches to minimize sight obstructions.

D. The regulations found in Paragraph A of this section shall not apply to properties fronting on Hamilton Street between 6th and 10th Streets.

E. See also the City Subdivision and Land Development Ordinance, which may require a larger sight triangle in the case of a new "subdivision" or "land development."

F. This Section 1311.06 shall not, by itself, prevent the replacement of an existing principal building with a new principal building, provided that the new principal building does not intrude into the clear sight triangle to a larger extent than the pre-existing building and that a building permit is issued for such replacement within 12 months of the removal of the previous building.

1311.07 FENCES OR WALLS

A. <u>Residential Districts.</u>

1. Within the required minimum front yard the following shall apply:
   a. a maximum height of 6 feet shall apply to any fence that has a maximum ratio of solid to open areas of 1:1 (such as a picket, split rail or wrought iron fence), and
   b. a maximum height of 4 feet shall apply to any wall or a fence that does not have a maximum ratio of solid to open areas of 1:1.

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c. on a corner lot, within the required setback of the second front yard, a maximum height of 6 feet shall apply.

2. Outside of the required minimum front yard or second front yard, any wall or fence shall have a maximum height of 8 feet.

3. Any wall shall be constructed of brick or other masonry with a finished appearance.

B. Non-residential Districts. Within the required front yard setback, a fence shall have a maximum height of 10 feet and a wall shall have a maximum height of 6 feet. A wall located within any other principal building setback shall have a maximum height of 8 feet.

C. Materials. No fence or wall shall be constructed from scrap sheet metal or similar "junk." No fence in a residential district shall be constructed out of barbed wire or be electrically charged, unless the applicant proves to the satisfaction of the Zoning Officer that barbed wire is necessary to protect persons from an unusual hazard, such as electric transformers.

D. No fence or wall shall be constructed within the right-of-way of a street, except as provided in paragraph "E" of this section.

E. Retaining Wall. The provisions of this Subsection shall not apply to a retaining wall of up to 8 feet in height that is necessary to hold back slopes or the wall of a building in a location permitted by this Ordinance.

F. Measurement of Height. The height of any new fence or wall shall be measured on the exterior side of the fence or wall that faces a street, alley or other property, and shall be measured from grade level to the top of the main segment of the fence. Where a fence and wall are combined, the wall shall be restricted by the wall regulations, and the top of the fence/wall shall be restricted by the maximum height for a fence.

G. Construction. Fences and walls shall be durably constructed and meet the requirements of the City Building Code where applicable.

H. Temporary Fencing. This section 1311.07 shall not apply to temporary fencing around active construction sites, provided such fencing is removed within 30 days after completion of the construction.

1311.08 IRREGULARLY SHAPED LOTS

A. In the case of irregularly shaped lots, the minimum lot width specified in Article 1315 shall be measured at the rear line of the required front yard. In no case shall the lot frontage measured at the street right-of-way line be less than 70 percent of the minimum lot width as specified in Article 1315.

B. In measuring the width of an interior side yard where the side property line is not perpendicular to the street line, average dimensions measured perpendicular to the side lot line may be used, provided that no side yard shall be narrower than 4 feet at any one point. In measuring the depth of a rear yard that is not parallel with the street line, average

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dimensions may be used, provided that no rear yard shall be narrower than 10 feet any one point.

1311.09 HEIGHT EXCEPTIONS.

A. The height limitations of this Ordinance shall not apply to spires or steeples of places of worship, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, elevator equipment rooms, similar features and necessary mechanical appurtenances that customarily extend above roof level. Such features, however, shall not conflict with the special height limitations of Article 1395 regarding Airport Approaches.

B. The height limitations of Article 1315 shall not apply to permitted Communications Towers and Antennas. Instead the provisions of Article 1327 regarding these uses shall apply.

1311.10 EMERGENCY EXIT PROJECTION. Nothing contained herein shall prevent the projection of an emergency exit (open fire-proof fire escape) into a required rear or side yard for a distance not to exceed 8 feet. In no case shall such exit project beyond the property line, unless a permit to encroach into the public right-of-way has been secured pursuant to applicable City Ordinances.

1311.11 SIDE YARD REDUCTION FOR NONCONFORMING LOTS - See Section 1329.

1311.12 FRONT YARD AVERAGING. No front yard shall be required to be greater than the average front yard distance of all existing principal structures within 100 feet on each side of the building that front on the same side of the street. For the purposes of this subsection, the setback measurements shall be taken from the structures' main walls and not from their open porches. This provision shall not apply when only one principal structure exists within 100 feet on both sides of the building, and fronts on the same side of the street.

1311.13 CONSTRUCTION AND REAL ESTATE OFFICES.

A. A temporary permit may be issued by the Zoning Officer for routine and incidental temporary offices, parking and storage that are necessary as part of active construction on the same site or an adjacent lot, or for a temporary real estate office on a site where 10 or more dwelling units are actively being offered for sale.

B. Agreement. Such permit shall only be issued if the owner provides a written and signed agreement to remove all such structures and activities after the completion of construction, or completion of sales in the case of a real estate office.

C. Time Limit. Such temporary permits shall be issued for a period not to exceed one year, and may be renewed for one additional year if good cause is shown by the applicant in writing. After the first two years, a temporary use or structure shall only continue to be permitted under a Temporary Permit if approval is received from the Zoning Hearing Board. See Section 1307.08.

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1311.14 **NUMBER OF PRINCIPAL BUILDINGS ON A LOT.** No more than one principal single family detached dwelling unit shall be permitted on a lot.

1311.15 **YARD SALE REGULATIONS.** Yard sales at residential properties shall be limited to four (4) per calendar year. Each yard sale shall be limited in time to no more than the daylight hours of three (3) consecutive days. No sign or other form of advertisement shall be displayed for more than twenty-four (24) hours prior to the commencement of such a sale and shall be removed immediately upon the conclusion of the sale.

1311.16 **EXCEPTIONS FOR ROOF OVERHANGS.** A roof overhang may extend into a required setback by a maximum of 2 feet provided the roof does not cross over a lot line and provided that it does not result in stormwater runoff from the roof falling from the roof onto another lot.

1311.17 **EXEMPTION FOR MUNICIPAL USES.** This Ordinance shall not apply to any lot, existing or proposed building, use thereof, of any expansion thereof, owned, used or to be used by the City of Allentown or for a use authorized by the Mayor or City Council by virtue of a lease or other contract, and/or by any Municipal Authority created by the City of Allentown, when such lot, building and/or use is for a governmental purpose.

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ARTICLE 1313
USES PERMITTED BY ZONING DISTRICT

1313.01 USES PERMITTED BY ZONING DISTRICT. Unless otherwise specifically stated by another section of this Ordinance, a structure or land shall only be used or occupied for a use specifically listed in the following tables as being permitted in the applicable zoning district. Any use shall only be permitted if it complies with all other requirements of this Ordinance. Where different provisions regulate the same matter, the requirement that is most restrictive upon the structure or use shall apply.

This Section 1313.01 is divided into the following tables:

1313.01.A. Permitted Residential Uses by Zoning District
1313.01.B. Permitted Commercial Uses by Zoning District
1313.01.C. Permitted Industrial Uses by Zoning District
1313.01.D. Permitted Institutional Uses by Zoning District
1313.01.E. Permitted Public/Semi-Public Uses by Zoning District
1313.01.F. Permitted Miscellaneous Uses by Zoning District
1313.01.G. Permitted Accessory Uses by Zoning District

For the purposes of this Section 1313.01, the following abbreviations shall have the following meanings:

P = Permitted by Right Use, with a zoning decision by the Zoning Officer
SE = Special Exception Use, with a zoning decision by the Zoning Hearing Board pursuant to the procedures and criteria for approval contained in Article 1307.
N = Not Permitted

The letters in parenthesis, e.g. (A), refer to notes found at the end of these tables. Other articles of this ordinance containing additional requirements are also referenced in these tables, however, in both cases such references are not exhaustive.

The list of uses that are permitted is intended to provide examples, but is not intended to be exhaustive. If a use is not listed as permitted by right or special exception, then it is prohibited, except as may be otherwise specifically permitted by another section of this Ordinance. The following table provides an index to the list of permitted uses and their respective table.

INDEX TO LIST OF PERMITTED USES

Use	Use Table
Accessory use and/or structure	Accessory
Adaptive Reuse	Residential
Adult Day Care Center	Institutional
Adult Use	Commercial
Airports and Related Uses	Miscellaneous
Amusement Arcade	Commercial
Animal Shelter or Animal Cemetery	Institutional
Apartment/Multi-Family Dwellings	Residential
Auto Body Shop	Commercial

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Use	Use Table
Auto Sales or Rental	Commercial
Banquet Hall	Commercial
Bed and Breakfast Inn	Commercial
Betting Use	Commercial
Boat Dock, Wharf or Marina	Miscellaneous
Bring Your Own Bottle Establishment	Commercial
Bus Terminal, Inter-city	Commercial
Bus & Taxi Shelters	Miscellaneous
Business Services	Commercial
Car Wash	Commercial
Catering	Commercial
Cemetery or Crematorium	Institutional
Check Cashing	Commercial
Child Care Center	Institutional
College or University	Institutional
Commercial Communications Antenna, non-freestanding	Commercial
Commercial Communications Antenna, other	Commercial
Community Center, Non-Profit	Public/Semi-Public
Community Events and Displays	Accessory
Conversion of An Existing Business Use into One Dwelling Unit	Residential
Crop Farming, Gardening and/or sale of trees grown on the premises	Miscellaneous
Custom Crafts	Commercial
Distribution as a principal use, other than a Trucking Terminal	Industrial
Dormitory	Institutional
Drug and/or Alcohol Rehabilitation Facility or Halfway House	Institutional
Exercise Club	Commercial
Family Child Care Home	Accessory
Financial Institution	Commercial
Flammable Liquids, Above-Ground Bulk Storage for Off-site Use	Industrial
Fraternity	Institutional
Funeral Home	Commercial
Gasoline Station	Commercial
Government Uses	Public/Semi-Public
Group Child Care Home	Accessory
“Head Start” Program Center	Institutional
Heliport	Miscellaneous
Helistop	Accessory
Home Occupation	Accessory
Home Heating Oil Supplies	Industrial
Hospital	Institutional
Hotel or Motel	Commercial
Industrial Equipment Sales, Rental, Service	Industrial
Institution for Children, the Aged or Handicapped	Institutional
Junk-outdoor storage, display or processing of	Industrial
Junkyard (which includes Scrap Yard)	Industrial

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Use	Use Table
Kennel	Commercial
Large Group Home	Residential
Laundry, on an industrial scale	Industrial
Library	Institutional
Live Work Unit/Live Work Space	Miscellaneous
Manufactured Home Park	Residential
Manufacturing as an accessory use	Accessory
Manufacturing and/or bulk processing	Industrial
Massage Establishment	Commercial
Membership Club	Public/Semi-Public
Mineral Extraction and related processing, stockpiling and storage	Industrial
Moving and Storage Business	Industrial
Multi-Family Dwelling, other than conversions	Residential
Museum or Visitor's Center	Institutional
Newspaper Publishing and Printing	Commercial
Newspaper Vending Machines, Outdoors	Accessory
Nursery School	Institutional
Nursing Home or Personal Care Home	Institutional
Offices of business, institution, profession or similar entity	Commercial
Outdoor Storage, Industrial	Industrial
Package Delivery Services Distribution Center	Industrial
Packaging, Bottling or Assembly	Industrial
Parking, Off-Street as a principal use of lot	Miscellaneous
Parking Lot Structure	Accessory
Parking, Off-Street Surface, as accessory use	Accessory
Passenger Rail Station	Commercial
Pawn Shop	Commercial
Personal Care Home	Institutional
Personal Services	Commercial
Photo Processing, Bulk	Industrial
Place of Worship	Institutional
Plant Nursery with or without retail sales	Miscellaneous
Pre-School	Institutional
Printing or Bookbinding on an Industrial Scale	Industrial
Printing and Duplication, Custom	Commercial
Prison or Other Correctional Facility	Public/Semi-Public
Public Park, Playground or other publicly-owned recreation	Public/Semi-Public
Public Utility, other facilities such as electric substations	Miscellaneous
Public Utility, distribution lines	Miscellaneous
Records Storage	Industrial
Recreation, Commercial	Commercial
Recycling Processing Center	Industrial
Recycling Collection Center, Publicly Owned	Public/Semi-Public
Recycling Collection Center, not publicly owned	Industrial
Repair Garage	Commercial
Research and Development, Engineering or Testing Facility or Laboratory	Industrial

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Use	Use Table
Residential Conversion	Residential
Restaurant, with drive-thru service	Commercial
Restaurant, without drive-thru service	Commercial
Retail Store	Commercial
Roomers/Boarders	Residential
Rooming House or Boarding House	Residential
Rowhouse/Townhouse	Residential
Sample or Model Home	Residential
School, Elementary or Secondary	Institutional
Self-Storage Facility	Commercial
Single Family Detached Dwelling	Residential
Slaughterhouse or Stockyard	Industrial
Small Group Home	Residential
Solid Waste Transfer Facility or Solid Waste to Energy Facility	Industrial
Sorority House	Institutional
Space for Storage of Commercial Vehicles	Miscellaneous
Student Residence	Residential
Swimming Pools, household	Accessory
Tavern	Commercial
Telephones, Pay or Vending Machines, Outdoors	Accessory
Temporary Shelter	Institutional
Theater or Civic and/or Cultural Facility	Commercial
Tires, Used, Bulk Storage as Principal or Accessory Use	Industrial
Trade School or Similar Educational Institution	Commercial
Trucking Terminal	Industrial
Twin Dwelling	Residential
Two Family Dwelling	Residential
Uses Unable to Meet the Performance Standards of Article 1317	Miscellaneous
Veteran’s Treatment Center	Institutional
Veterinarian, other than Kennel	Commercial
Warehousing or Storage as a Principal Use	Industrial
Warehousing as an accessory use	Accessory
Wholesale Sales	Industrial
Wind Turbine as an accessory use	Accessory
Wind Turbine(s) as a Principal Use	Miscellaneous

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1313.01.A. PERMITTED RESIDENTIAL USES BY ZONING DISTRICT

RESIDENTIAL USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Single Family Detached Dwelling		P	P	P	P	P	P	P	P	P (A)	P (A)	P	N	N	N	N	N	N	P
Twin Dwelling, with each new dwelling unit located on its own lot	Article 1315.05	P	P	P	P	P	N	N	N	P (A)	P (A)	P	N	N	N	N	N	N	P (EE)
One or more Apartment/Multi-Family Dwelling Units within a Building that includes a principal non-residential use	Article 1315.05	P	N	N	N	N	N	N	N	P (A)	P (A)	P (B)	N	P(A)	N	N	N	N	N
Multi-Family Dwellings (other than residential conversions) -3 to 4 dwelling units on a lot	Article 1315.05	P	P	P	P	N	N	N	N	P (A)	P (A)	N	N	P (DD)	N	N	N	N	P (EE)
Multi-Family Dwellings (other than residential conversions) - 5 or more dwelling units on a lot	Article 1327, 1315.05	P	P	P	P	SE	SE	N	N	P(A)	P (A)	N	N	P (DD)	N	N	N	N	P (EE)
Roomers/Boarders	Note E	P	P	P	P	P	P	P	P	P (A)	N	N	N	N	N	N	N	N	N
Rowhouse/Townhouse		P	P	P	P	P	N	N	N	P (A)	P (A)	N	N	N	N	N	N	N	P (EE)
Rooming House or Boarding House	Article 1327	N	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	N

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RESIDENTIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Manufactured Home Park	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE (F)	N	N	N
Adaptive Reuse	Article 1327	SE	SE	SE	SE	SE	SE	N	N	SE (A)	SE (A)	N	N	N	SE (C)	SE (C)	N	N	SE
Conversion of An Existing Lawful Principal Business Use into One Dwelling Unit	Article 1327, 1315.05 (Note KK)	SE	SE	SE	SE	SE	SE	SE	N	P (A)	P (A)	N	N	N	N	N	N	N	N
Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above	Article 1327	SE	N	N	N	N	N	N	N	P (A) (G)	P (A)	N	N	N	N	N	N	N	N
Sample or Model Home	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	N	N	N	N	N	N	N	N	N	N
Two Family Dwelling		P	P	P	P	N	N	N	N	P	P(A)	N	N	N	N	N	N	N	N
Small Group Home	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	SE	N	N	N	N	N	N	N	N	N
Large Group Home	Article 1327	SE	SE	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	N
Student Residence (such use is only regulated as a distinct use within the R-SO Overlay District. Outside of the R-SO District, the applicable dwelling and "family" regulations shall apply.)	Article 1327	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

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1313.01.B. PERMITTED COMMERCIAL USES BY ZONING DISTRICT

COMMERCIAL USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Adult Use	Article 1327	N	N	N	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N
Amusement Arcade		N	N	N	N	N	N	N	N	SE (JJ)	P	P	P	P	P	N	N	N	N
Auto Body Shop	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Auto Sales or Rental		N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N
Bed and Breakfast Inn		SE (I)	N	N	N	N	N	N	N	SE (I)	P	P	P	N	P	N	N	N	N
Betting Use		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Bring Your Own Bottle Establishment	Article 1327	N	N	N	N	N	N	N	N	N (CC)	P	P	P	P	N	N	N	N	N
Bus or Passenger Rail Terminal (as a principal or accessory use)		N	N	N	N	N	N	N	N	N	P	N	P (J)	N	P	P	P	N	N
Business Services		N	N	N	N	N	N	N	N	P(JJ)	P	P	P	P	P	P	P	N	N
Car Wash	Article 1327 Note H	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N

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COMMERCIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Check Cashing Business	Note II	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height	Article 1327	P	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	P
Commercial Communications Tower/Antenna -freestanding	Article 1327	N	N	N	N	N	N	N	N	N	N	SE	SE	N	SE	P	P	N	SE
Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Exercise Club		P (K)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N

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COMMERCIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)		N	N	N	N	N	N	N	N	P (HH) (JJ)	P	P	P	P	P	N	N	N	N
Funeral Home		P (JJ)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	N	N	N	N
Gasoline Station	Article 1327; Note H	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N
Hotel or Motel		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Kennel		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.		P (K)	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Newspaper Publishing and Printing		N	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	P	P	N	N
Offices of business, institution, profession or similar entity (see also Home Occupation)		P (JJ)	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	P	P	N	P

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COMMERCIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Pawn Shop	Note II	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)	Note (GG)	P (K)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Printing and Duplication, Custom (see also printing as an Industrial Use)		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Recreation, Commercial, other than an "Adult Use" or Amusement Arcade		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	N	N	N	N
Repair Garage	Article 1327; Notes H, BB	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N
Restaurant, includes take-out-without drive-thru service or a Banquet Hall		P(K)	N	N	N	N	N	N	N	P(JJ)	P	P	P	P	P	N	N	N	N
Restaurant, includes take-out-with drive-thru service		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Retail Store (such as a drug store or variety store, other than Adult Use)	Note W	P(K)	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	N	N	N	P (N)
Shopping Center		N	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	N	N	N	N

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Tavern		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
<u>COMMERCIAL USES</u> (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Theater (not including an "Adult Use"), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	P (AA)	N
Trade School or Similar Educational Institution		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Veterinarian, other than Kennel		N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N

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1313.01.C. PERMITTED INDUSTRIAL USES BY ZONING DISTRICT

INDUSTRIAL USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Distribution as a principal use (other than a Trucking Company Terminal)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Flammable Liquids, Above-Ground Bulk Storage for Off-site Use, other than as accessory to a home heating company		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Industrial Equipment Sales, Rental Service, other than vehicles primarily intended to be operated on public streets		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Home Heating Oil Supplies		N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	SE	N	N
Junk-outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Junkyard (which includes Scrap Yard)	Articles 1323, 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Laundry, on an industrial scale		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

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INDUSTRIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Mineral Extraction and related processing, stockpiling and storage	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Moving and Storage Business		N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N
Outdoor Storage, Industrial	Article 1323	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Packaging, Bottling or Assembly		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
Package Delivery Services Distribution Center		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Photo Processing, Bulk		N	N	N	N	N	N	N	N	P (JJ)	P	N	N	P	P	P	P	N	N
Printing or Bookbinding on an Industrial Scale		N	N	N	N	N	N	N	N	N	P (O)	N	N	P	P	P	P	N	N
Records Storage as a Principal or Accessory Use		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Recycling Collection Center (not publicly owned)		N	N	N	N	N	N	N	N	N	N	SE	SE	SE	SE	P	P	N	N
Recycling Processing Center, Bulk, provided all processing occurs indoors- - not including a solid waste disposal or transfer facility or junkyard) (See Open Storage regulations in Section 1323.03)		N	N	N	N	N	N	N	N	N	N	N	N	N	SE	P	P	N	N

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INDUSTRIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Research and Development, Engineering or Testing Facility or Laboratory		N	N	N	N	N	N	N	N	N	P (O)	P	P	P	P	P	P	N	N
Self-Storage Facility		N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N
Slaughterhouse or Stockyard		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Solid Waste Transfer Facility or Solid Waste to Energy Facility	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Tires, Used, Bulk Storage as Principal or Accessory Use	Article 1327.03 and 1323.03	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Trucking Terminal	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Warehousing or Storage as a Principal Use		N	N	N	N	N	N	N	N	N	N	P	N	N	P	P	P	N	N
Wholesale Sales		N	N	N	N	N	N	N	N	P (P) (JJ)	P (Q)	P	P	P	P	P	P	N	N
Manufacture and/or bulk processing of the following, provided the manufacturing occurs only indoors, and such additional uses that the applicant proves to the clear satisfaction of the Zoning Officer are closely similar to permitted uses:																			

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INDUSTRIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
-Ammunition, Fireworks or Explosives (or bulk storage of)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Apparel, Textiles, Shoes and Apparel Accessories		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Cement, actual manufacture of, or Asphalt		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Cement, Gypsum, Concrete or Plaster Products other than actual manufacture of cement		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Ceramic, Clay and Pottery Products (Other than Custom Crafts)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Chemical Products that are not “extremely hazardous substances”		N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	N	N
-Chemicals, Manufacture, Mixing, or Bulk Storage of “extremely hazardous substances”		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Electrical and Electronic Machines, Supplies and Equipment		N	N	N	N	N	N	N	N	P (JJ)	P (O)	P	N	P	P	P	P	N	N
-Fabricated Metal Products (except Ammunition, Fireworks or Explosives)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

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INDUSTRIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
-Food and Beverage Products, other than what is customarily accessory to a retail store, and not including uses listed individually in this table		N	N	N	N	N	N	N	N	N	P (O) (Y)	P (Y)	P (Y)	P (Y)	P (Y)	P (Y)	P	N	N
-Furniture and Wood Products (not including raw paper pulp)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Glass and Glass Products (see also custom crafts)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than within an approved solid waste facility)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
-Jewelry, Optical Goods or Precision Instruments		N	N	N	N	N	N	N	N	N	P (O)	P	P	P	P	P	P	N	N
-Manufactured or Modular Housing, or housing components		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Metal Products, Primary		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N

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INDUSTRIAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
-Paper and Cardboard Products (not including manufacture of raw paper pulp)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Paper- Raw Pulp		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Paving or Roofing Materials, other than bulk manufacture of asphalt		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Pharmaceuticals		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Plastics, Polymers, Resins or Vinyl		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Products from Previously Manufactured Materials, such as glass, leather, plastics/polymers, cellophane, textiles, rubber or synthetic rubber (other than Custom Crafts)		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Rubber, Natural or Synthetic		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Soaps, Detergents, Paints, Varnishes or Enamels		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Transportation Equipment		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

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1313.01.D. PERMITTED INSTITUTIONAL USES BY ZONING DISTRICT

INSTITUTIONAL USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Adult Day Care Center	Article 1327	SE	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	N	P	P	P	P	P	P	P	P	N	P
Animal Shelter or Animal Cemetery, Non-Commercial		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N
Cemetery or Crematorium		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P (S)	N
Child Care Center, Nursery School, Pre-School or "Head Start" Program center	Article 1327	SE	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	N	P	P	P	P	P	P	P	P	N	P
College or University	Article 1327	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	P (Z)
Dormitory or Fraternity or Sorority House	Article 1327	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	P (FF)
Drug and/or Alcohol Rehabilitation Facility or Halfway House	Article 1327	SE	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	SE
Elementary or Secondary School	Article 1327	SE	SE	SE	SE	SE	SE	N	N	P	P	P	P	P	P	N	N	N	P

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INSTITUTIONAL USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Hospital	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE (T) (Z)
Institution for Children, the Aged or Handicapped		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Library		N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	P	P
Museum or Visitor's Center, and which include accessory retail sales		SE	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	SE	P
Nursing Home or Personal Care Home	Article 1327	SE	SE	SE	SE	N	N	N	N	P	N	P	P	P	P	N	N	N	P
Place of Worship	Article 1327	SE	SE	SE	SE	SE	SE	SE	N	P	P	P	P	P	P	P	P	N	P
Temporary Shelter	Article 1327	SE	N	N	N	N	N	N	N	SE	SE	N	N	N	N	N	N	N	SE
Veterans Treatment Center	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE

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1313.01.E. PERMITTED PUBLIC/SEMI-PUBLIC USES BY ZONING DISTRICT

PUBLIC/SEMI-PUBLIC USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Community Center, Non-Profit		SE	SE	SE	SE	SE	SE	N	N	P (JJ)	P	P	P	P	P	P	P	P	P
Government Uses (not including prisons, other correctional facilities and solid waste facilities)		P	P	P	P	SE	SE	SE	N	P	P	P	P	P	P	P	P	P	P
Membership Club	Article 1327	SE	SE	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	P
Prison or Other Correctional Facility		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE
Public Park, Playground or other publicly-owned recreation		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling Collection Center – Publicly Owned		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P

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1313.01.F. PERMITTED MISCELLANEOUS USES BY ZONING DISTRICT

MISCELLANEOUS USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Airports and Related Uses		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Boat Dock, Wharf or Marina		N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	P	N
Bus & Taxi Shelters		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Crop Farming, Gardening and/or sale of trees primarily grown on the premises		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Heliport		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Live Work Unit/Live Work Space	Article 1327	P	SE	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N
Plant Nursery with or without retail sales		N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Parking, Off-Street as a principal use of lot	Article 1327	SE	SE	SE	SE	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Space for Storage of Commercial Vehicles		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Uses Unable to Meet the Performance Standards of Article 1317		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Public Utility -distribution lines	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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MISCELLANEOUS USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Public Utility -other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	N	SE
Wind Turbine(s) – other than as accessory	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N

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1313.01.G. PERMITTED ACCESSORY USES BY ZONING DISTRICT

ACCESSORY USES (See definitions in Article 1303)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P (Z)
Community Events and Displays		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Family Child Care Home	Article 1327	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	N	P
Group Child Care Home	Article 1327	SE	SE	SE	SE	SE	SE	N	N	P (JJ)	P	P	P	P	P	P	P	N	P
Helistop	Article 1327	N	N	N	N	N	N	N	N	N	SE	N	N	N	N	P	P	N	P (U)
Home Occupation -Medical, Dental, Chiropractic or similar licensed and professionally certified doctor, which shall be limited to one such doctor per dwelling	Article 1327	P	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	P (JJ)	P	P	P	P	P	P	P	N	P

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ACCESSORY USES (continued)	**REFERENCES**	**R-H**	**R-MH**	**R-M**	**R-MP**	**R-MLP**	**R-ML**	**R-L**	**R-LC**	**B1/R**	**B2**	**B3**	**B4**	**B5**	**B/LI**	**I2**	**I3**	**P**	**I/G**
Home Occupation -other	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "Custom Crafts")		N	N	N	N	N	N	N	N	N	P (Q)	P	N	P	P	P	P	N	N
Parking, Off-Street Surface, as accessory to a use permitted in the applicable district		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot Structure		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	P
Swimming Pools, household	Section 1315.04 Article 1725	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telephones, Pay or Vending Machines, Outdoors	Note X	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Warehousing as an accessory use to the permitted principal use of the lot		N	N	N	N	N	N	N	N	P	P (Q)	P	N	P	P	P	P	P	P
Wind Turbine – limited to one turbine per lot	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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NOTES TO TABLES OF PERMITTED USES

Note (A) = If a lot is adjacent to Hamilton Street between 5th and 10th Streets or adjacent to N. 7th Street, then any new residential use shall be limited to the second floor or higher floor(s).

Note (B) = Limited to one or more apartments within the same building as a street level lawful principal non-residential use, within a building that existed prior to the adoption of this Ordinance.

Note (C) = Limited to the adaptive reuse of a principal building with over 5,000 square feet of total building floor area that existed prior to the adoption of this Ordinance and where 75% of the perimeter of the property is adjacent to or across the street from a residential district.

Note (D) = (Reserved).

Note (E) = A total maximum of 1 person in the R-L and R-LC districts and 2 persons in any other residential district may be fed and/or sheltered for profit as boarders or roomers, provided that all of the following conditions are met: a) such boarders or roomers shall be limited to a dwelling unit that is owner-occupied and b) the lot only includes one dwelling unit. In any case, there shall be compliance with the total maximum of 4 unrelated persons per dwelling unit.

Note (F) = Limited to a tract including a minimum of 2 acres that is adjacent to an existing residential district.

Note (G) = The same residential uses shall be permitted within the B-1R district as are permitted in the R-MH district. One dwelling unit is permitted as an accessory to a principal non-residential use. Any additional dwellings shall meet the same regulations as would otherwise apply within the R-MH district.

Note (H) = The uses Gasoline Station, Auto Repair, Car Wash and/or Retail Store may be combined provided that each is a permitted use in that district, and provided that the requirements for each use are met.

Note (I) = Limited to a maximum of 10 guest rooms. A primary owner/operator of the Bed and Breakfast Inn must live on-site.

Note (J) = Only as accessory to a permitted shopping center use.

Note (K) = Such uses shall: a) be entirely contained and operated within the main walls of a building containing at least 25,000 square feet of residential or hotel floor area, b) only involve signs permitted by this Ordinance, c) be limited to the first floor or lower level of the building, and d) have no exterior entrance.

Note (L) = Reserved

Note (M) = With a maximum total area in such use(s) of 8,000 square feet of floor area, except such restriction shall not apply to a lot that included over 30,000 square feet of lot area prior to the adoption of this ordinance.

Note (N) = Limited to drugstore or pharmacy when accessory to permitted principal use.

Note (O) = Subject to meeting the Performance Standards of Section 1317.02, the use is located wholly within a structure, and the use does not occupy the front fifty percent (50%) of the street level floor.

Note (P) = With a maximum floor area per lot of 8,000 square feet within such uses, and provided that the applicant proves that there is adequate loading space based upon requirements of this Ordinance, and provided that the lot is adjacent to an “arterial street.”

Note (Q) = Provided such use does not occupy the street level space fronting onto Hamilton Street west of 4th Street.

Note (R) = Limited to a lot that: a) includes a minimum of 3,000 square feet of lot area, and b) is accessory to a lawful place of worship, hospital, community center, primary or secondary school, or similar principal institutional use.

Note (S) = A crematorium must be setback a minimum of 250 feet from any residential district boundary.

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Note (T) = Except expansions of existing hospitals on the same lot or on an adjacent lot shall be permitted by right so long as the lot is located in an I-G district.

Note (U) = Only as accessory to Medical Hospital.

Note (V) = Limited to abutting an "arterial street" and provided at least 4 off-street parking spaces are provided for the home occupation use.

Note (W) = A retail store may include creation of custom crafts, such as jewelry or leather items, as an accessory use.

Note (X) = Provided such telephones and machines shall only be permitted outdoors if they are accessory to a principal non-residential use on the same lot, and shall not be located within a street right-of-way or on a vacant lot unless permitted by another City ordinance.

Note (Y) = Limited to food and beverage products for human consumption only.

Note (Z) = Within the I-G District, a use that would be customarily accessory to a college or hospital may be located on a lot that is separate and distinct from the "main campus" of such use. All such uses shall be treated as principle uses and/or structures.

Note (AA) = Limited to publicly owned facilities.

Note (BB) = Repair garages primarily servicing commercial and/or construction vehicles are permitted only in the I-2 and I-3 Districts.

Note (CC) = With the exception that Bring Your Own Bottle Establishments are permitted whose sole use is as a restaurant where food and/or non-alcoholic beverages are prepared and served for on-site consumption, and where customers are provided with an individual menu and served their food and beverages by a restaurant employee at the same table where the items are consumed.

Note (DD) = Any residential use shall be limited to the second floor or higher floor(s).

Note (EE) = If every dwelling unit in a development tract is permanently restricted by deed and by lease to occupancy by at least one resident age 55 and over or the physically disabled, with no person under age 18 residing on the lot for more than 30 days per calendar year, and if the tract includes 10 or more acres, then such development may be developed pursuant to the following:

1. The standards of the R-MP district contained in Section 1315.02 shall apply except the maximum average density for all dwelling types for the entire tract may be 8 units per acre.
2. Other institutional uses such as nursing homes and/or personal care homes may be developed as part of the overall development. In such case, every four (4) beds shall constitute one dwelling unit.
3. Such development may also include non-commercial recreation facilities and dining facilities that are primarily intended to serve residents of the development and their invited guests; administrative offices and maintenance facilities for the development; facilities for support services of residents; medical and dental offices and support facilities; a financial institution and accessory commercial service businesses that primarily serve residents and that do not have their own exterior customer entrance, such as a barber/beauty shop or gift shop. Fuel sales and drive-through facilities shall be prohibited.
4. A system of sidewalks or pathways shall be provided between buildings, which shall be ADA-accessible to the maximum extent feasible.
5. The applicant shall communicate with the public transit provider to seek public transit service. The City may require that loading areas be provided for any bus, Para transit and/or shuttle services.
6. Required parking may be reduced to 1.25 spaces per unit.

Note (FF) = Within the I-G district, a dormitory is allowed to have multiple cooking and eating areas for residents of the dormitory.

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Note (GG) = Any barber shop, beauty shop or haircutting/hairstyling use shall have a State-licensed barber or cosmetologist on the premises during any hours when the use is open to the public.

Note (HH) = A financial institution shall not include drive-thru service.

Note (II) = The building floor area occupied by a Check Cashing Business shall not be located within 1,000 feet from the closest building floor area occupied by another Check Cashing Business. The building floor area occupied by a Pawn Shop shall not be located within 1,000 feet from the closest building floor area occupied by another Pawn Shop. A Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the City Police Department upon request.

Note (JJ) = Late Night Hours of Operation. Special exception approval from the Zoning Hearing Board shall be required if a lawful non-residential use is proposed to be open to the public during any hours between midnight and 6 AM in the B-1/R district or between 10 PM and 6 AM in any residential district. This section shall not apply to existing uses that were open during such hours prior to the enactment of this Section. The only standard for the special exception approval shall be whether the late night hours are likely to create nuisances and incompatibilities with nearby residential uses, considering the type of proposed use and its location. This provision shall apply in addition to restrictions that apply to a nonconforming use, such as provisions regulating changes from one nonconforming use to a different nonconforming use.

Note (KK) = As a permitted by right use, building area occupied by an existing lawful business use may be used to enlarge a pre-existing lawful dwelling unit in the same building.

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ARTICLE 1314
OVERLAY DISTRICT REQUIREMENTS

1314.01 RRO - Riverfront Redevelopment Overlay District
1314.02 TNDO - Traditional Neighborhood Development Overlay District
1314.03 HBDO - Historic Building Demolition Overlay District
1314.04 HSO - Hamilton Street Overlay District

1314.01 RRO RIVERFRONT REDEVELOPMENT OVERLAY DISTRICT

A. Boundary. The RRO District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be amended to show the boundaries of the new RRO District.

B. Applicability and Phasing.

1. The RRO District is an optional district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RRO District or under the underlying district. Once a final plan is approved under the RRO District, it shall be completed under the RRO District provisions.
2. Development in the RRO District shall first require approval as a Planned Residential Development (PRD). The PRD approval process generally replaces the traditional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RRO District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the PRD Plan revisions shall first be approved by the Planning Commission.
3. The provisions of this RRO District shall only be available to be utilized if the total area of the tract is greater than 20 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. Each phase of development shall include a minimum of 3 acres. For the purposes of the RRO District, a tract may include lots that are separated from each other by a street, a railroad, an alley, a vehicle accessway, or a similar land area intended for vehicle access.
   a. Once one PRD has been approved in the RRO District, then a second contiguous PRD in the RR District shall have a minimum tract size of 3 acres, provided that the second PRD is coordinated in uses and traffic access with the first PRD. The intent is to have the second PRD serve as an extension of the first PRD, even though the developer and ownership may be different.

C. Use Regulations. Within the RRO District, land and/or structures may be used for any of the following permitted by right uses listed below, provided approval is first granted as a PRD.

1. Twin Dwelling or Two Family Dwellings.
2. One or more Apartment/Multi-Family Dwellings within a Building that includes a principal non-residential use.

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3. Multi-Family Dwellings (other than conversions) -3 or more dwelling units on a lot.
4. Rowhouse/Townhouse
5. Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above.
6. Amusement Arcade
7. Bed and Breakfast Inn
8. Business Services
9. Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)
10. Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height.
11. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
12. Exercise Club, or Fitness facility, including indoor or outdoor swimming pool.
13. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
14. Hotel or Motel, which may include a restaurant and conference center
15. Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.
16. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
17. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
18. Printing and Duplication, Custom (see also printing as an Industrial Use)
19. Recreation, Commercial, Indoor or Outdoor, other than an "Adult Use" or Amusement Arcade
20. Restaurant, includes take-out – without drive-thru service.
21. Restaurant, includes take-out – with drive-thru service
22. Retail store (such as a drug store or variety store, other than Adult Use)
23. Shopping Center
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Use"), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Child Care Center, Nursery School, Pre-School or "Head Start" Program center
31. College or University
32. Museum or Visitor's Center, and which include accessory retail sales
33. Nursing Home or Personal Care Home
34. Community Center, Non-Profit
35. Government Uses (not including prisons, other correctional facilities and solid waste facilities)
36. Membership club

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37. Public Park, Playground or other publicly-owned recreation facilities or non-commercial outdoor recreation areas
38. Boat Dock, Wharf or Marina
39. Swimming Pools, household or non-household, public or private
40. Bus and Taxi Shelters
41. Telephones, pay or vending machines, outdoors
42. Parking, off-street, public or private, surface or structured, as a principal or accessory use of lot.
43. Public Utility – other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae
44. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
45. Community Events and Displays
46. Family Child Care Home
47. Group Child Care Home
48. Home Occupation – Medical, Dental, Chiropractic or similar licensed and professionally certified doctor, which shall be limited to one such doctor per dwelling
49. Home Occupation – all types
50. Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "Custom Crafts")
51. Warehousing as an accessory use to the permitted principal use of the lot
52. Community center.
53. Public Park on public recreation facilities or non-commercial outdoor recreation areas.
54. Schools, public and private.

D. Area, Yard and Building Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses other than industrial uses, whichever is most restrictive; however, these regulations in Subsection D. shall not apply to a change of use of a building that existed on the tract prior to the enactment of this RRO District.

a.	Maximum Residential Density	25 Dwelling Units/Acre *
b.	Minimum Lot Area	None
c.	Minimum Lot Width	20 Feet **
d.	Minimum Building Setback from the Perimeter of the Tract	20 Feet, except a minimum of 50 feet from a residential district boundary for a building of greater than 40 feet in height.
e.	Minimum Front Yard Setback	0 Feet
f.	Minimum Rear Yard Setback	0 Feet
g.	Minimum Side Yard Setback	0 Feet
h.	Maximum Building Coverage	70%***
i.	Maximum Building Height	140 Feet
j.	Buffer Yard Required	No, except a 10 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential

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		district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RRO District
k.	Site Plan Review by City	Yes
l.	River Front Building Setback	Minimum of 25 feet from the top of the bank of the Lehigh River or a structural wall along the Lehigh River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.

m. Each single-family detached, twin and townhouse dwelling shall have a private outdoor area including a minimum area of 400 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.

* The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Master Plan.

** Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.

*** The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time.

2. Uses Allowed in Underlying District. For a use allowed by the underlying zoning district (such as a manufacturing use) that is not allowed in the RRO District regulations, all of the regulations of the underlying zoning district shall apply instead of the regulations of the RRO District. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RRO District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.
3. Minimum Business Uses. A minimum of twenty (20%) percent of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
4. Open Land. A minimum of ten (10%) percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use

DRAFT

by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Allentown, which prohibits the construction of buildings and the further subdivision of the required open land.

a. Outdoor recreational facilities shall be landscaped and may include sidewalks, pathways, and structures typically included in active and passive recreational areas. Areas used for buildings or vehicle parking shall not count towards the open land requirement, except areas for rooftop active recreation facilities that are available to all residents of the tract may count as open land areas.

b. Unless dedicated to and accepted by the City of Allentown as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners' legal documents shall be subject to review by the City Solicitor. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.

c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.

5. Riverfront Access. The RRO District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RRO District if the developer commits to providing public access to and along the Lehigh Riverfront. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 12 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and closed to the public between sunset and sunrise. Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.

6. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus, and that there will be at least two entrances into the development for fire trucks. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway

DRAFT

will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.

E. Site and Building Layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:

1. The tract shall include at least one pedestrian-oriented main street, with pedestrian entrances and pedestrian amenities along that street and with no off-street parking spaces located between such main street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along a pedestrian-oriented main street.
2. Along this pedestrian-oriented main street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 20 feet from the curbline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café. This maximum requirement shall not apply along a cul-de-sac extension of a main street.
3. Garbage collection, business truck unloading areas and similar building services shall be situated so as to be accessed from a secondary street or alley and generally be shielded from pedestrian view along the fronts of new principal buildings.
4. A minimum of two streets shall enter the tract after completion. At least one street shall extend through the bulk of the interior of the tract. The use of a grid-like street system divided into blocks shall be provided in the majority of the tract. The tract shall have a central focal point, such as a landscaped central green space and at least one main-street style area with commercial uses.

F. Approval Process. Development under the RRO District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the State Municipalities Planning Code are hereby included by reference.

1. A Tentative Plan submittal shall be made that includes the entire tract. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Code, except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage, provided the applicant shows the general feasibility of such features:
   a. Stormwater calculations
   b. Housing numbering plans
   c. Proposed monuments
   d. Exact locations and species of plantings for landscaping plans
   e. Elevations of proposed sanitary sewage lines and storm drains
   f. Designs of culverts, man-holes, catch-basins and similar construction details
   g. Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After a Tentative Plan has been approved, a Final Plan shall be submitted, which may occur in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Land Development and Subdivision regulations. The Final Plan shall need approval by the Planning

DRAFT

Commission.

a. No sale of lots or construction of buildings shall occur until after an approved Final PRD Plan has been approved by the Planning Commission and has been recorded, after the applicant has proven they have met any conditions upon approval and after acceptable financial guarantees for improvements have been established.

3. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the State Municipalities Planning Code that governs PRDs.

G. Overall Master Plan, Phasing and Deed Restrictions.

1. Master Plan. Prior to the development of any new building under these RRO District provisions, the applicant shall submit an Overall Master Plan ("Master Plan") for the tract. The Master Plan shall be submitted to the Bureau of Planning and Zoning and be reviewed by the Planning Commission and the City Engineer. The Plan shall also be submitted to appropriate City agencies for review and comment. Within a maximum of 90 calendar days after the receipt of a complete zoning application and Master Plan, the City Planning Commission shall vote to accept the Master Plan or to identify items that need to be revised, unless a written extension is granted by the applicant.

a. The Master Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Overall Master Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.

b. The Master Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Master Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.

c. The Master Plan may be combined with the PRD Tentative Plan if the requirements for such a plan are met, or may be submitted prior to the Tentative Plan. The Master Plan is not required to include engineering details that are required under the Land Development and Subdivision section of the City Code, provided that such information is submitted as part of the Final PRD Plan in the future.

d. The applicant shall also submit a completed Zoning Permit Application with the Master Plan. Approval of the Zoning Permit Application shall be conditioned upon approval of the Final PRD Plan.

2. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RRO District will be met, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Master Plan.

a. If one phase includes dwellings, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks

DRAFT

between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.

(1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.

(2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.

(3) If such future adjacent phase is completed in conformance with the Master Plan, then such buffer and setback requirement is eliminated.

b. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

3. Architecture. To carry out the intent of Traditional Neighborhood Development, prior to receiving tentative PRD approval, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Bureau of Planning and Zoning, the City Solicitor's Office and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan. The applicant shall also establish a set of covenants to regulate the design of signs that are visible from the riverfront.

4. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, and other matters necessary to carry out the intent of this Overlay District.

5. Public Access. The Master Plan, Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Lehigh Riverfront.

6. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development, the impacts upon traffic, and measures that the applicant proposes to complete or fund to mitigate the impacts. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.

a. The applicant shall prove that the level of service of traffic will not be reduced below a level of D for adjacent public street intersections as a direct result of the new development. This level of service analysis shall consider traffic improvements that the applicant commits to fund as well as projects that are officially programmed for funding by the State.

(1) This subsection "a." may be modified by the Planning Commission if the applicant proves that a reduction in level of service is unavoidable because the applicant, the State and the City do not control sufficient right-of-way to make the needed traffic improvement.

DRAFT

(2) Prior to granting a modification of this subsection "a", the Planning Commission shall determine that the evidence has been provided to them to show that the level of service will not result in congestion that would be a threat to public health and safety.

H. Street and Alley Requirements. As authorized under the TND and PRD provisions of the State Municipalities Planning Code, the following alternative is specifically allowed under the requirements of the City Subdivision and Land Development Ordinance for development within the RRO District:

1. The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to the City or the State, in addition to options that are allowed under the Subdivision and Land Development Ordinance:
   a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, diagonal parking lanes of 18 feet each or 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width, and a right-of-way width that extends a minimum of 9 feet on either side of the curbline.
   b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4.5 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 4.5 feet and a minimum right-or-way width that extends a minimum of 9 feet on either side of the curbline.
   c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and an 8 feet minimum setback between the travel lane and any rear garage.
   d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
2. Any street within the RRO District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
   a. Pedestrian sidewalks with a minimum width of 4.5 feet and street trees meeting requirements of the City shall be required on each side of every street. A minimum average of one street tree shall be required for each 40 or 50 feet of street length, depending on the size of the trees, unless existing trees will be preserved to serve the same purpose.

I. Off-Street Parking and Loading Regulations. The requirements of Article 1321 of the Zoning Ordinance shall apply, except for the following modifications:

1. Off-street parking may be shared by various uses and lots within the RRO District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Master Plan.

DRAFT

3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 20 percent based upon:
   a. the applicant's traffic study and parking study,
   b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand, *and*
   c. the availability of public transit and/or any shuttle service that may be provided during periods of peak parking demand.
4. For development under the RRO District, new off-street vehicle parking spaces shall not be located within 50 feet from the top of the bank of the Lehigh River or a structural wall along the Lehigh River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.

J. PRD Modifications. Specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer before approving any modifications to street and rights-of-way requirements.
   1. Applications may also be made for a zoning variance, in the same manner as would apply to other sections of the zoning ordinance.

K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
   1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Solicitor.
   2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
   3. Methods for ownership of the preserved open land shall utilize one of the following:
      a. dedication to the City for public recreation if the City agrees in advance to accept it;
      b. dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land;
      c. retention by the owner of a rental housing development; or
      d. another suitable method that is specifically approved by the Planning Commission.

1314.02 TNDO TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT

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A. Authorization. The regulations for this district are authorized by Article VII-A (Traditional Neighborhood Development) of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended.

B. Applicability.

1. This section is applicable to all properties within the TND Overlay District as shown on the official Zoning Map of the City of Allentown, except for any property located in a Limited Industrial (I-2); General Industrial (I-3) or Parks (P) zoning district.

2. All properties for which these regulations are applicable shall retain their underlying zoning district designations, but shall also be regulated by the TND Overlay District. If the standards of another provision of this Ordinance and the TND Overlay District both apply to the exact same matter, the provision of the TND Overlay District shall apply.

C. TNDO Regulations

1. Front Yard Building Setback.

a. This section shall apply in place of the standard front yard setback requirements for the underlying zoning district when a new principal building is proposed within the TND Overlay District.

b. The front yard building setback shall be consistent with the average existing setback of the block as further described below. The required front yard building setback shall apply from a public street right-of-way for a new principal building. A majority of the front building wall and/or the front porch of such new building shall meet such required building setback.

c. The required front yard building setback shall be based upon the average setback of all existing principal buildings that are within the same block face.

(1) If one existing building on another lot has a front setback that is more than 25 feet different in setback than the average of the other buildings, it shall not be considered in the average.

(2) A lot that is not occupied by a principal building shall not be considered in the average.

d. The required front yard building setback shall not vary from the average setback by more than 5 feet to the front or to the back of the average setback, but in no case shall the setback be greater than or less than the existing setback on the two adjoining properties.

(1) In cases where the setbacks of all such properties are the same, then the front setback of the subject lot must equal that setback.

(2) Buildings may have a setback that varies by more than 5 feet from the average setback if the following conditions are met:

a) The increased setback is proposed for outside dining, covered or uncovered, and

b) The dining area is defined or enclosed by an appropriately scaled architectural edge comprised of walls, fences, or other features suitable for separating the front yard space from the public right-of-way.

e. For a corner lot, this provision shall apply to both street frontages

f. If the Zoning Officer determines that there is not an average front yard building setback, then the minimum front yard building setback shall be 5

feet and the maximum front yard building setback shall be 15 feet.

g. A building shall still comply with the sight distance requirements of City ordinances at a street intersection, which may require a building to be set back further from the street in certain cases. In such cases, the deviation from the required average front yard setback shall only be to the extent necessary to comply with the sight distance requirements.

h. An unenclosed stoop, steps, or wheelchair ramp may intrude up to five (5) feet into the front yard setback.

2. Vehicle Parking and Access.

a. No new vehicle parking spaces shall be allowed within the area between the front lot line and the principal building. However, this provision shall not prohibit the rearrangement of existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street.

b. When a new principal building is proposed, if a rear or side alley exists adjacent to the lot or an existing alley can feasibly be extended, such alley shall be used as access for any new vehicle garage, driveway or parking spaces. In making this determination, the Zoning Officer and/or the Planning Commission in the case of a subdivision or land development, shall consider the following factors: the topography of the land; the length of the required extension; the location of off street parking for other buildings in the block and the opinion of the City Engineer as to the constructability of the alley. Additionally, as part of the Land Development process, these provisions may be modified if an alternative point of vehicle access is specifically required by the Pennsylvania Department of Transportation or the City Planning Commission. In any case, a corner lot may have a garage, driveway or parking accessed from a street that is not along the front lot line.

c. Any new parking area proposed to be located adjacent to a street right-of-way, other than that required for a single family home, shall be screened from the adjacent street right-of-way with shrubbery or an architectural wall or mostly solid decorative fence, between 30 and 42 inches in height.

3. Front Porches.

a. The removal or enclosure of a front porch in the TND Overlay District shall require special exception approval. The Zoning Hearing Board shall consider whether the change would harm the character of the block, considering the presence of porches on other buildings within the block, whether the porch covers historic architectural details of the façade, and whether the porch was original to the structure. The Board may place conditions upon the design of an enclosure or a replacement porch to maintain consistency with other buildings on the block.

b. This requirement shall not apply in any of the following cases:

(1) If the porch removal or enclosure will require City approval under the Historic District Ordinance; or

(2) If the porch includes less than 20 square feet of floor area.

4. Commercial Uses in Residential Districts.

a. As a special exception use, an office, personal service establishment, retail store, nail salon, restaurant (with no drive-thru), retail bakery, or art gallery use may be approved by the Zoning Hearing Board ("the Board") provided all of the following requirements are met:

(1) The lot shall be at the corner of 2 streets.

(2) At least a portion of the proposed business space shall have been occupied by a principal lawful business use within the previous 3 years. This 3 year time period may be extended to a total of 5 years if the Zoning Hearing Board determines that the property retains traditional features of a storefront business, such as display windows, signs, etc.. This subsection may allow a new business use to be established even when a nonconforming use has been considered to have been abandoned within the limits prescribed herein. The new business use shall not necessarily be limited to the floor area that previously was occupied by a business use, however the new business use shall be limited to the existing building, except for outdoor café seating where permitted, and may not involve building expansions for the use, other than as may be necessary for fire safety or handicapped access.

(3) In considering whether to approve the special exception use, the Board shall consider whether the total impact upon the neighborhood and parking needed for all uses on the lot after the new use would be in operation would exceed the total impact of all uses on the lot that existed prior to the application. For example, this decision may consider whether the applicant proposes to reduce the number of dwelling units on the lot.

(4) The Board shall have the authority to place reasonable conditions upon the use, including but not limited to:

a) limits on hours of operation,

b) limits on alcohol sales, and/or

c) limits on the maximum floor area occupied by the use.

(5) The Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering the number of customers arriving by public transit and/or walking. The Board may also approve a reduction in the required parking as part of the special exception approval if the applicant proves that there is an excess of on-street parking spaces during hours when the business will be in operation.

(6) Signs shall need approval as part of the special exception process. The Board may approve a total sign area of up to 20 square feet, which shall be limited to projecting, wall and/or window signs. No new sign shall be internally illuminated. Any lighting of signs shall be limited to hours when the use is open to the public.

(7) The use shall not include on-site frying of foods.

(8) For a barber shop, beauty shop or hairstyling/haircutting use, see Note (GG) at the end of Section 1313.01.B.

(9) The use shall not be an “Adult Use” as defined in this ordinance.

(10) The operator of the use shall regularly collect litter on the sidewalk and gutters adjacent to the lot.

D. Design Guidelines. The following design guidelines shall be considered in the design of new

construction, additions and exterior alterations in the TND Overlay District. Some of these features may be required by other sections of this Ordinance in specific cases.

1. Modern additions and features should be placed toward the rear of a building.
2. New construction should have rooflines that are similar to adjacent buildings. Flat roofs should be avoided, unless they include a decorative cornice in the front. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
3. On sides visible from a street, new construction should use building materials that are similar in appearance to similar, older buildings in close proximity, including brick and stone.
4. Where adjacent buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where adjacent buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
5. Buildings should include at least two (2) stories. Where a two-story building is not possible, it should have the appearance of a two-story building when viewed from the street (such as using decorative dormers).

1314.03 HBDO HISTORIC BUILDING DEMOLITION OVERLAY DISTRICT

A. Authorization. The regulations for this district are authorized by the following sections of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended:

1. 603(b)(2) which enables zoning ordinances to permit, prohibit, regulate, restrict and determine the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
2. 603(g)(2) which states that zoning ordinances shall provide for the protection of natural and historic features and resources;
3. 604(1) which enables zoning ordinances to preserve the natural, scenic and historic values in the environment; and
4. 605(2)(i) which enables zoning ordinances to provide classifications within any zoning district for the regulation, restriction or prohibition of uses and structures at, along or near places having unique historical, architectural or patriotic interest or value.

B. Definitions. The following terms shall have the following meanings for the purposes of this Section:

Demolition means the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not impair the structural stability of the building.

Partial Demolition shall include, but not be limited to: the removal of one or more rooms of a building, removal of an attached porch (other than a ground level patio), turrets, dormers, and other similar structural elements, that are visible from a public street. For the purposes of this Section, a partial demolition shall be treated the same as a demolition.

C. Applicability.

1. This Section shall apply to the demolition or partial demolition of any principal building or portion thereof within the HBD Overlay District which is visible from a street
2. This Section shall not apply to the following:
   a. a building that fronts on an alley.
   b. any building located within a Historic District where demolition is regulated through the Historic District Ordinance (See Article 1391 of the Codified Ordinances).
   c. accessory structures that are not attached to the principal building
   d. the removal of features which are not visible from a street;
   e. the removal of features which are only visible from an alley;
   f. interior renovations that do not harm the structural stability of the building.
   g. the removal of features that were added to the building since 1948, such as porches; aluminum siding and/or carports
3. Properties within the HBD Overlay District shall retain their underlying zoning designations, but shall also be regulated by the HBD Overlay District. If the standards of another provision of this Ordinance and the HBD Overlay District both apply to the exact same matter, the provision that is most restrictive shall apply.

D. Application and Approval Procedures.
1. A building regulated by this Section shall not be demolished or partially demolished unless such action has been given special exception approval by the Zoning Hearing Board. An application for partial or complete demolition of a building regulated by this Section shall not be approved unless all of the requirements of this Section have been met.
2. In addition to the required zoning permit application for the demolition, the following information shall be submitted by the applicant:
   a. Recent and, if available historic, exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
   b. A site plan drawn to scale showing existing buildings and the proposed demolition.
   c. A written statement of the reasons for the demolition.
   d. A written statement of the proposed use of the site, and a proposed timeline for development of that proposed use.
3. Self-Created Conditions. The conditions that justify the proposed demolition of a building regulated by this section shall not have been self-created by the applicant. These conditions include, but are not limited to:
   a. Lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements, or
   b. Leaving parts of a building open to the elements or accessible to vandalism.
4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused, such as a property appraisal, a written estimate of the costs of rehabilitation by a qualified contractor, a written report from a professional engineer regarding the structural soundness of the building, testimony concerning efforts to market the property over time, and similar relevant information.

5. Special Exception Standards.

a. For approval of a demolition, the standards of this Section shall apply in place of any general special exception standards of this Ordinance. In reviewing the application, the Zoning Hearing Board shall consider the following:

(1) The historical and architectural significance of the building proposed to be demolished and the effect of the proposed demolition on the historic character of the streetscape or surrounding neighborhood.

(2) The feasibility of other alternatives to demolition.

(3) Any potential community benefit that would accrue as a result of the demolition.

b. In order to obtain approval for a proposed demolition, the applicant is required to provide credible evidence that proves to the satisfaction of the Zoning Hearing Board that one or more of the following conditions exists:

(1) the existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect by the owner;

(2) The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;

(3) The demolition is necessary to allow a project to occur that will have substantial public benefit or benefit to the surrounding neighborhood that would greatly outweigh the loss of any historic building;

(4) The building is not historically or architecturally significant;

(5) The design of any proposed new building on the site would be a net positive addition to the streetscape and character of the block, and would be an improvement over the building that currently exists.

6. HARB Comments. The City Historical Architectural Review Board shall be provided with an opportunity to provide comments to the Zoning Hearing Board concerning the historical and architectural significance of the building proposed to be demolished and on the effect of the proposed demolition on the historic character of the streetscape or surrounding neighborhood. Such comment period shall extend for a period of thirty (30) days from the date of transmittal to HARB, but shall not by itself delay a decision on the special exception application.

E. Emergency Situations.

1. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Director of Building Standards and Safety or his/her designee certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

1314.04 HSO HAMILTON STREET OVERLAY DISTRICT

A. Authorization. The regulations for this district are authorized by the following sections of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended:

1. 1603(b)(2) which enables zoning ordinances to permit, prohibit, regulate, restrict and determine the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;

2. 603(g)(2) which states that zoning ordinances shall provide for the protection of natural and historic features and resources; and
3. 605(2)(i) which enables zoning ordinances to provide classifications within any zoning district for the regulation, restriction or prohibition of uses and structures at, along or near places having unique historical, architectural or patriotic interest or value.
4. The regulations for this district are authorized by Article VII-A (Traditional Neighborhood Development) of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended.

B. Applicability.
1. This Section shall apply to the exterior of the primary or front façade of buildings that front on Hamilton Street within the HS Overlay District including any building frontage on Center Square. Where a building is located on the corner of two streets (not including an alley), this Section shall also apply to the side façade.
2. Properties within the HS Overlay District shall retain their underlying zoning district designations, but shall also be regulated by the HS Overlay District. If the standards of another provision of this Ordinance and the HS Overlay District both apply to the exact same matter, the provision that is most restrictive upon alteration, development and use shall apply.

C. Application Procedures.
1. Within the HS Overlay District, a zoning permit shall be required for any exterior alteration, including but not limited to:
   a. The installation of permanent signs.
   b. The removal or covering of existing architectural features or historic materials.
   c. Changes in the size of window or door openings or the enclosure of window or door openings.
   d. The construction of a new principal building or an expansion of an existing principal building..
2. At the time an applicant applies for any activity regulated by this Article, the following additional information shall be submitted:
   a. A narrative describing the proposed work, including a description of exterior building materials proposed to be used; a description of any existing architectural features proposed to be changed, removed or covered; a description of any proposed sign to be installed; and a description of any window or door openings proposed to be changed in size or enclosed.
   b. Detailed plans and illustrations of the proposed work.
   c. Photographs of the existing building conditions, as well as adjoining properties and the remaining streetscape and historic photos if available.
   d. Such other information as may reasonably be required to determine compliance with this Section.

D. Review Procedures.
1. Applications for any activity regulated by this Section shall be forwarded to the Hamilton Street District Review Board as established under Article 1729 of the Codified Ordinances for review.

2. The Review Board shall meet within twenty (20) days after receipt of a completed application. Within five (5) days after the meeting at which the project is considered, the Review Board shall make advisory recommendations to the Zoning Officer, the applicant, the Zoning Hearing Board and/or other agencies and staff as may be necessary as to the compliance of the proposed alteration with this Section.
   a. If the Review Board fails to meet within twenty (20) days of receipt of the application and/or fails to make recommendations within five (5) days after the meeting, the application may be moved towards zoning approval without a recommendation.
3. The Zoning Officer shall then determine whether the application meets the requirements to be granted a zoning permit.
4. If one review has occurred by the Review Board, then additional reviews shall not be required concerning the same activity provided the proposal does not change in substance.

E. Design Specifications.
1. Design Guidelines. In conducting their review of any application pursuant to this section, the Hamilton Street District Review Board shall consider the application's consistency with the "Hamilton Street Area Design Guidelines" prepared by The Architectural Studio and dated xx/xx/xxxx., which may be revised by resolution.
2. Sign Regulations. In addition to the sign provisions for any underlying zoning district, and the design guidelines referenced in Section 1313.05.E.1 above, the following regulations shall apply within the HS Overlay District. Unless otherwise specified in this Section, the size regulations of any underlying zoning district shall apply.
   a. Awning Signs
      (1) Awnings shall be constructed of fabric or other durable, flexible material that has the appearance of fabric. No vinyl, plastic or aluminum awnings shall be permitted.
      (2) Awnings shall be shed style (having a straight slope), either fixed or retractable. No dome or bubble shaped awnings shall be permitted.
      (3) The shape of the awning framework shall match the shape of the upper frame of the window or door opening.
      (4) Awning signs shall be indirectly illuminated from an overhead light source. Interior illumination of awning signs shall not be permitted.
   b. Wall Signs
      (1) Wall signs shall be flush-mounted to the building. Box signs shall not be permitted.
      (2) Lettering and symbols on wall signs may be painted, carved, raised, mounted or created with neon tubing.
      (3) Wall signs located in the sign zone (as described below) between the first and second floors shall occupy a minimum of seventy (70%) percent of the width of this area.
         i) If there is a defined cornice, the sign shall be centered vertically within the cornice. (See Figure A.)
         ii) If there is not a defined cornice, the sign shall be centered vertically between the windows of the first and second stories. (See Figure B.)

iii) If there are no windows on the second story, the sign shall be placed such that the top of the sign zone is no more than forty-eight (48) inches above the top of the first story windows. (See Figure C.)

Figure A

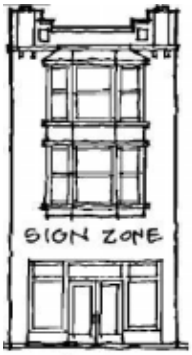

Figure B

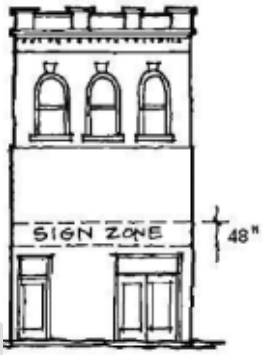

Figure C

(4) Wall signs may only be illuminated indirectly from an overhead light source. Interior illumination or backlighting of wall signs shall not be permitted except where the sign consists of individual letters or has letters cut out of the main surface of the sign. Neon lighting or signs using similar gases may be permitted as a frame around the outside of a wall sign, but not as a frame around an entire window or building.

c. Window Signs

(1) Permanent window signs shall consist of painting, etching, vinyl sheeting or lettering on the glass surface of a window. Paper or cardboard signs shall not be permitted.

(2) Permanent window signs shall occupy no more than sixty (60%) percent of the window area on first floor windows and no more than thirty (30%) percent of the window area on upper floor windows.

(3) Temporary window signs shall occupy no more than ten (10%) percent of the window area.

d. Projecting Signs

(1) Projecting signs shall be constructed of wood or metal and shall be mounted to the wall using a simple or ornamental pole or bracket.

(2) Lettering and symbols on projecting signs shall be painted, carved, raised, mounted or created with neon tubing.

e. Portable Sandwich Board Signs.

(1) Portable sandwich board signs shall be constructed of wood or metal or of a material that has the appearance of wood or metal.

(2) One sandwich board sign shall be allowed per building to advertise an on site restaurant, personal service or retail store use. Such sign shall have a maximum of 2 faces, with a maximum of 6 square feet per side, and a maximum height of 3 feet. Such sign shall be placed against the side of a building or along the curb so that a 5 feet wide area of sidewalk remains continuously clear. The sign shall be taken indoors during hours when the use is not open to the public. If such sandwich board is placed within the street right-of-way, an encroachment permit shall also be required. Such sign shall not use

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electrical wiring.

f. Freestanding Signs.

(1) Freestanding signs shall be limited to monument-style signs affixed directly to the ground. Pole-style signs attached to the ground by a column or pole shall not be permitted.

(2) Freestanding signs shall be constructed of wood, metal, masonry or stone or of a material that has the appearance of wood, metal, masonry or stone.

(3) Lettering and symbols on freestanding signs shall be painted, carved, raised, or mounted.

(4) Freestanding signs shall have a maximum height of eight (8) feet and shall have a maximum sign area of thirty-two (32) square feet.

F. Emergency Exception. If immediate approval is needed because of a hazard to public safety in the determination of the Director of Building Standards and Safety or his/her designee, a permit may be issued before review and approval under this Section. However, such approval shall be for the minimum change necessary to address the public safety hazard, and any architectural details that were removed shall be retained. The change shall then be reviewed under this Section, and the Zoning Officer may require any removed architectural details to be reinstalled after any necessary repairs.

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ARTICLE 1315
AREA, YARD AND BUILDING REQUIREMENTS

1315.01 Table of Area and Yard Requirements in Residential Districts
1315.02 Additional Area and Yard Requirements in the R-MP District
1315.03 Table of Area and Yard Requirements in Non-Residential Districts
1315.04 Yard and Height Requirements for Accessory Structures
1315.05 Minimum Floor Area and Facilities for Dwelling Units

1315.01 TABLE OF AREA AND YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS. The following requirements shall apply in each of the following situations, except that if another provision of this Ordinance establishes a specific requirement that is more restrictive upon the use or structure, then the most restrictive requirement shall apply. The capital letters in italics within parentheses refer to notes at the end of this table.

See provisions for setbacks for accessory buildings in Section 1315.04.

See also provisions for Section 1315.05 for minimum floor area and facilities for all dwelling units.

See additional standards for multi-family dwellings in Section 1327.

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District	**Use**	**Min. Lot Area - square feet**	**Min. Lot Width, Other than Corner Lot**	**Min. Lot Width for Corner Lot**	**Min. Front Yard *(A)***	**Min. Rear Yard *(B)***	**Min. Width of Each of 2 Side Yards *(C)***	**Max. Height in Stories**	**Max. Height in Feet *(S)***	**Max. Percent "Building Coverage"**	**Min. Average Lot Area Per Dwelling Unit (square feet)**
R-H	a) Single Family Detached	a) 2,000	a) 40	a) 48	a) 20	a) 35	a) 4	a) 3	a) 38	a) 50%	a) 2,000
	b) Twin or 2 Family *(D)(Q)*	b) 1,800	b) 22/unit	b) 28/unit	b) 20 *(Q)*	b) 35 *(Q)*	b) 4	b) 3	b) 38 *(Q)*	b) 60%	b) 1,800
	c) Rowhouses/ Townhouses *(D)(Q)*	c) 1,800	c) 18/unit *(E)*	c) 28/unit	c) 20 *(Q)*	c) 35 *(Q)*	c) 4	c) 3	c) 38 *(Q)*	c) 60%	c) 1,800
	d) 3 or 4 unit Multi-Family Dwellings	d) 5,400	d) 40	d) 48	d) 20	d) 35	d) 6	d) 3	d) 38	d) 60%	d) 1,800
	e) Multi-Family of 5 or more dwelling units *(I)*	e) 7,500	e) 80	e) 80	e) 20	e) 35	e) 10	e) ---	e) *(F)*	e) 60%	e) 1,500 *(G)(H)*
	f) Other Allowed Principal Use	f) 8,000	f) 80	f) 80	f) 20	f) 35	f) 10	f) ---	f) *(F)*	f) 60%	f) 1,800 *(G)(K)*

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District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard *(A)*	Min. Rear Yard *(B)*	Min. Width of Each of 2 Side Yards *(C)*	Max. Height in Stories	Max. Height in Feet *(S)*	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-MH	a) Single Family Detached	a) 2,000	a) 40	a) 48	a) 20	a) 35	a) 4	a) 3	a) 38	a) 50%	a) 2,000
	b) Twin or 2 Family *(D)*	b) 1,800	b) 22/unit	b) 28	b) 20	b) 35	b) 4	b) 3	b) 38	b) 50%	b) 1,800
	c) Rowhouses/ Townhouses *(D)*	c) 1,800	c) 18/unit *(E)*	c) 28/ unit	c) 20	c) 35	c) 4	c) 3	c) 38	c) 60%	c) 1,800
	d) 3 or 4 unit Multi-Family Dwellings	d) 6,000	d) 40	d) 48	d) 20	d) 35	d) 6	d) 3	d) 38	d) 50%	d) 2,000
	e) Multi-Family of 5 or more dwelling units *(I)*	e) 9,000	e) 120	e) 120	e) 20	e) 35	e) 10 *(J)*	e) 3	e) 38	e) 30%	e) 1,800*(H)*
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 120	f) 20	f) 35	f) 15	f) --	f) 50	f) 50%	f) 2,000*(K)*

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District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard *(A)*	Min. Rear Yard *(B)*	Min. Width of Each of 2 Side Yards *(C)*	Max. Height in Stories	Max. Height in Feet *(S)*	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-M	a) Single Family Detached	a) 3,500	a) 40	a) 48	a) 25	a) 30	a) 6	a) 3	a) 38	a) 40%	a) 3,500
	b) Twin or 2 Family *(D)*	b) 2,200	b) 25/unit	b) 35	b) 25	b) 35	b) 5	b) 3	b) 38	b) 40%	b) 2,200
	c) Rowhouses/ Townhouses *(D)*	c) 2,000	c) 20/unit	c) 35/unit	c) 25	c) 35	c) 5 *(R)*	c) 3	c) 38	c) 50%	c) 2,000
	d) 3 or 4 unit Multi-Family Dwellings	d) 12,000	d) 80	d) 80	d) 25	d) 35	d) 7	d) 3	d) 38	d) 40%	d) 4,000
	e) Multi-Family of 5 or more dwelling units *(I)*	e) 20,000	e) 120	e) 120	e) 25	e) 35	e) 10*(J)*	e) 3	e) 38	e) 30%	e) 4,000
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 100	f) 25	f) 35	f) 15	f) --	f) 38	f) 40%	f) 3,000*(K)*

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District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard *(A)*	Min. Rear Yard *(B)*	Min. Width of Each of 2 Side Yards *(C)*	Max. Height in Stories	Max. Height in Feet *(S)*	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-MP - See also Section 1315.02.	a) Single Family Detached Dwelling	a) 7,200 except 8,400 for a corner lot	a) 60	a) 70	a) 25	a) 30	a) 7; 16 total two side yards	a) 3	a) 38	a) 35%	a) 7,200
	b) Twin Dwelling	b) ---	b) 40/unit	b) 50	b) 25 *(L)* *(M)*	b) 35 *(N)* *(L)*	b) 7*(L)*	b) 3	b) 38	b) 40%	b) Section 1315.02
	c) Rowhouse/ Townhouse *(D)*	c) ---	c) 24/unit	c) 34	c) 25 *(L)* *(M)*	c) 35 *(N)* *(L)*	c) 7*(L)*	c) 3	c) 38	c) 50%	c) Section 1315.02
	d) Multi-Family of 3 or more dwelling units*(I)*	d) ---	d) 120	d) 120	d) 30*(L)*	d) 35 *(N)* *(L)*	d) 10 *(N)* *(L)*	d) 3	d) 38	d) 35%	d) Section 1315.02
	e) Other Allowed Principal Use	e) 12,000	e) 80	e) 90	e) 30	e) 35	e) 15	e) 3	e) 38	e) 50%	e) ---

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1315.01 TABLE OF AREA AND YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS

District	**Use**	**Min. Lot Area - square feet**	**Min. Lot Width, Other than Corner Lot**	**Min. Lot Width for Corner Lot**	**Min. Front Yard *(A)***	**Min. Rear Yard *(B)***	**Min. Width of Each of 2 Side Yards *(C)***	**Max. Height in Stories**	**Max. Height in Feet *(S)***	**Max. Percent "Building Coverage"**	**Min. Average Lot Area Per Dwelling Unit (square feet)**
R-MLP See also Section 1315.02.1	a) Single Family Detached Dwelling	a) 5,000 except 6,000 for a corner lot	a) 40	a) 50	a) 25	a) 30	a) 6, with a total of 14	a) 3	a) 38	a) 35%	a) 5,000
	b) Twin Dwelling *(D1)*	b) ---	b) 30/unit	b) 40	b) 25 *(L1)(M)*	b) 35 *(L1)*	b) 6 *(L1)*	b) 3	b) 38	b) 35%	b) Section 1315.02.1
	c) Rowhouse/ Townhouse *(D1)(D2)*	c) ---	c) 24/unit	c) 35	c) 25 *(L1)(M)*	c) 35 *(L1)*	c) 7 *(L1)*	c) 3	c) 38	c) 45%	c) Section 1315.02.1
	d) Multi-Family Dwellings *(I)*	d) 5 acres	d) 120	d) 120	d) 25	d) 35 *(N)*	d) 25 *(N)*	d) 3	d) 38	d) 25%	d) 5,000
	e) Other Allowed Principal Use	e) 12,000	e) 60	e) 70	e) 25	e) 35	e) 10 *(O)*	e) 3	e) 38	e) 35%	e) ---

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District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard *(A)*	Min. Rear Yard *(B)*	Min. Width of Each of 2 Side Yards *(C)*	Max. Height in Stories	Max. Height in Feet *(S)*	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-ML	a) Single Family Detached Dwelling	a) 5,000 except 6,000 for a corner lot	a) 40	a) 50	a) 25	a) 30	a) 6, with a total of 14	a) 3	a) 38	a) 35%	a) 5,000
	b) Multi-Family Dwellings *(I)*	b) 5 acres	b) 120	b) 120	b) 25	b) 35	b) 25	b) 3	b) 38	b) 25%	b) 5,000
	c) Other Allowed Principal Use	c)12,000	c) 60	c) 70	c) 25	c) 35	c) 10 *(O)*	c) 3	c) 38	c) 35%	c) ---
R-L	a) Single Family Detached Dwelling	a) 7,200 except 8,400 for a corner lot	a) 60	a) 70	a) 25	a) 30	a) 7, with a total of 16	a) 3	a) 38	a) 30%	a) 7,200
	b) Other Allowed Principal Use	b) 12,000	b) 60	b) 70	b) 25	b) 35	b) 10 *(O)*	b) 3	b) 38	b) 30%	b) ---

DRAFT

District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard *(A)*	Min. Rear Yard *(B)*	Min. Width of Each of 2 Side Yards *(C)*	Max. Height in Stories	Max. Height in Feet *(S)*	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
R-LC (See Section 1317.03 for tree preserv-ation and forestry regula-tions)	a) All Uses	a) 20,000 *(P)*	a) 100	a) 100	a) 30	a) 50	a) 15	a) 3	a) 38	a) 20	a) 20,000 *(P)*

Notes for the Section 1315.01:

"Min." = Minimum; "Max." = Maximum; "Unit" = Per Dwelling Unit

All measurements are in linear feet, unless otherwise stated.

(A)= Up to one-third of the required front yard setback may be occupied by an unenclosed "open porch" (see definition in Section 1303.01). Such porch may include a roof, but shall not include a second floor, with or without a roof.

(B)= Up to one-third of the required minimum rear yard may be occupied by an unenclosed rear porch or wood deck, with or without a roof. However, if an unenclosed rear porch or wood deck without a roof is elevated less than 3 feet above the ground level, then no setback shall be required.

(C)= On a corner lot that is adjacent to two intersecting streets, a front yard shall be provided abutting one street, and abutting the second street, a side yard shall be provided with the following minimum width:

1) 10 feet in the RH and RMH districts,
2) 15 feet in any other district.

A side yard is not required from a lot line along which buildings are lawfully attached.

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(D)= 1) Each new rowhouse/townhouse or twin dwelling unit shall have a minimum building width of 24 feet in the R-MLP district, 20 feet per dwelling unit in the RM district, and 18 feet in all other districts. (14430 §1 10/12/06)

2) In the R-H and R-MH districts, a maximum of 8 rowhouses/townhouses, in the R-M and R-MP districts a maximum of 6 rowhouses/townhouses, and in the R-MLP district a maximum of 4 rowhouses/townhouses may be attached in one grouping constructed after the adoption of this Ordinance. (14430 §1 10/12/06)

3) Where twin dwellings, rowhouses or townhouses are constructed on one lot rather than individual fee-simple lots, such as in a condominium form of ownership, the minimum lot area per unit shall apply. (14326 §2 11/17/05)

4) Where twin dwellings, rowhouses or townhouses are constructed on one lot rather than individual fee-simple lots, such as in a condominium form of ownership, the minimum lot width requirement shall apply to the building width of each unit. (14326 §2 11/17/05)

(E)= Except a 20 feet lot width shall apply for a Townhouse or Rowhouse approved after the adoption of this Ordinance that will have either or both of the following:

1) one or more off-street parking spaces within the front yard within 20 feet of the front of the dwelling, and/or

2) garage door(s) for one or more motor vehicles opening onto the front of the dwelling.

(F)= The following additional provisions shall apply to a building over 45 feet in height:

1) A minimum setback of 20 feet shall apply from a street right-of-way.

2) No point of the building shall project into an imaginary plane established by an angle of 70 degrees as projected from a point along the center line of a street. The point of projection shall be at a midpoint of the lot projected to the center line of the street. The elevation of the center line shall be equal to the established curb elevation at the midpoint of the lot. If the lot is a corner lot, the plane shall apply to all sides which abut a street.

(G)= For a multi-family building or other permitted principal use of 4 or more stories a minimum lot area per dwelling unit shall not apply. Instead, this building shall not exceed a maximum floor area ratio of 2.0.

(H)= Except in the case of a residential building where each and every dwelling unit is restricted by deed and by lease to residency by persons age 62 and over, the physically handicapped and their spouses, and provided that the lot includes 9 or more dwelling units, minimum average lot area per dwelling unit may be 1,000 sq. ft., except in those cases in the R-H district where a maximum FAR applies, the maximum FAR is 2.5.

(I)= See also additional standards in Section 1327.

(J)= For a development including 5 or more dwelling units:

1) the building shall not be attached to a building on another lot, and

2) each minimum side yard shall be increased by 4 feet for each dwelling unit exceeding 5 units, up to a maximum of 25 feet for each side yard.

(K)= Where a mix of dwelling unit(s) and a non-residential use may be permitted by another provision of this Ordinance, then the first 1,000 square feet of lot area shall be counted towards the non-residential use, and then the specified minimum lot area shall be required in addition for each dwelling unit.

(L)= 1) All yards abutting a public street shall require a minimum setback equal to a front yard.

2) A minimum building setback of 40 feet shall apply from the exterior lot line of the development tract, except such setback shall be 35 feet if the development involves a total of 20 or less acres.

a) Where an existing street forms the exterior lot line of the tract, then such setback shall be measured from the existing legal right-of-way of such street.

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3) No off-street vehicle parking area, new street cartway and/or driveway shall be permitted within 40 feet of such exterior lot line of the development tract, except:
   a) such setback shall be 20 feet if the development involves a total of 20 or less acres; and
   b) for approved driveway or street crossings.

(M)= In cases where required parking will be provided in the rear yard of all units within the entire block, the minimum front yard may be reduced to 15 feet for the units.

(N)= Within a lot, buildings including apartments shall be separated by a minimum of 40 feet, except that such separation shall be a minimum of 50 feet if the buildings would be parallel or up to a 45 degree angle to each other.

(O)= For each foot of building height exceeding 35 feet, each minimum side yard shall be increased by one foot.

(P)= If any portion of the area within the required minimum setbacks for a principal building includes slopes over 25 percent, then the minimum lot area shall be increased to 1 acre. An applicant may avoid the imposition of the more restrictive lot area by establishing a deed restriction that prohibits the construction of any principal building(s) on the portions of the lot with a slope over 25 percent. This provision shall apply to slopes as they existed at the time of adoption of this Ordinance, but shall not regulate slopes that were clearly man-made.

(Q)= For developments consisting of twin or rowhouse/ townhouse dwellings or any combination thereof occurring on a tract of land with a minimum total area of 25,000 square feet and located east of 14th Street, the following provisions may apply. For purposes of this section, such a tract of land may include more than one existing lot provided that such lot(s) are contiguous and in common ownership at the time of application.

1) The minimum required front yard setback may be decreased to five (5') feet, except where the average front yard setback of all existing principal structures within one hundred (100') feet on each side of the proposed building that front on the same side of the street is greater than five (5') feet, then the greater of the two shall apply, up to a maximum of twenty (20') feet. When only one principal structure exists within one hundred (100') feet on both sides of the property, then the setback of that building shall apply, up to the maximum of twenty (20') feet.
2) The minimum required rear yard setback may be decreased to eighteen (18') feet.
3) Each unit shall provide a minimum of one hundred (100) square feet of rear private outdoor space, which may include fenced yard areas, patios, balconies, decks or unenclosed porches.
4) Up to one-half of the required minimum rear yard may be occupied by an unenclosed rear porch or wood deck, with or without a roof.
5) The maximum height in feet for townhouses may be increased to forty-two (42') feet.
6) The development in all respects must be approved by the Fire Department, particularly building separation and access.
7) Except as otherwise noted in this section, all other standards contained in this ordinance and related to the R-H district shall apply. (14326 §2 11/17/05)

(R)= In the R-M district, the side yard setback shall be increased by two (2') feet for each number of units in a row greater than three (3), such that a row of four (4) units shall require seven (7') foot side yards, a row of five (5) units shall require nine (9') foot side yards, and a row of six (6) units shall require eleven (11') foot side yards. (14485 §1 05/22/07)

(S)= A maximum of 15 percent of the building coverage of a building may extend an additional 10 feet above the maximum building height for the sole purpose of providing for decorative peaked or pitched roofs or skylights. However, such area that extends above the maximum building height shall not be occupied by persons.

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1315.02 ADDITIONAL YARD, AREA, BUILDING AND OPEN SPACE REQUIREMENTS FOR THE R-MP DISTRICT

The requirements of Section 1315.01 shall apply. In addition, the following requirements shall apply to any rowhouses, apartments or twin dwellings in the R-MP district:

A. Tract Size. Rowhouses/townhouses, apartments and twin dwellings shall only be permitted as part of a development involving a minimum total of 5 acres.

B. Density. This section is intended to allow for flexibility in the site planning of twins, rowhouses and apartments. A minimum fee-simple lot area per each twin or rowhouse/townhouse dwelling unit shall not apply. The density of rowhouses, apartments and twin dwellings in the R-MP district shall be determined based upon the following:

1. The "Total Area of the Tract" shall mean the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. The Total Area of the Tract shall not include areas within the existing legal right-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space. The Total Area of the Tract shall be used for the purpose of determining density in this Section and only include land within the R-MP district.
2. The maximum number of twin, rowhouse and apartment dwelling units permitted on the Tract shall be determined by multiplying the "Total Area of the Tract" proposed to be used for rowhouses, apartments, twin dwellings, related improvements, related proposed streets and related open spaces by a maximum average density of 8 dwelling units per acre.
3. The maximum number of permitted rowhouse and/or twin dwelling units shall be determined by multiplying the portion of the "Total Area of the Tract" proposed to be used for rowhouse and/or twin dwellings and related improvements, related proposed streets, and related open spaces by a maximum average density of 6 dwelling units per acre.
4. The maximum number of permitted apartment dwelling units shall be determined by multiplying the portion of the "Total Area of the Tract" proposed to be used for apartment dwellings and related improvements, related proposed streets, and related open spaces by a maximum average density of 11 dwelling units per acre, subject to the maximum density allowed in paragraph (2) above.
5. No portion of the Tract shall be counted more than once in determining the maximum density. For example, the same portion of land used to authorize a number of rowhouses may not also be used to authorize a number of apartments. Portions of land used for principal non-residential uses may not also be used to permit dwelling units.
6. There shall be a minimum 10 feet side yard provided adjacent to each end rowhouse/townhouse unit that is not adjacent to a street.
7. If every dwelling unit in a development tract is permanently restricted by deed and by lease to occupancy by at least one resident age 55 and over or the physically disabled, with no person under age 18 residing on the lot for more than 30 days per calendar year, and if the tract includes 9 or more dwelling units, then the maximum average density for the tract shall be increased to 9 dwelling units per acre and the maximum average density for rowhouses/townhouses, apartments and twin houses shall be increased to a maximum average density of 9 dwelling units per acre.

C. Open Space. A minimum land area equivalent to 15 percent of the "Total Area of the Tract" proposed for rowhouses, twin dwellings and/or apartments and their related improvements shall be legally reserved as permanent "Common Open Space" (see definition in Section 1303) according to the following provisions. Such minimum Common Open Space may be reduced to 12 percent of such Total Area of the Tract if the development includes a total of 20 or less acres. This requirement may be waived by the Planning Commission where this requirement would provide Common Open Space less than one acre in size.

1. Required common open space shall:

DRAFT

a) Be suitable for its intended purposes, including being attractively landscaped, cleared of construction debris, developed with trails, and improved with a suitable grass area for informal free-play by children or similar facilities.
b) Have suitable access points for pedestrians and for maintenance. Wherever feasible, common open spaces shall provide links for residents to access existing public school grounds and existing public parks.
c) Be located within the City of Allentown
d) Be located within or adjacent to the rowhouse/apartment/twin development being served.
e) Not necessarily be located in the R-MP district.

2. The following areas shall not be used to meet the requirements for common open space.
   a) A stormwater detention basin except for portions of a detention basin that the applicant proves to the satisfaction of the Planning Commission will be suitable for active or passive recreation during at least 75 percent of the year.
   b) Areas within 20 feet of a building shall not count towards the required common open space, except for land involving a non-commercial recreation building approved by the City.
   c) The Planning Commission may refuse to allow isolated areas of land to count towards the minimum open space requirements.
3. If common open space is dedicated to the City, the City may require an applicant to establish an escrow account to fund a substantial portion of the City's routine actual costs to maintain such land.
4. If the City of Allentown does not agree to accept dedication of such common open space to the City, then the applicant shall be required to dedicate such open space to a homeowners association or to establish another form of responsible ownership pre-approved by the City. The legal form of any such dedication or other form of ownership shall be acceptable to the City Solicitor. Any homeowner association shall legally bind each homeowner to contribute towards the maintenance of the open space.

D. Common Parking. In the R-MP district, the City may approve parking spaces within conveniently located common parking areas if the applicant establishes sufficient mechanisms to ensure that the parking will be adequately maintained and will be permanently available to the homes being served. In such case, the City may require that a homeowner association be established if needed to ensure adequate maintenance.

E. Condominiums. If the proposed buildings meet all of the requirements of this Ordinance, then the City may permit a condominium form of ownership, with the required yard areas serving to regulate the spacing of buildings but not to designate individual fee-simple lots.

1315.02.1 ADDITIONAL YARD, AREA, BUILDING AND OPEN SPACE REQUIREMENTS FOR THE R-MLP DISTRICT

The requirements of Section 1315.01 shall apply. In addition, the following requirements shall apply to any twin dwellings or rowhouses/townhouses in the R-MLP district:

A. Tract Size. Twin dwellings and rowhouses/townhouses shall only be permitted as part of a development having a minimum tract size of one acre.

B. Density. This section is intended to allow for flexibility in the site planning of twins and rowhouses/townhouses. A minimum fee-simple lot area per each twin or rowhouse/townhouse dwelling unit shall not apply. The density of twin dwellings and rowhouses/townhouses in the R-MLP district shall be determined based upon the following:
   1. The “Total Area of the Tract” shall mean the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. The Total Area of the Tract shall not include areas within the existing legal right-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space. The Total Area of the Tract shall be used for the purpose of determining density in this Section and only include land within the R-

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MLP district.

2. The maximum number of twin and rowhouse/townhouse dwelling units permitted on the Tract shall be determined by multiplying the "Total Area of the Tract" proposed to be used for twin dwellings and/or rowhouses/townhouses and related improvements, related proposed streets, and related open spaces by a maximum average density of 7 dwelling units per acre.
3. No portion of the Tract shall be counted more than once in determining the maximum density. For example, the same portion of land used to authorize a number of twin or rowhouse/townhouse units may not also be used to authorize any other use.

C. Common Open Space. Residual areas resulting from the layout of a tract containing twin dwellings and/or rowhouses/townhouses shall be reserved as permanent "Common Open Space" (see definition in Section 1303) according to the following provisions.

1. Any common open space provided shall:
   a) Be suitable for its intended purposes, including being cleared of construction debris, attractively landscaped, and improved with a grass area suitable for informal free play by children or similar facilities.
   b) Have suitable access points for pedestrians and for maintenance. Wherever feasible, common open spaces shall provide links for residents to access existing public school grounds and existing public parks.
2. The applicant shall be required to dedicate such common open space to a homeowners association or to establish another form of responsible ownership pre-approved by the City. The legal form of any such dedication or other form of ownership shall be acceptable to the City Solicitor. Any homeowner association shall legally bind each homeowner to contribute towards the maintenance of the open space.

D. Common Parking. In the R-MLP district, the City may approve parking spaces within conveniently located common parking areas if the applicant establishes sufficient mechanisms to ensure that the parking will be adequately maintained and will be permanently available to the homes being served. In such case, the City may require that a homeowner association be established if needed to ensure adequate maintenance.

E. Condominiums. If the proposed buildings meet all of the requirements of this Ordinance, then the City may permit a condominium form of ownership, with the required yard areas serving to regulate the spacing of buildings but not to designate individual fee-simple lots. (14430 §1 10/12/06)

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1315.03 TABLE OF AREA AND YARD REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS

The following requirements shall apply in each of the following situations, except that if another provision of this Ordinance establishes a specific requirement that is more restrictive upon the use or structure, then the most restrictive requirement shall apply. The capital letters in italics within parentheses refer to notes at the end of this table. See provisions for setbacks for accessory buildings in Section 1315.04.

District	**Use**	**Minimum Lot Area - square feet**	**Min. Lot Width**	**Min. Front Yard**	**Minimum Rear Yard**	**Minimum Width of Each of 2 Side Yards *(H)***	**Maximum Height in Feet**	**Maximum Percent of "Building Coverage"**
B-1/R	a) One or more dwelling units (other than one accessory dwelling unit to a non-residential use), shall be required to comply with all of the same provisions as if the dwellings would be within the R-MH district, instead of the requirements of the B-1/R district.							
	b) Other Allowed Principal Use, which may include one accessory dwelling unit regardless of lot area or lot width.	b) 3000	b) 30	b) 15	b) 5 *(C)*	b) 0*(E)*	b) 40, except 50 in the TND overlay	b) 70%
B-2	Allowed Use *(J)(K)*	2000	20	0	0	0	No maximum	No maximum
B-3	Allowed Use	10,000	80 except 100 for a	30 *(B)*	10 *(C)*	5 *(D)*	50	60%

DRAFT

District	Use	Minimum Lot Area - square feet	Min. Lot Width	Min. Front Yard	Minimum Rear Yard	Minimum Width of Each of 2 Side Yards *(H)*	Maximum Height in Feet	Maximum Percent of "Building Coverage"
			corner lot					
B-4	Allowed Use	4 acres *(A)*	500 *(A)*	40 *(B)*	20	20	50 *(F)*	60%
B-5	Allowed Use	4,000	40, except 45 for a corner lot	10	5 *(D)*	5 *(D)*	50	70%
B/LI	a) Non-Residential Use Standards b) Residential Use (Same as B1/R)	a) 4,000	a) 40*(M)*	a) 20*(B)*	a) 10 *(G)*	a) 8 *(C)*	a) 50 *(L)*	a) 70%
I-2 or I-3	a) Non-Residential Use Standards b) Residential Use (Same as B1/R)	a) 10,000	a) 80, except 100 for a corner lot	a) 20*(B)*	a) 10 *(G)*	a) 8 *(C)*	a) 50	a) 70%
P	Allowed Use	7,200	60	30	35	7	35	15%
I-G	Allowed Use (See Note N)	7,200, except 8,400 for a corner lot	60, except 70 for a corner lot	30	10 *(G)*	5 *(D)*	75 *(I)*	No maximum

Notes for the Section 1315.03:

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"Min." = Minimum; "Max." = Maximum; "Unit" = Dwelling Unit
All measurements are in linear feet, unless otherwise stated.

(A)= Within the B-4 district, lots with a minimum lot area of one acre and a minimum lot width of 150 feet per lot may be created, provided each such lot includes a legally binding and recorded restriction stating that there will be no vehicle access directly from the lot onto an arterial street. Any such lot shall have vehicle access using a system of internal driveways and/or non-arterial streets, with such access being fully coordinated among all of the business uses.

(B)= The required front yard setback may be 10 feet less than what otherwise would be required if none of the following will be located between the principal building and the abutting curb along the front lot line: vehicle parking, truck loading docks, industrial outdoor storage.

(C)= Except a 20 feet wide minimum setback shall apply for each such yard that is abutting or across an alley from an adjacent residential district.

(D)= Except a 10 feet wide minimum setback shall apply for each such yard that is abutting or across an alley from an adjacent residential district.

(E)= Shall be a 5 feet wide minimum setback for each side yard of a non-residential principal use that abuts an existing primarily residential use.

(F)= The maximum height may be increased to a height equal to the distance that such portion of a building is setback from all lot lines, up to a maximum height of 75 feet. Therefore, for example, a portion of a building that is setback 60 feet from all lot lines may have a maximum height of 60 feet.

(G)= Except a 30 feet wide minimum setback shall apply for each such yard that is abutting or across an alley from a residential district.

(H)= On a corner lot that is adjacent to two intersecting streets, a front yard shall be provided abutting one street, and abutting the second street, a side yard with a minimum width of 15 feet shall be provided, except:
1) no side yard shall be required in the B-2 districts, and
2) such side yard shall be 5 feet in the B1/R, B-5 and B/LI districts.

A side yard is not required from a lot line along which buildings are lawfully attached.

(I)= Except a 100 feet maximum height shall apply to hospitals and a 45 feet maximum height shall apply to all uses within 200 feet of an RL, R-ML or RM district.

(J)= Within the B-2 district, buildings are encouraged to be placed close to the right-of-way line of Hamilton Street in order to maintain a consistent pedestrian oriented streetscape. Therefore, within the B-2district, the following improvements shall not be located between a principal building and the right-of-way of Hamilton Street, except in the case of a multi-story or underground parking structure:
1) a new off-street parking space, or portion thereof,
2) a new off-street loading space, or portion thereof, or
3) a driving aisle, other than for an approved and permitted driveway solely intended to provide access onto the property and not for the purpose of accessing drive-thru facilities or off-street parking spaces which are not permitted by this provision.

(K)= Any motor vehicle access to a lot shall use alleys and streets other than Hamilton Street between Penn Street and Twelfth Street. No new motor vehicle driveway shall be permitted to have its entrance onto or exit from Hamilton Street. However, as a special exception, the Zoning Hearing Board may approve a driveway onto or exiting Hamilton Street if the applicant proves to the satisfaction of the Zoning Hearing Board that:

DRAFT

1) there is no reasonable alternative to providing such access, and
2) the crossing will be designed in a manner that minimizes hazards to pedestrian traffic along Hamilton Street.

In making such finding, the Zoning Hearing Board shall consider the recommendation of the City Traffic Engineer and/or Director of Public Works. This provision shall not, by itself, prevent the conversion of an existing alley into a private driveway, nor the relocation of an existing alley intersection with Hamilton Street.

(L)= On a lot having an area of 15 acres or more, the maximum height of a non-residential building may be increased to 200 feet, provided that any portion of the building that exceeds 50 feet in height must be set back from a residential zoning district a distance of two (2) times the height of that portion of the building. For example, where a building has portions with heights of 75 feet and 100 feet, the portion that is 75 feet high must be set back 150 feet from a residential zoning district and the portion that is 100 feet high must be set back 200 feet from a residential zoning district. (14385 §2 04/20/06)

(M)= Except an 80 foot wide minimum lot width shall apply to each property fronting on an arterial street. (14486 §3 06/08/07)

(N)= If every dwelling unit in a development tract is permanently restricted by deed and by lease to occupancy by at least one resident age 55 and over or the physically disabled, with no person under age 18 residing on the lot for more than 30 days per calendar year, and if the tract includes 10 or more acres, then such development may be developed under the regulations of the R-MP district instead of the regulations of the I-G district.

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1315.04 YARD AND HEIGHT REQUIREMENTS FOR ACCESSORY STRUCTURES. The following requirements shall apply to a detached accessory structure.

A. An accessory building or structure located within the building restriction lines of the principal building shall be regulated as part of the principal building.

B. In any district, an accessory structure shall not be permitted within a required minimum front yard.

C. In any Residential, P or I-G district:
   1. Where principal buildings are attached along a side lot line, then a 3 feet minimum setback shall apply along that entire lot line for a detached structure that is accessory to the principal building, except when written permission is obtained from the abutting property owner(s) of record to reduce the 3 foot side yard setback on one side yard only.
   2. In any other case than described in Section 1315.04.C.1, a minimum setback of 3 feet is required from side and rear property lines for all accessory structures located in the required rear yard.

D. In the B-2 district, no setback shall be required for an accessory structure, except as may be necessary to meet clear sight requirements as stated in Article 1311.

E. On a corner lot, from a side lot line along a street, an accessory structure (including but not limited to a swimming pool) shall be setback a minimum of:
   1. 15 feet in the RL, R-ML and R-M districts,
   2. 0 feet in the B-2 district,
   3. 10 feet in other districts.

F. In any situation not addressed in subsections "B.," "C.", or "D." above, a minimum setback of 10 feet shall apply from a side or rear lot line for an accessory building or structure.

G. Private Garage. No requirement for minimum side yards or maximum building coverage contained in this Ordinance shall prevent the construction of one private one car garage not exceeding 10 feet in width within a rear yard on a lot that is 15 feet or less in width that includes a dwelling unit built prior to 1971. Such garage shall be located to minimize its nonconformity with this Ordinance.

H. Height. A maximum height of 15 feet shall apply for any accessory structure, except:
   1. for each 6 inches of setback that an accessory structure exceeds the minimum yard requirement for accessory structures, an additional foot of height shall be permitted above the initial 15 feet;
   2. an accessory structure may have a maximum height of 35 feet if such building meets the yard requirements for a principal building.

DRAFT

I. No accessory structure or use shall be erected or remain on any lot without a principal structure or use. This requirement shall not prevent the placement of an above-ground swimming pool or storage shed of 150 square feet or less to serve an abutting lot.

J. A private garage, whether attached or detached, or any portion thereof, shall not be used for either of the following:
1. dwelling purposes,
2. any repairs to motor vehicles within the garage, other than vehicles registered to or leased to an owner or lessee of any dwelling unit located on the property.

K. Number. On a residential lot with less than 15,000 square feet of lot area, a maximum of 2 accessory buildings shall be permitted.

L. Fences and Walls - See Section 1311.07.

M. Pigeon Coops must meet the following requirements:
1. A pigeon coop cannot be attached to any other structure, nor be placed on the roof of an existing structure.
2. A pigeon coop is only permitted in the rear yard outside of the required principal side and rear yard setbacks and be setback of 25 ft. from all property lines whichever is more restrictive.
3. The maximum size shall not exceed 100 sq. ft.
4. The coop shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping its confines.

1315.05 MINIMUM FLOOR AREA AND FACILITIES FOR DWELLING UNITS. Each dwelling unit shall contain complete kitchen, toilet, bathing and washing facilities and sleeping facilities, and shall have a minimum "habitable floor area" (as defined in Section 1303.01) in accordance with the following:

Type of Dwelling Unit	Minimum Square Feet
Efficiency	500
One bedroom	500
Two bedrooms	700
Three or more bedrooms	900

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ARTICLE 1317
ENVIRONMENTAL AND PERFORMANCE STANDARDS

1317.01 Review of Proposed Uses
1317.02 Performance and Environmental Standards
1317.03 Tree Preservation and Forestry within the R-LC District

1317.01 REVIEW OF PROPOSED USES. If the Zoning Officer has reason to believe that a proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions and/or site plans of the proposed use and its ability to comply with the standards of this Article, with particular attention to proposed hazardous and toxic substances, operations and safeguards. The Zoning Officer may also consult with applicable public agencies and/or technical experts to assist in determining compliance with the standards of this Article.

A. In the case of a structure being built for future lease, in whole or in part, the Zoning Officer shall withhold a requirement for this documentation for purposes of issuing a building permit, if all other applicable requirements are met, but shall not approve a certificate of occupancy and/or zoning permit until the applicant provides evidence that a particular occupant and/or use will comply with this Section 1317.

B. In the event any use fails to meet the performance standards after a certificate of occupancy and/or zoning permit is issued, the Zoning Officer may require, after proper notice, that the use be suspended within 60 days, unless the use can be corrected to satisfactorily meet the performance standards in this Article 1317.

1317.02 PERFORMANCE AND ENVIRONMENTAL STANDARDS. All uses shall comply with the following standards.

A. Odors, dust and air and water pollution: No continuous, frequent or repetitive noxious odors or dust, which are detectable beyond the lot lines, are permitted. All uses shall comply with Federal and State air and water pollution regulations as a condition of any City permit.

B. Glare: Arc welding, acetylene torch cutting or similar processes that produce glare shall be performed within an enclosed building or shall be screened from view from any point beyond the property line.

C. Gases: No gas shall be emitted which is deleterious to the public health or safety.

D. Electrical disturbance: No use shall routinely cause electrical, radio or electromagnetic disturbances to electronic receiving equipment on another lot.

E. Vibration: No use shall cause earth vibrations or concussions that are detectable without the use of measuring instruments beyond its property lines. Vibration resulting from construction of streets, structures or utilities is not regulated by this Ordinance.

DRAFT

F. Noise: No use shall create noise that exceeds the maximum standards stated in the City's Codified Ordinance, Article 719 entitled Noise Control.

G. The bulk commercial storage, baling, processing or treatment of rags, wastes, scrap paper or similar materials shall be in an enclosed building of fire-resistant construction, no part of which may be located closer than 50 feet from any property line.

H. Fire and Safety Hazard: The storage of crude oil or any of its volatile products or other highly flammable liquids in aboveground tanks shall be in accordance with City and State regulations. The permitted manufacture or storage of explosive, toxic or hazardous materials shall be in accordance with City, State and Federal regulations.

I. Sewage Waste: Liquid wastes and effluent shall be discharged into the City of Allentown Wastewater Treatment Plant in accordance with the regulations of that system or shall be treated in a treatment plant operated by the permitted use which is in compliance with applicable State and City requirements.

J. Open Storage:
1. See screening provisions in Section 1323.02.
2. See separate provisions for “Junkyards” in Section 1327.
3. The bulk storage of lumber, coal or other combustible material for off-site sale or use shall be setback a minimum of 20 feet from any lot line, and a roadway shall be provided, graded, surfaced and maintained from a paved street into the property to permit access by fire trucks at any time.
4. See provisions regarding “tire storage” in Section 1327.

K. Light and Glare Control:
1. Street Lighting Exempted. This Section shall not apply to street lighting that is owned, financed or maintained by the City, State or Public Utility.
2. Diffused. All light sources, including signs, shall be properly diffused with a translucent or similar cover to prevent the lighting element from being directly visible from streets, public sidewalks, dwellings or adjacent lots. Five or more bare incandescent light bulbs of 40 watts or greater shall not be hung along a public street or an abutting property.
3. Shielding. All light sources, including signs, shall be shielded around the light source and directed and placed to prevent the lighting from creating a nuisance to persons in adjacent dwellings or undeveloped residentially zoned areas, and to prevent the lighting from shining into the eyes of passing motorists.
4. Flickering. Flashing, flickering or strobe lighting are prohibited, except for seasonal holiday lights between October 25th and January 10th.

L. Nuisances and Hazards to Public Safety. No use of land or structures shall in any way seriously threaten or cause a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. See also the City Fire Prevention Code, as amended.

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M. No use shall disrupt or interfere with radar or other airport navigational or safety equipment.

N. Wetlands. If the Zoning Officer or the City Engineer has reason to believe that a portion of a site proposed to be altered or drained may possibly meet the State or Federal definitions of a "wetland," the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the City accepts no responsibility to identify all wetlands or to warn parties of such possibilities.

1317.03 TREE PRESERVATION AND FORESTRY WITHIN THE R-LC DISTRICT.

A. This section shall only apply within the R-LC District.

B. This section 1317.03 shall only apply if at least 50 percent of the total area of an existing lot is covered by woods primarily involving trees at least 8 inches in diameter measured 3.5 feet above the ground level. In such case, a cumulative total maximum of 50 percent of such tree cover may be removed. Trees shall not be removed prior to an application under this Ordinance in an attempt to circumvent this Section.

1. If a lot is proposed for subdivision into new lots, then at the option of the applicant, such 50 percent maximum may apply across the entire subdivision, instead of for each individual new lot.
2. As part of the removal of other trees on the property, suitable measures shall be used to make sure that trees required to remain are protected during construction. Such measures should include, but are not limited to, temporary fencing around the root systems of the trees. Such measures shall be designed to prevent compaction of the root systems and damage to tree trunks by vehicles and equipment.
3. Where 20 or more trees over 6 inches in diameter, measured 3.5 feet above the ground level, are proposed to be removed, and the removal is not connected to an approved development, then the following additional requirements shall apply:
   a) Routine thinning of woods that does not involve clear-cutting and which does not reduce the amount of area under forest cover is not regulated by the Section.
   b) If the tree cutting involves 2 or more acres, then a Forestry Management Plan shall be submitted, prepared by a professional forester. The Plan shall comply with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association. The Plan shall address re-forestation.
   c) Clearcutting shall be prohibited.
   d) At least 50 percent of the forest cover shall be kept.
   e) An erosion and sedimentation control plan shall be found acceptable by the Lehigh County Conservation District.

1317.04 DEVELOPMENT STANDARDS FOR STEEP SLOPES

A. The intent of the following regulations is as follows:

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1. To conserve and protect sloped land from inappropriate development that requires excessive grading and extensive vegetation removal.
2. To avoid severely increased stormwater flow rates and velocities.
3. To avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, and that are difficult for emergency vehicles to access.
4. To avoid potential hazards to property and the disruption of ecological balance, which may be caused by increased surface water runoff, flooding, soil erosion and sedimentation, blasting and ripping of rock, and landslides.
5. To encourage the use of sloped land for conservation and other uses which are compatible with the preservation of natural resources and protection of the environment.
6. To avoid loss of biodiversity and wildlife habitat and corridors.

B. Applicability. The regulations contained in this section shall apply when any construction, subdivision and/or earth disturbance activities are proposed on any existing or proposed lot in excess of 6,000 sq. ft. which contain slopes of 25% or greater. See provisions below for calculating slopes. This Section 1317.04 shall not apply to activities that only involve the following:

1. If the total area of slopes within the parcel are 25% or greater is less than 500 sq. ft;
2. If the disturbance is for the purpose of widening, alignment, improvement, sight distance improvement or similar improvement of an existing street by the City of Allentown or the Pennsylvania Department of Transportation.
3. The installation of public utilities that are not associated with any other activity regulated by this section.

C. Calculation of Steep Sloped Areas

1. Slope is the relationship of vertical rise to horizontal run, expressed as a percentage from the “toe” to the “top” of the slope. For example, a slope that rises 25 feet over a horizontal distance of 100 feet would be calculated as a slope of 25%.
2. A steeply sloped area shall be considered any area that contains slopes of 25% or more.
3. In any application where the lot appears to include areas of steep slopes, the applicant shall, using two-foot contours, delineate slopes 25% to 35%; and greater than 35%. The applicant shall use an actual field topographic survey as the source of contour information and the basis for depicting such slope categories or other source acceptable to the City Engineer.
4. All steeply sloped areas shall be shown for the purpose of review and verification, but these regulations shall only apply to those steep slopes occurring over three consecutive two-foot contour intervals (six cumulative vertical feet of slope).
5. Once delineated, the mapping provided by the Applicant shall be reviewed by the City Engineer. The Applicant shall be required to follow all regulations of this section for those areas which contain steeply sloped areas as determined in accordance with this section through the City Engineer's review.

D. Application Procedures. Before a permit is issued for any construction or land disturbance on land within or affecting steeply sloping areas, the following material shall be submitted (in

the case of a subdivision or land development, the following may be submitted as part of that application):

1. Plans drawn to a scale of at least one (1) inch equals fifty (50) feet, sealed by a Registered Professional Engineer, Pennsylvania licensed Land Surveyor or Pennsylvania Registered Landscape Architect depicting the following:
   a.. The location, dimensions and elevation of the property.
   b. An earthmoving plan of the property which indicates existing and proposed grades with contour lines at two-foot intervals within the area of any proposed activity, disturbance or construction. All steeply sloped areas shall be graphically highlighted using the gradients identified above.
   c. A site plan indicating existing and proposed buildings, structures, other impervious surfaces, storm drainage facilities and retaining walls. The site plan shall also depict areas of existing vegetation, including woodlands (areas where healthy trees of over six (6) inches in trunk width measured at a height of three (3) feet above the average surrounding ground level exist), open areas and their groundcover type, as well as proposed landscaping material to be installed.
   d. Where required by the City Engineer and/or Planning Commission, typical cross-sections and elevations of the property, and proposed buildings and structures at intervals prescribed by the City Engineer, as well as architectural plans, building elevations, and site sections.
   e. A statement and/or plans, signed and sealed by a Registered Architect or Professional Engineer explaining: the building methods to be used in overcoming foundation and other structural issues created by slope alteration; the proposed techniques to preserve natural drainage and prevent soil erosion and sedimentation; and the methods proposed to avoid excessive surface water runoff to neighboring properties and/or streets.
   f. Plan, profile and typical cross-sections of any proposed street, emergency access or driveway within areas of steep slopes, with the seal of a Registered Professional Engineer thereon.

E. Standards and Criteria for Applications. The following shall apply whenever areas of steep slopes are proposed for development or disturbance.

1. In areas with twenty-five (25) percent to thirty-five (35) percent slope, no more than twenty-five (25) percent of the total of such areas shall be altered, re-graded, cleared, built upon or otherwise altered.

2. In areas of thirty-five (35) percent slope or greater, no area shall be altered, re-graded, cleared, built upon or otherwise altered.

3. The Planning Commission may grant exceptions to the limitations set forth in paragraphs E.1 and E.2 above to permit the construction of a public street, driveway or other suitable access; public or private utility or other required facility where it determines that no other alternative exists for providing access to the remainder of the parcel or other required facilities. Such exceptions shall require the minimum amount of disturbance required to install the necessary facility.

3. The proposed development, any impervious cover and resultant disturbance to the land and existing vegetative cover shall not cause stormwater runoff and/or related environmental problems off the site.

4. Removal of or disturbance to existing vegetation in steep slope areas shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, conveyance and recharge of stormwater, aesthetic characteristics of the landscape and existing drainage patterns. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the plan, such as re-vegetation measures, control of soil erosion and sedimentation, stormwater management, and the like. For purposes of such demonstration, the City Engineer may request additional information including, but not limited to, an Erosion and Sedimentation Plan.

5. Important visual qualities of the site shall be retained to the maximum extent possible. In addition to vegetation, these may include hilltops/ridgelines, rock outcroppings, and the natural terrain and contours of the site.

6. Road and driveway construction shall follow the natural topography to the maximum extent possible. Cuts, fills and grading shall be minimized. The design of new streets shall comply with the street standards contained in the prevailing Subdivision and Land Development Ordinance. Driveways shall have a maximum slope of 15%. The initial twenty (20) feet of a driveway from the street cartway which the driveway enters shall not exceed 6%.

7. Innovative, imaginative building techniques that are well-suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

8. The stability of the slope, as characterized by the existing interrelationships among the soil, vegetation, and rock, shall be disturbed as little as possible.

9. Proposed buildings and structures shall be of sound engineering design. Footings shall be designed in response to the site's slope, soil and bedrock characteristics. Footings shall extend to stable soil and/or bedrock.

10. All disturbed areas shall be stabilized and seeded or planted, and notes to this effect shall appear on all plans.

11. Finished slopes of all permitted cut and fill shall not exceed three to one (3:1) or thirty-three (33) percent, unless the Applicant can demonstrate the method by which steeper slopes can be stabilized and maintained adequately to the satisfaction of the City Engineer and/or Planning Commission.

12. When terraces or retaining walls are utilized to cope with steep slopes, the maximum vertical drop per terrace shall be five (5) feet.

ARTICLE 1319
SIGNS

1319.01	Sign Purposes
1319.02	Sign Definitions
1319.03	General Sign Regulations
1319.04	Prohibited Signs
1319.05	Signs in Residential (other than RH), Park and I-G Districts
1319.06	Signs in the RH District
1319.07	Signs in Business Districts
1319.08	Signs in Industrial Districts
1319.09	Measurement of Sign Area

1319.01 PURPOSE. This Article 1319 is intended to promote overall community aesthetic quality and protect property values; establish reasonable time, place and manner regulations on the exercise of free speech without regulating content; promote traffic safety by minimizing distractions; and ensure compatibility with existing and planned land uses.

1319.02 SIGN DEFINITIONS

A. **Sign** means any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

B. **Awning Sign** means a sign that is mounted or printed on, or attached to, an awning, canopy, or marquee, provided, however, that the sign does not project above, below or beyond the awning, canopy or marquee.

C. **Box Sign** means a sign that is self-enclosed in a typically square or rectangular structure, with or without internal lighting, and which can be single or double-faced.

D. **Banner** means a sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for background.

E. **Business Sign** - See On-Premises Sign.

F. **Digital Sign** means an on-premises or off-premises advertising sign or billboard that utilizes digital or video light emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.

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G. **Directional Sign** means an advertising sign or device intended to direct or point toward a place, or object, or one that points out the way to either an unfamiliar or a known place or object that obviously could not be easily located without such a sign or device.

H. **Electronically Changing Message Sign** means a sign or portion thereof designed to accommodate frequent message changes composed of characters or letters, and that can be changed or rearranged electronically without altering the face or surface of such sign.

I. **Flashing Sign** means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Signs which indicate the time, temperature, date or other similar information shall not be considered flashing signs.

J. **Freestanding Sign** means an on-premises sign supported by, or suspended from, a freestanding column or other support located in the ground, and which is not attached to a building.

K. **Identification Sign** means a sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

L. **Illuminated Sign** means a sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.

M. **Indirectly Illuminated Sign** means an illuminated, non-flashing sign whose illumination is derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source into residential districts or public streets.

N. **Name Plate Sign** means a sign which states the name or address or both of the occupant of the lot where the sign is located.

O. **Official Sign** means a sign erected by a Federal, State, County or City agency, or specifically authorized by a City ordinance or resolution, and which exists for public purposes. Such signs shall include but not be limited to announcements of governmental funding.

P. **Off-Premises Advertising Sign or Billboard** means a board, panel or tablet used for the display of advertising matter which directs attention to a business, product, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located. A portable or projecting sign shall not be used for off-premises advertising.

Q. **On-Premises Sign** means a sign which directs attention to a business, profession, product, service, activity or entertainment sold or offered upon the premises where such sign is located.

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R. **On-Site Informational Sign** means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

S. **Pennant** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

T. **Portable Sign** means an on-premises sign that can be moved from place to place and which is not permanently located, or anchored, in the ground or permanently attached to a building. Examples include signs commonly known as reader boards, signs carried from place to place on a flatbed truck or trailer that are clearly intended for the purpose of advertising an event, business, product, or other use not associated with the operator of the vehicle, and hot air or gas-filled balloons or other figures tethered to the ground or a building.

U. **Sandwich Board Sign** means a movable A-frame or T-frame sign which advertises a retail operation located on the premises, and is placed outside only when the business is open. For purposes of this ordinance, a sandwich board sign shall not be considered a temporary sign.

V. **Projecting Sign** means an on-premises sign which is attached directly to the structure wall and which extends more than 15 inches from the face of such wall.

W. **Temporary Sign** means a sign, banner, or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

X. **Wall Sign** means an on-premises sign which is attached to the wall of a structure with the face in a plane parallel to such wall, and not extending more than 15 inches from the face of such wall.

Y. **Window Sign** means an on-premise sign which is attached to, painted on or readable through an exterior window or door.

1319.03 GENERAL REGULATIONS. Signs shall only be erected, posted, extended, enlarged, or moved in compliance with the provisions of this Article and other applicable regulations.

A. Zoning Information. No sign shall state or imply that a property may be used for a purpose prohibited by this Ordinance.

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B. Outdated Signs. Signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or changed to a blank face or a "for sale or lease" sign within 12 months after cessation of the original use.

C. Height Clearance and Intrusions into Right-of-Way. The following requirements shall apply unless a differing standard is established or permitted under the City Building Code or under a City encroachment permit:

1. Wall, awning and projecting signs permitted by this Article that project into a street right-of-way shall have a minimum clearance of 8 feet above the level of the sidewalk or ground. Such signs shall not project from a building over a street or alley cartway.
2. No sign (except official signs) shall be erected with a sign post within a public street right-of-way unless specifically authorized by another ordinance or regulation of the City or approved by the City Traffic Engineer.
3. No sign (except a permitted official sign, awning sign or projecting sign) shall be permitted to have any portion extending into the public right-of-way in excess of 36 inches.

D. Height. Wall and projecting signs shall not exceed the height of the structure upon which they are attached. Signs may be placed on a parapet wall that is an architectural extension of the facade, provided the sign does not extend more than 5 feet above the roofline of the structure and any support structures are not visible. The maximum height of freestanding signs shall be as stipulated elsewhere in this Article.

E. Portable Signs. Portable signs shall only be permitted: a) on a non-residential property in a business or industrial district and b) if they comply with the following regulations:

1. Portable signs can be located anywhere on a property, but they cannot be located within the public right-of-way, a clear sight triangle as stipulated in Section 1311, or on required parking spaces.
2. Portable signs shall not exceed 6 feet in height, measured from grade. The maximum sign area per sign face shall be 32 square feet on each of 2 sides.
3. Portable signs shall be constructed of a durable material and shall be weighted or anchored to provide stability.
4. Any electrically operated sign and related wiring shall conform with the applicable sections of the City Electrical and Building Codes.
5. Except for those purposes listed in Section 1319.03.K, each permitted non-residential property may display one portable sign or banner for two periods of 15 consecutive days each during any 12-month period.

F. Banners. Banners shall be permitted on non-residential properties in business or industrial districts provided they comply with the following regulations:

1. Banners shall be attached to a building or suspended from some part of a building.
2. Banners shall not exceed 64 square feet in area.
3. Banners shall comply with the requirements in the above Section 1319.03.E.5.

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4. Banners shall be kept in good condition and not allowed to become torn, tattered or in disrepair.

G. Sale or Rent Signs. Non-illuminated temporary signs may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located provided such signs:
1. do not exceed 8 square feet in area within any residential district, Park or I-G District,
2. do not exceed 32 square feet in area within any other district,
3. comply with the sight triangle requirements in Section 1311,
4. are properly maintained, and
5. are removed within 7 days after consummation of a lease or sale transaction.

H. Sign Exceptions. The provisions of this Article shall not apply to the following signs:
1. Signs which are not readable from a public right-of-way or an adjoining property.
2. Official notices of any court or public office and legal notices posted pursuant to a statute or ordinance.
3. Cornerstones or tablets built into or attached to the wall of a building providing customary information on building erection or commemorating a person or event.
4. Signs that are necessary to warn persons of significant threats on the premises to their physical safety.

I. Sight Distance and Setback from Street.
1. See Section 1311.
2. Any sign located within or less than 10 feet from the right-of-way of a street shall have a minimum clearance of 10 feet above the ground level, unless the applicant proves to the satisfaction of the Zoning Officer that a lower height would not obstruct safe sight distances. A review by the City Traffic Engineer may be requested.

J. Nonconforming Sign. An existing lawful nonconforming sign may be changed in message or sign face, or changed, moved or be replaced, provided that no new or increased nonconformity is created. This provision shall not permit the illumination of previously non-illuminated non-conforming signs.

K. Political and Non-Profit Signs. Non-illuminated temporary or portable signs, or banners announcing or advertising any political, educational, charitable, civic, religious or like campaign or event are permitted provided:
1. such signs shall only be permitted on a lot with a principal non-residential use, or on a vacant lot in a non-residential zoning district, except for political signs which may be located anywhere in accord with the remainder of this section.
2. except for political signs, such signs may not be placed earlier than 45 days prior to the event advertised and shall be removed within 7 days following the event,
3. except for political signs, such signs shall be displayed for a maximum of 52 days per event,

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4. such signs shall not exceed a maximum total of 32 square feet of sign area that is visible from any one location along a street for portable signs, and up to 64 square feet of sign area for banners if they are attached to or suspended from a building.

L. Construction Signs. Non-illuminated temporary signs are permitted to identify contractors conducting construction or improvement work on-site, and related designers, provided such signs:
1. within a residential district, all such signs shall not exceed a maximum total of 8 square feet, except such total shall be 40 square feet as part of construction of new principal buildings,
2. within a non-residential district, all such signs shall not exceed a maximum total of 40 square feet, except such total shall be 130 square feet if the construction value exceeds $2 million, and
3. shall be removed within 7 days after completion of the construction work.

M. Flags. The following provisions shall apply within a commercial or industrial district:
1. Flags of a level of government are not regulated by this Article.
2. A maximum of 4 flags, with a maximum size of 16 sq. ft. each, on a lot may include any commercial message or logo. Such flags may extend above a roofline.

N. Alcoholic Beverage Advertisements. No person may place any sign, poster, placard, device, graphic display, or other form of advertising that advertises alcoholic beverages in a publicly visible location within 500 feet from the property line of schools, playgrounds, youth athletic fields, day care centers, amusement arcades and youth centers. In this Section, "Publicly Visible Location" includes outdoor billboards, wall, projecting and freestanding signs. This Section shall not apply to the placement of signs including advertisements in the following instances:
1. Inside any premises selling alcoholic beverages including interior window signs; or
2. On commercial vehicles used for transporting alcoholic beverages;
3. Temporary or portable sings in conjunction with events provided for in Section 1319.03. K.
4. Any sign that contains a generic description of alcohol products.

O. Tobacco Product Advertisements. No person may place any sign, poster, placard, device, graphic display, or other form of advertising that advertises tobacco products in a publicly visible location within 500 feet from the property line of schools, playgrounds, youth athletic fields, day care centers, amusement arcades and youth centers. In this Section, "Publicly Visible Location" includes outdoor billboards, wall, projecting and freestanding signs. This Section shall not apply to the placement of signs including advertisements in the following instances:
1. Inside any premises selling cigarettes or tobacco products including interior window signs; or
2. Any sign that contains a generic description of tobacco products.

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P. Window Signs. A maximum size or number shall not apply to routine non-illuminated window signs that are displayed as part of a principal non-residential use that is permitted by right, except internally illuminated "window signs" in excess of 2 square feet shall be regulated in the same manner as wall signs, and be counted towards the maximum sign area for wall signs.

Q. Stadium Signs. The following regulations apply to stadiums in excess of 7,000 fixed seats that are not located adjacent to or across the street from a residential or parks district. (14499 §1 6/25/07)

1. Internal Signs. Signs facing internally to the stadium whether readable from a public right-of-way or an adjoining property shall not be subject to any sign regulations.
2. Identification/Wall Signs. The stadium may have identification signs/wall signs, identifying the ballpark, the ticket offices, the team store and other uses customarily incidental to the operation of the stadium. Such signs shall have a total maximum sign area of 1,000 square feet.
3. Exterior Surfaces. The stadium may have signs on the exterior facing surfaces of the inward facing advertising panels consisting of printed or painted graphics and off-premises advertising. Such signs shall have a total maximum sign area for these exterior surfaces of 6,000 square feet, and may only be externally illuminated. The maximum number of such signs shall be 30. Advertising shall be limited to 25% of the total sign area. Not more than two (2) individual signs on which off-premises advertising covers 100% of the display area may be placed adjacent to one another, and in no case shall the size of any single advertising panel be more than 400 square feet.

   The stadium may have signs consisting of printed or painted graphics and/or off-premises advertising on the exterior facing surfaces of the scoreboard and the speed of pitch display. The maximum sign area for the scoreboard and the speed of pitch display shall be a total of 4,000 square feet and may only be externally illuminated. Off-premises advertising shall be limited to 25% of the display area.
4. Banners. The stadium parking lot area, including private access roads to the parking lot may have banners with a maximum size of 2.5 feet x 6.5 feet. Off-premises advertising shall be limited to 33% of the banner area.
5. Freestanding signs. The stadium may have one freestanding sign at each entrance to the stadium site. Such signs may be erected on the stadium's premises or on premises for which easements have been obtained from the owner of the premises. One sign shall be a maximum of 150 square feet and any additional signs shall be a maximum of 50 square feet each, and in addition to the stadium direction of identification, may include two (2) sponsors and an electronic message board. Such sign shall not extend more than 25 feet above the level of the street centerline, and be erected either with the bottom of the sign at least 10 feet above the level of the centerline of the street or be set back from the property line a minimum of 50% of the required front yard area. (14499 §2 6/25/07)

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R. Digital Signs and Electronically Changing Message Signs. The following provisions shall apply:

1. All messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of ten (10) seconds, except where such sign is located within 200 feet of the right-of-way of, and intended or designed to be viewed from Interstate Route 78 or United States Route 22, in which case all messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of six (6) seconds. Signs of twenty-four (24) square feet or less which indicate only the time, temperature, date.
2. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
3. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
4. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement, or flow of the message, image or display.
5. The intensity and contrast of light levels shall remain constant throughout the sign face.
6. Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.

S. Banner Signs for Museums. A museum shall be allowed to include additional banner signs if the museum includes at least 5,000 square feet of building floor area that is open to the public on average at least 5 days a week. The banner signs shall be made of fabric or a material with a similar appearance and shall only be used to advertise on-site attractions and events. Such banners shall be attached to building walls. The total sign area of all such banners on a side of a building shall not exceed 20 percent of the building wall to which they are attached.

1319.04 PROHIBITED SIGNS. The following signs are prohibited in all districts:

A. Signs are prohibited which simulate official, directional or warning signs erected or maintained by the Federal, State or City governments, a railroad, a public utility or similar agency concerned with the protection of public health or safety.

B. No sign, except such directional devices as may be required by Federal and State Aviation Authorities, shall be placed, inscribed or supported upon the roof or upon any structure which extends above the roof of any building.

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C. Flashing, blinking, mechanically moving, twinkling or animated signs of any type are prohibited. This provision shall not restrict signs with electronically changing messages that do not flash. This prohibition is not intended to include off-premises signs which are commonly referred to as "tri-vision" signs that are located within 200' of the right-of-way of, and intended or designed to be viewed from Interstate Route 78 or United States Route 22.

D. Off-premises signs are prohibited, except as specifically permitted by this Article.

E. Spinners, pennants or any moving object used for commercial advertising purposes, whether containing a message or not, are prohibited except pennants are allowed in the case of legally permitted outdoor automobile sales areas.

1319.05 **SIGNS IN RESIDENTIAL, PARK AND I-G DISTRICTS**. Within any Residential District (other than RH, where Section 1319.06 applies), Park District or I-G District, only the following signs shall be permitted, placed, erected or extended. Such signs shall comply with the following regulations:

A. No freestanding sign permitted by this Section 1319.05 shall have a total height exceeding 8 feet.

B. Routine non-advertising signs, situated within the property lines and not exceeding 2 square feet in area, such as signs stating "No Trespassing" or "No Hunting" or "Private Drive," name identification signs, public telephone signs, and entrance and exit directional signs shall be permitted.

C. Identification Signs for institutional and public/semi-public uses (see Section 1313.01 D&E) shall be permitted as follows:

1. Within any residential district (other than RH) a maximum number of signs shall not apply, however, the total area of all signs may not exceed 20 sq. ft. Such signs may be freestanding or wall signs.
2. Within any Park or I-G district, a maximum of 1 such sign shall be permitted per street frontage, not to exceed 20 sq. ft. per sign. Such signs may be freestanding or wall signs.
3. If such a use is located within the P or I-G district and involves a single lot with land area greater than one acre, then a maximum of 3 such signs shall be permitted per street frontage, only 2 of which may be freestanding. Each sign may not exceed 20 sq. ft., except one of these signs may contain up to 50 sq. ft. in area.

D. Home Occupation Signs - See Section 1327.

E. Apartment Developments. One identification sign with a maximum height of 6 feet shall be permitted per street frontage for a development of 5 or more multi-family units. Such sign may bear only the name of the project, the address and the presence

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or lack of vacant units. Such signs shall not exceed 50 square feet in total area on each of 2 sides for a development of 12 or more dwelling units, and 20 square feet for a development of 5 to 11 dwelling units. Such sign shall not be internally illuminated.

F. Required Signs. Signs required by law to be exhibited outdoors by the owner of the premises.

G. Garage Sales. Refer to Article 712 of the City of Allentown Codified Ordinances.

H. Directional Signs. Off-premises signs of up to 2 square feet each to provide necessary directions towards hospitals, fairgrounds, colleges, museums, historic sites and places of worship. If located within the right-of-way, such signs shall need approval from the City Traffic Engineer.

I. Sale or Rent Signs. See Section 1319.03.G.

J. Illuminated Signs. Other than in the I-G District, any illuminated or indirectly illuminated sign that is used for the purpose of advertising or identifying a permitted non-residential use, may only be illuminated during the hours in which such use is in operation.

K. On-site Informational Signs. A maximum number of on-site informational signs shall not apply. Each such sign shall be a maximum size of 6 sq. ft.

1319.06 SIGNS IN THE R-H DISTRICT. Within the R-H District, no sign shall be erected or altered in whole or in part unless it complies with the following regulations:

A. Signs listed as permitted in Section 1319.05, meeting the requirements of such section.

B. Attached Signs. Each principal street-level non-residential use may have one or more wall, awning or projecting signs located along each street or entrance facade, provided:
1. Such signs shall not project more than 6 feet beyond the setback line nor more than 6 feet beyond the face of the building.
2. The total area of all such signs per street shall not exceed one square foot for each one foot of horizontal length of the lot along such street or entrance facade occupied by such use, or 200 square feet, whichever is more restrictive.

C. Freestanding Sign. A lot including one or more principal non-residential use(s) may include a maximum of one free-standing sign structure, provided such sign structure shall not exceed 40 square feet in total sign area. Such freestanding sign structure may advertise multiple uses on the site, provided the maximum sign area of 40 square feet is not exceeded. Such sign shall be set back from the property line a distance of not less than 50% of the required front yard setback.

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D. Height. The maximum total height of signs above the immediate ground level shall be 10 feet for a freestanding sign and 25 feet for other permitted signs.

1319.07 SIGNS IN BUSINESS DISTRICTS. In all Business Districts, signs listed as permitted in Section 1319.05 shall be permitted. No sign shall be erected or altered in whole or in part unless it complies with the following regulations:

A. In **the B-1/R District**, only the following signs shall be permitted:

1. Each principal non-residential use may include one wall, awning or projecting sign per street frontage. Such signs shall not project more than 6 feet beyond the setback line nor more than 6 feet beyond the face of the building. The total sign area of all such signs on a lot shall not exceed 40 square feet per street frontage.
2. Freestanding Sign. If an entire principal non-residential building is setback a minimum of 20 feet from the street right-of-way, then a single freestanding sign shall be permitted. Such sign shall have a maximum height of 10 feet above the surrounding ground level, have a maximum sign area of 20 square feet and be set back from the property line a minimum of 50% of the required front yard area.
3. One sandwich board sign shall be allowed per building to advertise an on site restaurant, personal service or retail store use. Such sign shall have a maximum of 2 faces, with a maximum of 6 square feet per side, and a maximum height of 3 feet. Such sign shall be placed against the side of a building or along the curb so that a 5 feet wide area of sidewalk remains continuously clear. The sign shall be taken indoors during hours when the use is not open to the public. If such sandwich board is placed within the street right-of-way, an encroachment permit shall also be required. Such sign shall not use electrical wiring.

B. In the **B-2 District,** only the following signs shall be permitted:

1. A lot may include one or more wall, awning or projecting on-premises signs. A projecting or awning sign may project up to 6 feet from the face of a building, provided all other City requirements are met.
   a. The total area of such signs for each lot shall not exceed an area equal to 3 square feet for each one foot of street frontage, or 300 square feet per street frontage, whichever is more restrictive.
   b. For walls of buildings that do not have frontage on a street but have entrance facades or have frontage on an alley, the total area of allowable wall signs shall not exceed one (1) square foot for each one foot of linear wall frontage, not to exceed 100 square feet per wall.
2. A maximum of one on-premises free-standing sign shall be permitted per lot with a maximum sign area of 50 square feet and a maximum height of 8 feet, provided it shall not extend into the public right-of-way.
3. Refer to Article 1729 of the Codified Ordinances entitled “Hamilton Mall Sign Control” for all signs proposed for properties on Hamilton Street between 6th and 10th Streets.

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4. One sandwich board sign shall be allowed per building to advertise an on site restaurant, personal service or retail store use. Such sign shall have a maximum of 2 faces, with a maximum of 6 square feet per side, and a maximum height of 3 feet. Such sign shall be placed against the side of a building or along the curb so that a 5 feet wide area of sidewalk remains continuously clear. The sign shall be taken indoors during hours when the use is not open to the public. If such sandwich board is placed within the street right-of-way, an encroachment permit shall also be required. Such sign shall not use electrical wiring.

C. In the **B-3 District**, only the following signs shall be permitted:

1. Each permitted use may have one or more wall, awning or projecting identification signs. Such signs shall not project more than 6 feet beyond the required setback line nor more than 6 feet beyond the face of the building. Such total sign area on a lot shall not exceed 2 square feet for each one foot of lot frontage along a street, or 300 square feet in total for the entire property, whichever is more restrictive.
2. Freestanding Sign. One freestanding sign structure shall be permitted per lot. Each sign structure shall not exceed 100 square feet in total sign area. Such sign structure shall have a maximum height of 25 feet above the level of the street center line and be erected either with the bottom of the sign at least 10 feet above the level of the centerline of the street or be set back from the property line a minimum of 50% of the required front yard area.
3. Shopping Center Signs. The standards for Shopping Center signs provided in the B-4 district shall apply except :
   a. No freestanding sign shall exceed 25 feet in height above the street center line; and
   b. No freestanding sign shall exceed 150 square feet in total sign area.
4. Off-Premises Signs. Off-premises advertising signs shall only be permitted if they meet the following requirements:
   a. Each structure may have sign faces on two sides, and each side may include multiple sign faces.
   b. The sign shall have a total maximum height of 30 feet above the grade of the lot where the sign is located. However, for off-premises signs located adjacent to and directed toward an interstate highway and where the lot is below the grade of the highway that the sign is directed towards, then the total maximum height may be 25 feet above the grade of the highway.
   c. Such signs shall meet setback requirements for a principal building.
   d. No off-premises advertising sign structure shall exceed a total of 300 square feet on each of two sides, except where such sign is located within 200 feet of the right-of-way of, and intended or designed to be viewed from Interstate Route 78 or United States Route 22, in which case the maximum area on each of two sides may be 672 square feet. If the interior angle within the inside of the two attached sides of a sign is greater than 30 degrees, then the maximum sign areas shall apply to the total of the

DRAFT

two sides. No off-premises advertising sign shall have more than two sides.

e. An off-premises advertising sign shall be setback a minimum of:
   1) 300 feet from any residential district, and
   2) 300 feet from any other off-premises advertising sign.

   Additionally, if an off-premises sign, or any portion thereof, is a digital sign or electronically changing message sign, the sign shall be set back a minimum of 1,000 feet from any other off-premises digital sign or electronically changing message sign.

f. An existing off-premises sign shall only be permitted to be converted to a digital sign if: a) all of the requirements of Section 1319.03.Q. are met, and b) the off-premises sign would be able to meet all of the current requirements that apply to off-premises signs as if the off-premises sign would be newly placed on the property.

D. In the **B-4 District**, only the following signs shall be permitted:

1. Each permitted use, including individual leaseholds of a shopping center, may have one or more wall, awning or projecting identification signs. Such signs shall not project more than 6 feet beyond the required setback line nor more than 6 feet beyond the face of the building. Such signs shall not exceed an aggregate area equal to 15 percent of the front wall area of the permitted use and/or leasehold.
   a. In addition, each permitted use and/or leasehold may have one identification sign, located on the underside of walkway overhangs; not to exceed 6 square feet in area nor be less than 8 feet above the grade of the pedestrian walkway.
2. Each shopping center may have one free-standing sign per public street frontage with a maximum sign area of 300 square feet on each of two sides. Such sign have a maximum height of 40 feet above the street centerline and be erected either with the bottom of the sign at least 10 feet above the level of the centerline of the street or be set back from the property line a minimum of 50% of the required front yard area.
3. A principal building that is detached and located independent of the main structures of a shopping center or that is not on the same lot as a shopping center shall have a maximum of one freestanding sign, with such sign not exceeding a total height of 25 feet above the street centerline. Such sign shall have a maximum sign area on each of 2 sides of:
   a. 150 square feet if located on a separate lot of 4 acres or greater.
   b. 75 square feet in any other case.

E. In the **B-5 or B/LI Districts**, only the following signs shall be permitted.

1. Each allowed principal use may include one or more wall and awning on-premises signs. The total of all awning and wall sign area attached to a building wall shall not exceed a total of 2 square feet for each linear feet length of building wall to which such signs are attached. Each building may also have one projecting sign with a maximum sign area of 10 square feet. A projecting or

DRAFT

awning sign shall not project more than 4 feet from the building wall. A wall sign shall not project more than 18 inches from the building wall.

2. A maximum of one freestanding sign structure shall be allowed per lot per street frontage. Each such sign structure shall not exceed 20 square feet if there is only one principal use on the lot. For each additional principal use or business establishment on the lot after the first establishment, an additional 20 square feet of freestanding sign area shall be allowed on the freestanding sign structure, up to a maximum total freestanding sign area of 140 square feet per street frontage. A freestanding sign shall not exceed a total height of 15 feet and shall not obstruct required clear sight triangles.

3. One sandwich board sign shall be allowed per building to advertise an on site restaurant, personal service or retail store use. Such sign shall have a maximum of 2 faces, with a maximum of 6 square feet per side, and a maximum height of 3 feet. Such sign shall be placed against the side of a building or along the curb so that a 5 feet wide area of sidewalk remains continuously clear. The sign shall be taken indoors during hours when the use is not open to the public. If such sandwich board is placed within the street right-of-way, an encroachment permit shall also be required. Such sign shall not use electrical wiring.

F. In the **RRO - Riverfront Redevelopment Overlay District**, signs shall meet the requirements that apply in the B-2 district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. (14487 §6 06/08/07)

1319.08 SIGNS IN INDUSTRIAL DISTRICTS. In all Industrial Districts, signs listed as permitted in Section 1319.05 shall be permitted. No sign shall be erected or altered in whole or in part unless it complies with the following regulations

A. In the **I-2 and I-3 Districts**, only the following signs shall be permitted:

1. Each permitted use may have one or more wall, awning or projecting identification signs. Such signs shall not project more than 6 feet beyond the setback line nor more than 6 feet beyond the face of the building. Such signs shall not exceed an area equal to 10 percent of such wall area, including window and door area, on which or in front of which they are displayed; however, aggregate sign area per wall shall not exceed 300 square feet in area.

2. Each permitted use may have one free-standing sign provided such sign shall not exceed 150 square feet in total area, shall be erected with the bottom of the sign at least 10 feet above the level of the street center line or be set back from the property line a distance not less than 50 percent of the required front yard. No sign shall extend more than 20 feet above the level of the street centerline. In the case of multi-tenant buildings, only one freestanding sign shall be permitted.

3. Off-premises advertising signs under the same regulations as would apply within the B-3 district.

1319.09 MEASUREMENT OF SIGN AREA

A. The area of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

B. The maximum sign areas stated in this Article 1319 shall permit such maximum size on each of two sides of a sign if the two sides are attached. However, if the interior angle within the inside of the two attached sides of a sign is greater than 30 degrees, then the maximum sign area shall apply to the total of the two sides.

DRAFT

ARTICLE 1321
OFF-STREET PARKING AND LOADING

1321.01 General Parking Regulations
1321.02 Number of Required Parking Spaces
1321.03 Off-Street Loading and Unloading Spaces

1321.01 GENERAL PARKING REGULATIONS

A. In General. Off-street parking and loading space shall be provided as further specified in this Zoning Ordinance and shall be furnished with necessary passageways and driveways. Required minimum numbers of parking and loading spaces shall not be encroached upon or reduced in any manner.

B. Surface and Marking. All parking areas, passageways and driveways shall be surfaced with a dustless, durable, all-weather pavement parking surface, and shall be clearly marked for car spaces.

C. Parking Stalls. Each required parking space shall include a rectangle at least 8.5 feet wide and at least 18 feet long, except for parallel spaces which shall be a minimum length of 22 feet. A maximum of 20 percent of the required parking spaces may include a minimum rectangle of 8.5 feet width and 16 feet length, provided such spaces are clearly labeled as "Compact Cars Only" in the following situations:
1. If a parking structure involves two or more levels of parking,
2. If a parking area is served by an on-site attendant, or
3. If a parking lot for an office building includes 50 or more spaces.

The compact parking spaces shall not be the most convenient parking spaces within a parking area.

D. The aisle width of required parking shall comply with the following table:

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

DRAFT

* The above minimum aisle widths for parking at an angle of 45 degrees or greater may be reduced by 2 feet if the minimum parking stall width is 9 feet 6 inches or larger.

E. Nonconforming Amounts of Parking. If a structure or use lawfully exists prior to the adoption of this Ordinance and does not conform to the number of parking spaces required by this Article, additional numbers of parking spaces shall only be required in the following cases:

1. Expansion. If the existing structure or use is expanded beyond its size at the time of adoption of this Ordinance, then additional off-street parking shall be required for the expansion in accordance with this Article. For example, if an existing building of 5,000 square feet had one off-street parking space, and the building is proposed to be expanded by 4,000 square feet, then off-street parking shall be required for the 4,000 square feet of floor area, plus the one existing parking space must continue to be provided.
2. Change in Use. If the existing structure or use is changed in use, then the number of off-street parking spaces required by this Article shall be provided for the entire structure and use, minus any pre-existing lawful deficit in the number of parking spaces. The deficit in the number of spaces continues to be grandfathered.
   a. For example, if an existing store included 3 parking spaces and was required to provide 7 spaces, there is a deficit of 4 spaces. Then, if the store is converted into an office that requires 10 spaces, the office would need to provide a total of 6 spaces (10 minus the existing deficit of 4 spaces).

F. Continuation of Existing Spaces. Parking spaces maintained in connection with an existing and continuing principal structure or use as of the adoption date of this Ordinance that are needed to comply with the minimum parking space requirements of this Ordinance shall not be reduced in number, and shall not be counted as serving a new or expanded structure or use.

1. Required parking spaces shall not be substituted for a required off-street loading and unloading space, or vice versa.

G. Mixed Uses. In the case of mixed use buildings, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with the parking requirements of this Article.

H. Shared Parking. The required parking spaces for separate uses may be combined in one lot, provided that the spaces needed to meet requirements for one use shall not be used to meet the requirements of another use except as provided in Section O of this Article.

I. Location of Parking. All required parking for a specific use shall be provided on the same lot as said use, except for the following:

1. Non-Residential Uses. Up to 50 percent of the off-street parking spaces required of a non-residential principal use may be located on other off-street property than the lot which the principal use is on, provided that:

DRAFT

a. all such spaces lie within 500 feet of a pedestrian entrance to such principal use, and

b. the applicant shall provide evidence that there is a lease or other legal right to use such spaces. A lease shall be renewable and be renewed as long as the use served by the parking continues in operation. If requested by the Zoning Officer, the applicant shall periodically provide evidence that the lease is still in effect.

2. Residential Uses. Off-street parking spaces for residential uses must be on the same lot as the principal use or on a directly abutting lot (which may be across an alley) which is in the same ownership except for required parking for residential dwellings in the B-2 district, in which case the provisions of Section 1321.01.S. apply. The Zoning Officer may require a deed restriction to ensure that the lot is not separately conveyed from the residential uses it serves.

J. Lighting. All parking areas and related passageways and driveways serving nonresidential uses or 20 or more spaces for residential uses shall be illuminated adequately during the hours of use. Adequate shielding shall be provided to protect adjacent residential districts from glare and vehicle headlights. See Article 1317.

K. Plant Screening. See Article 1323.

L. Runoff. Adequate provision shall be made for the management of storm water from parking areas in conformance with the City Stormwater Management regulations.

M. Barrier. A structurally sound wall, fence, wheel stops, curbing or planting strip shall be used to make sure that vehicles do not extend over any sidewalk or property line, unless parking is specifically permitted to cross a property line.

N. Trucks. No tractor-trailer truck, trailer of a tractor-trailer combination, truck with a Class 5 license or above, or truck with an aggregate gross vehicle weight of more than 11,000 pounds shall be parked for more than 2 hours per day on a principally residential lot in a residential district, except for the following:

1. routine parking shall be allowed as part of a lawful nonconforming business use, and
2. temporary parking shall be allowed if needed for on-site construction or repair.

O. Reduction of Parking Requirements.

1. Purposes. To minimize impervious surfaces, while ensuring adequate parking, and to recognize unique circumstances that may justify a reduction in required parking.
2. Reduction. The Zoning Hearing Board may permit a reduction, through the Special Exception process outlined in Article 1307, of the number of parking spaces that would otherwise be required if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.

DRAFT

a. Proof. To prove that fewer parking spaces are needed, in the written application, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.

b. Shared Parking. Under this Section, an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 400 feet will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.

(1) For example, an Applicant may prove that a use with peak parking needs during late evenings or weekends (such as a theater, bowling alley or place of worship) can reasonably share parking with a use with peak parking needs during daytime weekdays (such as a bank or office).

(2) Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation, and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.

c. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas sufficient to otherwise meet the required number of spaces, if needed in the future.

(1) Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board such as a legally binding deed restriction and be officially filed with the Zoning Officer.

(2) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.

(3) Such additional parking shall be required to be provided within one year after the Zoning Hearing Board may determine it to be necessary to meet actual demand. Such determination may be made by the Board based upon a filing with the Board by the Zoning Officer, based upon field analysis by the Zoning Officer.

d. Within the B/1R District, as a special exception, the Zoning Hearing Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking if the applicant proves that there is an

DRAFT

excess of on-street parking spaces during hours when the business will have its peak demand.

P. Handicapped Parking Standards. See prevailing requirements of the Americans with Disabilities Act.

Q. Parking Area Setbacks.

1. Above-ground parking structures shall be subject to the minimum setbacks for a principal building.
2. Surface parking lots and subsurface parking structures may extend to the property lines, provided that provision is made to prohibit the encroachment of any vehicles beyond the property lines by the inclusion of wheel stops or other appropriate devices, and provided that the buffer yard provisions of Section 1323 are met as applicable.
3. Off-street parking shall only be permitted in required yard areas if it does not encroach into required sight triangles.
4. In a residential district, off-street parking shall only be permitted to occupy a maximum of 50 percent of a required front yard.

R. Traffic Flow.

1. Curbing, curb-stops and landscaped islands shall be used as needed to direct traffic within a parking lot of twenty (20) or more spaces to force it to follow designated aisles and to minimize speeds.
2. All non-residential driveways and drive-through lanes shall have adequate capacity to avoid traffic backing onto streets.
3. Provisions shall be made to allow vehicles to turn around on a site, as opposed to backing into traffic. This provision shall not restrict vehicles from individual dwelling units from backing onto local and collector streets.

S. Downtown. Off-street parking is not required to be provided for uses within the B-2 district except for residential uses consisting of 5 or more dwelling units. In such cases, the required parking shall only apply to the number of units in excess of four, and all such required spaces may be provided off-site, subject to the same requirements as for non-residential uses found in Section 1321.01 I.1.

T. Employees. See definition in Section 1303. Parking spaces for employees shall be computed on the basis of maximum employment, including seasonal and part-time, on a single shift.

U. Bench Seating. Where parking requirements are based upon the number of seats, and bench seats are provided instead of individual seats, then each 30 inches of contiguous bench length shall be considered equal to one seat.

V. Seasonal Dining. This subsection shall apply if a restaurant in a commercial district adds outdoor seating. In such case, up to 20 customer seats may be added without requiring

DRAFT

additional off-street parking for such seats. This provision shall only apply to seating which is in non-enclosed outdoor areas.

W. Bicycle Parking.

1. If a use is required to provide 5 or more off-street parking spaces, then the parking requirement may be reduced by a maximum of one parking space if the landowner provides a hitch, rack or locker suitable for the secure parking of 2 or more bicycles. The design and location of the hitch, rack or locker shall be subject to City approval. The current landowner shall be responsible to ensure that the hitch, rack or locker continues to be available and is well-maintained and is replaced if damaged or removed. Such hitch, rack or locker shall be designed for use by the general public. If the hitch, rack or locker is within a street right-of-way, a City encroachment permit shall be required.
2. If a lot would contain 20 or more new apartment dwellings or 20,000 square feet or more of new building floor area, then such bicycle facilities shall be required. In such case, the hitch(s), rack(s) or locker(s) may be limited to residents or employees on the lot.

1321.02 NUMBER OF REQUIRED PARKING SPACES. All uses permitted by this Zoning Ordinance or hereafter permitted in any of the districts herein established shall provide as a minimum the number of off-street parking spaces specified in the following "Table of Off-Street Parking Requirements" and in accord with the following provisions:

DRAFT

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. RESIDENTIAL USES:		
1. Dwelling Unit	-1.5 per multi-family dwelling unit -2.0 per any other dwelling unit -An existing lawful principal non-residential use may be converted into a single dwelling unit without requiring any additional off-street parking spaces.	
2. Home Occupation		Non-Resident Employee
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	0.75 per dwelling unit, except 0.5 per dwelling unit if evidence is presented that the residents will primarily be physically handicapped or over 70 years old	Non-Resident Employee
4. Boarding or Rooming House	1 per rental unit	Non-Resident Employee
5. Group Home	See Section 1327	
6. Group Child Care	Parking for dwelling unit	Non-Resident Employee
7. Dormitory, Fraternity or Sorority	1 per 3 beds, plus one per resident staff person, except parking shall not be required for on-campus beds for students who are prohibited by the college or university from possessing motor vehicles.	Non-Resident Employee
B. INSTITUTIONAL USES:		
1. Place of Worship (includes Church)	1 per 4 seats for fixed seating, or 1 per 120 inches of pew length, or 1 per 50 square feet of meeting space, in room of largest capacity. If a place of worship shares parking with a school or day care center, then whichever use requires the most parking shall apply, instead of requiring the parking requirements to be added together.	Non-Resident Employee
2a. College or University	1 per 3 students not living on campus who attend class at peak times; plus dormitory, fraternity and sorority parking (see above); plus required parking for facilities that are routinely rented to outside organizations.	2 Employees on campus during peak times, other than those living on-campus

DRAFT

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
2b. Trade or Business School	1 per 3 students age 18 or older who attend class on-site during peak times	2 Employees on-site during peak times
3. Child Care Center or Adult Day Care	1 per 12 persons cared for, with spaces designed for safe and convenient drop-off and pick-up	2 Non-resident employees
4. Hospital	1 per 3 beds, including treatment beds for out-patient care	2 Employees (including staff doctors)
5. Nursing Home	1 per 4 beds	2 Employees (including staff doctors)
6. Personal Care Home	1 per 3 beds	2 Employees (including staff doctors)
7. Public Library, Community Center, Cultural Center, Museum, or Art Gallery	1 per 400 sq. ft. of floor area	2 Employees
8. School, Primary or Secondary	1 per 6 students in 11th grade and above plus 2 visitor spaces plus student loading/unloading area	2 Employees
9. Drug and Alcohol Rehabilitation Facility	- Resident Facility - 1 Space Per 10 Patients - Out-Patient Facility - 1 Space Per 400 Square Feet of Total Floor Area	Employee
10. Temporary Shelter	- Resident Families - 1 Space Per 8 Sleeping Rooms for Families - Resident Individuals - 1 Space Per 20 Beds for Individuals	Employee
11. Halfway House	1 Space per 10 Residents	Employee
12. Utility Facility	1 space per vehicle routinely needed to service facility	
13. Swimming Pool, Non-Household (other than accessory use)	1 per 50 sq. ft. of water surface, other than wading pools	2 Employees
14. Veterans Treatment Center	- Resident Facility – 1 Space per 10 Patients - Out-Patient Facility – 1 Space per 400 Square Feet of Total Floor Area	Employee

DRAFT

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
C. COMMERCIAL USES:		
	All commercial uses, as applicable, shall provide additional off-street parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Code. These spaces shall not be on a public street.	
1a. Auto Body Shop	1 per bay, plus storage as required above.	2 Employees
1b. Auto Repair Garage or Gasoline Station	3 per repair/ service bay, plus 1 space plus parking required for any retail store	2 Employees
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 20 vehicles, boats, RVs or homes displayed. No vehicles for sale or rent shall be parked along a public street.	2 Employees
3. Adult Use	1 per 100 sq. ft. of total floor area accessible to customers	Employee and/or performer
4. Bed and Breakfast Use	1 per rental unit plus the 1 per dwelling unit	2 Non-resident employees
5. Betting Use	1 per 100 square feet of total floor area accessible to the public, including gaming floors, meeting space, multi-purpose exhibition space/showrooms, plus parking required by this ordinance for any additional uses, i.e., hotels, restaurants, retail, theatre, etc. (14385 §1 04/20/06)	2 Employees
6. Bowling Alley	3 per lane plus 2 per pool table	2 Employees
7. Bus Station, Inter-city	4 per loading/ unloading stall for buses	2 Employees
8. Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	2 Employees
9. Commercial Communications Tower	2 per tower	
10. Dance Hall	1 per 100 square feet of floor area	2 Employees
11. Exhibition Space (non-fixed seating)	1 per 100 square feet of total floor area accessible to the public (14385 §1 04/20/06)	2 Employees

DRAFT

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
12. Financial Institution (includes bank)	1 per 250 sq. ft. of total floor area plus 2 for each outdoor automatic banking transaction machine.	
13. Funeral Home	1 per 50 square feet of floor area in viewing and sitting rooms	2 Non-Resident Employees, plus parking for any dwelling units
14. Kennel	1 per 15 animals of capacity with a minimum of 4 spaces	1 Employee
15. Miniature Golf	2 per hole	2 Employees
16. Golf Driving Range	1 per 2 tees	2 Employees
17. Ice Skating/ Roller Skating	1 per 300 sq.ft. of floor area accessible to users	2 Employees
18. Haircutting, Hairstyling and Nail Salon	1 per customer seat used for haircutting, hair styling, manicuring or similar work	2 Employees
19. Hotel or Motel	0.75 per rental unit plus 1 per 6 seats in any meeting room	2 Employees
20. Laundromat (other than as accessory to a residential development)	1 per 6 washing machines	2 On-Site Employees
21. Offices primarily intended to include medical/dental offices	1 per 200 sq.ft. of floor area	
22. Offices, other than above	1 per 300 sq. ft. of floor area	
23. Personal or Business Service (other than haircutting/ hairstyling/nail salon) or Repair Shop	1 per 300 sq. ft. of floor area accessible to customers	2 Employees
24. Recreation, Indoor (other than bowling alley), Membership Club or Exercise Club	1 per 200 sq. ft. of floor area accessible to customers/members, other than racquet courts, plus 2 spaces per racquet court	2 Employees

DRAFT

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
25. Recreation, Outdoor (other than uses specifically listed in this table, and other than Publicly-Owned Recreation)	1 per 3 persons of capacity	2 Employees
26. Restaurant and Banquet Facilities	1 per 4 seats, plus 2 additional spaces if drive-through service; or 1 per 100 square feet of floor area accessible to customers if there is no customer seating	3 Employees
27. Retail Sales (other than types separately listed). See also Shopping Center.	1 per 200 sq. ft. of floor area, other than accessory warehouse/storage areas in rooms not accessible to customers.	
28. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area, other than accessory warehouse/storage areas not accessible to customers	
29. Shopping Center	1 per 200 sq. ft. of total leasable floor area. Office uses and other major non-retail uses, such as restaurants, within a shopping center shall provide parking spaces as required in this table.	
30. Tavern, BYOB or Nightclub	1 per 100 sq. ft. of total floor area accessible to customers	2 Employees and/or performers
31. Theater, Arena, Gymnasium, Auditorium or Sports Stadium	1 per 5 seats, or 1 per 150 inches of bench seating length	2 Employees
32. Veterinarian Office	1 per 200 square feet of floor area accessible to customers	2 Employees
E. INDUSTRIAL USES:		
	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of	

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
	this Article. Such parking shall not be on a public street.	
All industrial uses (including but not limited to warehousing, wholesale sales, truck terminals, distribution and manufacturing)	1 space per 2 employees working on-site during largest shift	1 visitor space
Self-Storage Development	1 per 30 storage units	Employee

1321.03 OFF-STREET LOADING AND UNLOADING SPACE

A. Every building or structure having over 4,000 square feet of building area used for business, trade or industry and other uses involved in large volume receipt and distribution by vehicles of materials and merchandise shall provide space as herein indicated below for the loading and unloading of vehicles off the street or public alley. Such space shall be located to minimize conflicts with traffic along public streets and with dwellings.

1. As part of a permitted reuse of an existing building, where a nonconformity regarding off-street loading facilities of a proposed new use would be similar to the previous use, and there would not be a substantial increase in the need for off-street loading facilities from the previous use to the proposed use, then the existing amount of off-street loading facilities may be continued.

B. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property.

C. The following numbers and sizes of off-street loading and unloading spaces shall be provided at a minimum.

1. Retail Business and Service Establishments:

Building Area	Number of Spaces Required
0 - 4,000 square feet	None
4,001 - 20,000 square feet	1 Space
20,001 - 100,000 square feet	1 Space for every 20,000 square feet or fraction thereof

Over 100,000 square feet	5 Spaces plus 1 for every 40,000 square feet or fraction thereof in excess of 100,000 square feet

Each required off-street loading and unloading space shall be at least 12 feet wide by 35 feet deep.

2. Industrial Plants: One off-street loading and unloading space at least 12 feet wide by 50 feet deep for each 10,000 square feet or major fraction thereof of building area.
3. Warehouses and Wholesale Storage Facilities: One off-street loading and unloading space at least 12 feet wide by 50 feet deep for each 5,000 square feet or major fraction thereof of building area.
4. Freight Terminals and Trucking Terminals: One off-street loading and unloading space at least 12 feet wide by 50 feet deep for each 5,000 square feet or major fraction thereof of building area.

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ARTICLE 1323
BUFFER YARDS AND OTHER LANDSCAPING

1323.01 General Regulations for Buffer Strips
1323.02 Parking Lot, Outdoor Storage, and Loading Area Landscaping
1323.03 Landscaping Procedures

1323.01 GENERAL REGULATIONS FOR BUFFERS STRIPS

A. Buffer Strip. A landscaped buffer strip shall be required whenever any of the following is located on a lot whose side or rear lines abut or are across an alley from a residential district.

1. a new non-residential principal building,
2. routine overnight parking of 3 or more tractor-trailer trucks or trailers of such trucks,
3. tractor-trailer truck loading docks, or
4. a parking lot or structure involving 8 or more parking spaces.

Such buffer strip shall not be required where the non-residential building, loading dock or parking would not be visible from existing or approved dwellings, such as if detached vehicle garages will mostly obstruct views from the dwellings. Such buffer strip shall meet the requirements of this Article.

B. Landscaped buffer strips may also be required by the Zoning Hearing Board as a condition of any variance or special exception approval.

C. A required landscaped buffer strip shall be planted and maintained with an attractive and continuous landscape screen. The landscaping shall consist of primarily evergreen trees and shrubs with a minimum height when planted of 3.5 feet and in such numbers, locations and species as can reasonably be expected to produce, within 3 growing seasons, a year-round mostly continuous complete visual screen at least 5 feet in height.

D. Topography. The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation, up to 3 additional feet. In the event that the ground elevation of the location at which the screen is to be planted is higher than that at the edge of the adjacent area, the minimum height stated in “C.” for the screen shall prevail.

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E. Width and Maintenance. The entire buffer strip shall be at least 5 feet in width and shall be graded and planted in grass, mulch, and/or other attractive vegetative ground cover. Minor variations in the width of the buffer strip shall be permitted to accommodate a parking space layout. When necessary to achieve the objectives of this Article, the Zoning Officer may permit the buffer strip width to intrude into the right-of-way, provided the buffer will not obstruct the public uses of the right-of-way. Such intrusions shall require an encroachment permit and be subject to any regulations required of same. The buffer strip width shall be attractively maintained and kept clean of debris, rubbish and weeds.

F. Fencing. Any fencing that is provided shall be located on the inside of any buffer landscaping required by this Article.

1323.02 PARKING LOT, OUTDOOR STORAGE, AND LOADING AREA LANDSCAPING

A. Parking Area Landscaping. The following provisions shall apply to off-street parking areas which provide for a total of 20 or more motor vehicles.

1. Such areas shall include a landscaped area equal to 10 percent of the total area of paved and stone surfaces on the lot. Such landscaped area shall:
   a) be located within the parking area and/or immediately adjacent areas.
   b) be in addition to any stormwater detention basins.
   c) include a suitable vegetative groundcover and shrubs that discourage the growth of weeds.
2. A minimum average of one shade or ornamental tree shall be planted for every 10 parking spaces. Such tree shall have a minimum trunk diameter of 2.5 inches measured at 6 inches above the ground level.
3. A landscaped buffer strip provided pursuant to Section 1323.01 may count towards the required minimum landscaped area.
4. The 10 percent landscaped area as provided above shall be decreased to a minimum of 5 percent for surface parking in the B2 district or for a parking structure in any other district. However, no minimum landscaped area shall apply for a parking structure in the B2 district.

B. Planting Strip Along Streets.

1. A planting strip shall separate the following features from a public street if any of the following are adjacent to and visible from a public street:
   a) parking lots and structures involving 8 or more new parking spaces.
   b) routine overnight parking of 3 or more tractor-trailer trucks or trailers of such combination.
   c) tractor-trailer loading docks.
2. The planting strip shall include:
   a) shrubs that are primarily evergreen, and
   b) an average of one deciduous shade tree for every 40 feet of street frontage.
      (1) Existing shade trees that will be preserved may be used to meet such requirements.
      (2) Such shade trees may be planted within the right-of-way provided they meet City requirements.

DRAFT

(3) The shrubs should have a maximum trimmed mature height of 5 feet to allow oversight of the parking at eye-level for security purposes.

C. Screening of Outdoor Storage. All open outdoor storage shall be screened from view of adjacent dwellings and public streets by a buffer strip as provided in Section 1323.01, a building, decorative masonry walls or other City-approved screening. Plantings shall meet the height provisions of Section 1323.01. Any other screening shall have a minimum height of 6 feet.

D. Dumpster Screening. Any new location for a solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and existing dwellings on adjacent lots. Such screening shall consist of decorative masonry walls, mostly solid weather resistant fencing of wood or material with a similar appearance, or primarily evergreen plantings.

1323.03 ADMINISTRATIVE PROCEDURES.

A. Plans. The proposed species, approximate locations and initial sizes of trees and shrubs required by this Article 1323 shall be stated on site plans and shall be subject to acceptance by the City.

B. Final Approval. The final certificate of occupancy for any use subject to the requirements of this Article shall not be issued until:

1. the required landscaping, buffer strips and/or other approved dividers are installed in full compliance with this Article, or
2. if planting needs to be delayed until a growing season, a Certificate of Occupancy may be issued for a period of six months conditioned on the completion of the required landscaping.

C. Alternative to Natural Landscaping. Where a buffer strip would be required, and the applicant proves to the satisfaction of the Zoning Officer that a planting buffer strip is impractical or inappropriate, then a mostly solid weather-resistant fence constructed of wood (or material with a closely similar appearance) or attractive decorative masonry wall may be substituted in whole or in part for a natural buffer strip, provided its specifications are provided in writing and are approved by the Zoning Officer in advance.

1323.04 STREET TREES

A. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 8 or more new off-street parking spaces, or the conversion of a non-residential building of over 10,000 square feet to a primarily residential use, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

DRAFT

1. Number. A minimum average of one such tree shall be planted for each 40 feet of length of street right-of-way around the lot. In order to avoid conflict with utilities, clear sight triangles and other necessary facilities, trees are not required to be uniformly spaced.
2. Location. The location and species of such trees shall be approved by the City Shade Tree Commission. The Shade Tree Commission may require such trees to be planted inside or outside of the right-of-way.
3. Such street trees shall be planted in a manner approved by the City to avoid conflicts with sidewalks and utilities.
4. Where shade trees may be required under another City requirement, the same tree may be used to count towards both requirements.
5. The trees shall have a minimum trunk diameter of 2.5 inches measured 3 feet above the ground level at the time of planting.

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ARTICLE 1325
SITE PLAN REVIEW

1325.01 Purpose and Procedure
1325.02 Site Design Guidelines

1325.01 PURPOSE AND PROCEDURE

A. Purposes of this Article. To insure the safe and efficient movement of traffic, promote the development of an attractive and orderly community, further the comprehensive planning and best serve the interests of public health, safety and general welfare. To provide a process that not only determines compliance with this Ordinance, but also allows for recommendations to the applicant on ways that the site plan might be improved.

B. Site Plan Review.

1. A Site Plan meeting this Section shall be submitted as part of the Zoning Permit application for any of the following, unless the Zoning Officer determines such Plan is not necessary to determine compliance with this Ordinance:
   a) a new principal non-residential building or use of land,
   b) an expansion of 2,000 square feet or more of total floor area of a non-residential building,
   c) a parking area involving 10 or more new parking spaces,
   d) a new multi-family building,
   e) certain special exception uses or as may otherwise be specified in Article 1327 of this ordinance.
2. The procedures for review and approval of site plans as outlined herein are not intended to replace or conflict with the City's Subdivision and Land Development Ordinance. In cases involving "Land Developments," the review procedures contained in the Subdivision and Land Development Ordinance shall prevail over this Article. However, the plan requirements contained in Section 1325.01B.3. and the Site Design Guidelines of Section 1325.02 are intended to apply to all projects, including "land developments."
3. When a Site Plan is required pursuant to this section, a minimum of 4 copies shall be submitted. The Site Plan shall be drawn to a clear and legible scale (typically not less than one inch equals 50 feet). A required Site Plan shall include the following (except for items that the Zoning Officer determines are not applicable or are not needed to determine compliance with this Ordinance):
   a) when the application involves any new structure and/or addition(s) to an existing structure the site plan shall be shown on a survey plan of the entire property prepared and sealed by a registered surveyor.
   b) the size, shape and location of existing and proposed principal and accessory buildings;
   c) distinction between existing and proposed features;
   d) the dimensions and acreage of each lot;

DRAFT

e) the location and layout of parking areas, pedestrian walks, parking spaces and driveways;
f) proposed grades and drainage*;
g) proposed sewer and water connections;
h) a landscaping plan including locations of proposed planting and seeding and screening;
i) proposed location of fences and signs;
j) a key map showing the entire project and its relation to surrounding properties and the existing buildings thereon;
k) location of any proposed waste dumpster; and
l) such information as is required to determine compliance with the dimensional requirements of Article 1315 and other provisions of this Ordinance.

* If the site plan will be separately approved at a later date under another City ordinance regulating such matters, then detailed information regarding proposed grading and drainage may be delayed until such time.

4. The site plan shall be reviewed by the Zoning Officer and the Staff of the Bureau of Planning and Zoning. If determined to be appropriate by the Zoning Officer, the site plan may be submitted to the Planning Commission and/or other appropriate agencies for their review.
5. If the site plan is forwarded to the Planning Commission or other agencies for review, then any such review should be completed within 45 days of their receipt. Action by the Zoning Officer on the application should not be delayed more than 45 days because of delays in review by the Planning Commission or other advisory agencies.
6. The Zoning Officer shall then approve or disapprove the zoning application. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
7. Site plan approval shall not, by itself, relieve the applicant from other provisions of this Ordinance, nor constitute a recommendation for a zoning variance.

1325.02 SITE DESIGN GUIDELINES

In addition to ordinance requirements, the following advisory guidelines should be used by the Zoning Officer, the Bureau of Planning and Zoning and the Planning Commission where applicable, in reviewing site plans. These standards are also intended to guide the applicant in the development of site plans.

A. Preservation of Landscape:
   1. Important natural areas should be preserved in their natural state, as far as practical.
   2. Particular attention should be paid to minimizing the removal of healthy mature trees. Unusually large trees should be a factor in determining the location of site features, to allow their preservation. Where trees are intended to remain, temporary fences should be placed around their root systems during construction to prevent compaction of the roots by equipment and vehicles.

DRAFT

3. Very steep sloped lands should be preserved, with natural ground cover, to avoid erosion. Natural vegetation should be maintained along creeks to avoid water pollution and erosion and to filter out pollutants from runoff.

B. Transportation and Pedestrians:

1. The number and location of traffic entrances and exits onto public streets needs to be carefully managed. Consider opportunities to share access with adjacent uses, or to have cross-connections between parking lots.
2. Seek to separate pedestrian traffic from vehicle traffic, particularly to locate the main vehicle route through the site towards the perimeter of the site so that most pedestrians will not routinely need to cross it.
3. Consider whether any modest improvements might be made to adjacent streets as part of the development project, such as widening of a tight street corner.

C. Stormwater Drainage:

1. Properly plan surface drainage to drain away from buildings, while avoiding adverse impacts to neighboring properties or the public storm drainage system.
2. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.
3. Minimize the amount of land area covered by buildings and paving, to minimize stormwater runoff.

D. Utility Service:

1. Electric service and telephone lines should be underground where practical.
2. Any utility installations remaining above ground (such as cable television) should be located to the rear of properties where practical.

E. Signs:

1. Minimize the height of signs, while making sure that they do not obstruct views of traffic at street and driveway intersections.
2. Avoid excessively large signs, and excessive numbers of sign faces.
3. Seek to minimize the lighting intensity of signs and to avoid garish and day glow colors.
4. Consider use of ground-mounted and/or relief-cut wood signs, as opposed to tall internally-lit signs.

F. Special Features:

1. Place the following as far from residences as is practical: trucking activities, and other operations and machinery that are most likely to generate noise or create hazards or nuisances, and garbage containers.
2. Place outdoor storage areas and trucking operations in locations that minimize their visibility from streets and residences.
3. Seek to maintain historic architectural features of buildings, and to avoid their removal or coverage with modern materials.

DRAFT

ARTICLE 1327
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

1327.01 Purpose
1327.02 Procedures for Permitted by Right Uses with Additional Requirements
1327.03 Additional Requirements for Specific Uses

1327.01 PURPOSE. To provide additional standards for specific uses that are permitted in specified districts. Such standards are intended to be considered by the Zoning Officer in the event a use is permitted by right, or by the Zoning Hearing Board in the event a use is permitted by special exception.

1327.02 PROCEDURES FOR PERMITTED BY RIGHT USES WITH ADDITIONAL REQUIREMENTS. See requirements in Article 1325 for submittal and review of a site plan. The Zoning Officer shall obtain the review comments of other City agencies as may be necessary.

1327.03 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES. The following additional requirements shall apply for each of the following specific uses. An applicant shall provide evidence that a use will meet the requirements of this Article 1327.

A. Adaptive Reuse Projects

1. The minimum floor area requirements of Section 1315.05 shall be met for all dwelling units.
2. The minimum lot area per dwelling unit shall apply, where applicable.
3. Exterior changes to the building shall be compatible with the design of the building and neighborhood.
4. The requirements for Multi-Family buildings in Section 1327.03 shall apply.
5. The off-street parking standards of Section 1321 shall apply. However, under the procedures of Section 1321.01.O, the Zoning Hearing Board may approve a reduction in the number of required parking spaces as a Special Exception based upon the availability and anticipated use of public transportation services and other considerations outlined in Section 1321.01.O. The reduction of parking under this subsection shall only be approved if there are no reasonable alternatives to meeting the required parking on-site or off-site. In granting any such reduction, the Zoning Hearing Board may require a reduction in the number of units and/or the reservation of parking through a long term lease at an off-site location.
6. The Zoning Hearing Board may permit the inclusion of certain non-residential uses it finds appropriate and complementary to the proposed residential use and that it determines will not be detrimental to the surrounding neighborhood. The Zoning Hearing Board shall take into consideration the nature of any non-residential use existing or proposed to exist in the building and may add a condition restricting future non-residential uses. In making this determination, the Zoning Hearing Board shall take into account possible impacts such as noise, traffic, parking and loading, and the Environmental and Performance Standards found in Section 1317.02.

DRAFT

7. The application shall be accompanied by a site plan conforming to the requirements of Section 1325.01.
8. The proposed application and site plan shall be forwarded to the Allentown City Planning Commission for review and comment.

B. Adult Day Care Center

1. The applicant shall submit a narrative describing the particulars of the operation including number of staff persons, licensed capacity, and hours of operation; and a site plan indicating at a minimum the location and dimensions of the building, drop-off/loading area, parking, and waste storage area.
2. The adult day care center shall have a valid license issued by the Pennsylvania Department of Aging, as applicable, prior to occupancy.
3. In the case of a special exception use, the Board may require a fence or buffer strip, as specified in Article 1323, if necessary, to prevent the use from being detrimental to surrounding property.
4. Adult day care centers are not permitted within dwelling units.
5. An adult day care center with more than 12 clients may not be physically attached to any structure containing one or more dwelling units.

C. Adult Use (See definitions of terms in Section 1303)

1. All such uses shall comply with all state laws which regulate adult live entertainment, obscenity and adult oriented establishments and all other current and/or future applicable state laws which may hereinafter be enacted which regulate and/or prohibit "live sex acts."
2. Districts. It shall be unlawful to establish any "Adult Use" within: a) any residential district, b) any district where the use is not specifically permitted by this Ordinance.
3. Separation Required. It shall be unlawful to establish an Adult Use within 1,000 lineal feet of any existing Adult Use.
4. Setback. It shall be unlawful to establish an Adult Use within 500 feet of any primary or secondary school, dwelling, child care facility, place of worship or residential district.
5. Allowance as a Special Exception. The Zoning Hearing Board shall only authorize the establishment of an Adult Use if the applicant provides evidence that allows the Board to make the following findings:
   a. That the proposed use will not adversely affect the desirability of existing dwellings in the vicinity for residential purposes, and will not be detrimental to the general character of the area.
   b. That the establishment of the proposed use will be compatible with any program of neighborhood revitalization.
   c. That the conditions set forth in Article 1307 relating to special exceptions will be met.
6. Other Ordinances. Any applicable adult use shall meet the requirements of Article 1156 of the Codified Ordinances entitled "Adult Arcades" and Article 1157 of the Codified Ordinances entitled "Massage Establishments and Schools."

DRAFT

7. Ownership. As part of any application for an Adult Use, a notarized written statement shall be submitted that lists the legal names and addresses of all individual persons with any ownership interest in the Use or in any corporation or company that owns the use, together with the legal name, address and daytime phone number of an on-site manager responsible to make sure that the use complies with State and City regulations on a daily basis. Any future changes in such persons shall be submitted to the Zoning Officer within 7 calendar days after the change.
8. Lot Area. A minimum lot area of 20,000 square feet shall be required.
9. Displays. No pornographic material, signs or displays shall be viewable by persons who are outside of the establishment.
10. Hours. Any Adult Use approved after the adoption date of this Ordinance shall be limited in its hours of operation to between 8 a.m. and 12 midnight.

D. Auto Body Shop or Auto Repair - See "Gasoline Station."

E. Boarding House - See "Rooming House."

F. Bring Your Own Bottle Establishments - Shall not remain open and/or transact business between the hours of midnight and 8:00 AM, prevailing time, except for January 1st of each year when the establishment shall not remain open and/or transact business between the hours of 1:00 AM and 8:00 AM. In all cases, the premises must be vacated by patrons within fifteen (15) minutes after the required closing time.

G. Car Wash - Where the facility is located adjacent to or across the street from a residential zone, the facility shall not be open to the public between the hours of 10:00 PM and 6:00 AM.

H. Child Care

1. Group Child Care Homes:

a. A narrative setting forth the particulars of the operation, including number of staff persons, anticipated maximum number of children to be served, drop-off/loading areas, and staff parking shall be submitted with the application.
b. The group child care home shall have a valid operational certificate issued by the Allentown Health Bureau and be licensed by the State Department of Public Welfare prior to occupancy.
c. Group child care homes are permitted only in single family detached dwellings.
d. The group child care home shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by permitting or licensing agencies shall not be deemed incompatible merely because surrounding buildings lack such facilities.

DRAFT

e. There shall be a maximum of 2 employees who are not permanent residents of the dwelling unit, except that there may also be a non-resident substitute, on an occasional basis, for the operator-caregiver.

f. The operator-caregiver shall be a permanent resident of the dwelling unit.

g. One sign which must be non-illuminated identifying the group child care home use, not to exceed 2 square feet, may be placed on the property.

h. Where permitted as a special exception, the Board may require a fence or buffer strip, as specified in Section 1323, if necessary to prevent the use from being detrimental to surrounding property.

2. Family Child Care Homes:

a. The family child care home shall have a valid operational certificate issued by the Allentown Health Bureau and be registered by the State Department of Public Welfare prior to occupancy.

b. Family child care homes are permitted only in single family detached dwellings, twin dwellings and rowhouses/townhouses.

c. The family child care home shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by permitting or licensing agencies shall not be deemed incompatible merely because surrounding buildings lack such facilities.

d. The operator-caregiver shall be a permanent resident of the dwelling unit.

e. A family child care home shall not employ persons who are not permanent residents of the home, except as occasional substitutes.

f. Only one sign which must be non-illuminated may identify the family child care home, which shall not exceed 2 square feet.

3. Child Care Center:

a. A narrative setting forth the particulars of the operation including number of staff persons, licensed capacity, and hours of operation; and a site plan indicating at a minimum the location and dimensions of the child care center structure, outdoor-play area, drop-off/loading area, parking, and waste storage area shall be submitted with the application.

b. The child care center shall have a valid operational certificate issued by the Allentown Health Bureau and be licensed by the State Department of Public Welfare prior to occupancy.

c. For a special exception use, the Board may require a fence or buffer strip, as specified in Section 1323, if necessary to prevent the use from being detrimental to surrounding property. For a permitted by right use, buffer strips shall be provided as required by Article 1323.

d. A child care center may not be physically attached to any structure containing one or more dwelling units.

I. College or University - See “School or College” and “Fraternity, Sorority and Dormitories” in this Section.

J. Commercial Communications Towers and Antennas

1. See the provisions in Article 1313 regarding permitted districts.

DRAFT

2. Commercial communications towers shall not be permitted in any residential zoning district.
3. Commercial communications towers shall not be permitted within 300' of any residential zoning district. (14482 §1 05/02/07)
4. Specific Site Requirements for Commercial Communications Towers:
   a. Site Plan. A site plan shall be submitted to the Zoning Office.
   b. Setback. A tower shall be set back from all property lines the greater of the following: a minimum distance equal to one-half its height or a distance equal to the commercial communication tower fall zone.
   c. Fence. The base of a tower shall be surrounded by a secure fence with a minimum height of eight (8) feet.
   d. Landscaping. Evergreen plantings shall be required to screen the fence surrounding the tower and any other ground level features such as a building. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum of six (6) feet high at planting with an expectation to grow to a minimum of fifteen (15) feet high at maturity. At the discretion of the City Planning Director, the landscaping requirement may be altered or waived in an Industrial District.
   e. Parking. A minimum of one (1) off-street parking space shall be provided for a tower.
   f. Height. The maximum height of any tower shall be 150 feet. In the I-2 and I-3 Districts, the maximum height permitted shall be 180 feet.
5. Wind Resistance. The applicant must comply with the prevailing Construction Code.
6. Federal Aviation Administration (FAA):
   a. Documentation of FAA approval for towers or antennas exceeding 200 feet in height shall be provided. Towers or antennas less than 200 feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13 (a), as amended.
   b. No tower or antenna shall be artificially lighted except when required and approved by the FAA.
7. Airport Coordination. The applicant for a proposed tower or antenna, located within a five-mile radius of an existing airport, shall notify the airport manager in writing of its intent to place such structure(s). Any comments received from the airport shall be considered by the municipality in the processing of the application for the proposed commercial communications tower or antenna.
8. Pennsylvania Department of Transportation (Aviation):
   a. The applicant shall provide documentation of PennDOT Bureau of Aviation approval for towers or antennas in accordance with P.L. 837, No. 164 and Title 67 PA Code Chapter 479, Section 479.4.
   b. No tower or antenna shall be artificially lighted except when required and approved by PennDOT Bureau of Aviation.
9. Federal Communications Commission (FCC):

DRAFT

a. The commercial communications company shall provide documentation that it is licensed by the FCC.

b. The applicant shall provide documentation that the FCC has approved the proposed tower or antenna.

c. The applicant shall provide documentation that the proposed tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic or radio frequency radiation within 90 days of the facility becoming operational.

10. Documentation of Need. The commercial communications company shall demonstrate, using technological evidence, that in order to satisfy its functional requirements, the tower and/or antenna could not utilize an existing structure. Also, if a tower is proposed, that there are no existing structures within 1/4 mile of the site on which to place the antenna.

11. Removal of Towers and Antennas. If a tower and/or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall so notify the Zoning Office within thirty (30) days of the conclusion of this twelve month period and shall dismantle and remove the tower and/or antenna within six (6) months of this notification or notice to do so by the City. In addition, all portions of the base that are at or above the existing grade shall be demolished and removed from the site.

12. Exemptions. A tower or antenna necessary for and clearly primarily used for emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations is exempt from these requirements.

K. Conversion of an Existing Lawful Principal Business into One Dwelling Unit

1. The business use shall have contained a minimum of 500 square feet of floor area.
2. The minimum floor area requirements of Section 1315.05 shall be met for the new dwelling.
3. If there is an existing dwelling unit in the building that does not meet the floor area requirements of 1315.05 and adjoins the abandoned business space, the business space shall be merged with such dwelling unit.
4. The minimum lot area per dwelling unit shall apply.
5. Any business signs shall be removed.
6. Exterior changes shall be compatible with the design of the building and the neighborhood.

L. Day Care - See Child Care in this Section.

M. Drug and Alcohol Rehabilitation Facilities, Temporary Shelters, and Halfway Houses

1. A narrative shall be submitted by the applicant describing the purpose and general operation of the proposed facility, including the number of residents, staff and level of supervision. The narrative shall also describe any out-patient facilities

DRAFT

which shall be provided on the site, and their anticipated level of service for the next 3 to 5 years.

2. The facility shall receive the license or permit of any applicable State, County or City agencies prior to the commencement of operations.
3. The facility shall be located no closer to another drug and alcohol rehabilitation facility, temporary shelter, halfway house or group home than 1,000 feet measured on a straight line radius from the property line so used, to the property line proposed to be used.
4. When such a facility is proposed within a residential district, the standards listed for "other allowed use" in the applicable district regulations of Article 1315 shall prevail.
5. All such facilities shall conform to the City's Building, Property Maintenance and Fire Codes.

N. Fraternity, Sorority Houses and Dormitories Affiliated With Colleges and Universities

1. A 50 feet minimum building setback shall apply from any lot line of a dwelling located within a residential district.
2. If located on a lot separate from college educational buildings, there shall be a minimum of 400 square feet of lot area for each student residing within the structure.
3. All dormitories shall be owned and/or operated by an accredited college or university.
4. All fraternities, dormitories and sororities shall be limited to housing students enrolled at or full-time employees of an accredited college or university and up to two live-in advisors.

O. Gasoline Stations, Repair Garages and Auto Body Shops

1. All fuel tanks shall conform with State regulations.
2. City-approved curbing shall be constructed and maintained in a good and safe condition along all street property lines, except at crossovers.
3. The entire area of the gasoline station or repair garage traversed by motor vehicles shall be hard surfaced.
4. No building space used for repairs shall have an opening in roof or walls within 15 feet of any lot line of a residential district.
   a. No repair garage or gasoline station vehicle entrance or fuel pump shall be located within 200 feet of a primary or secondary school, nor within 50 feet of a primarily residential use.
5. All gasoline stations shall be so arranged and all fuel pumps shall be so placed, as to permit all servicing on the premises and outside the public right-of-way. No fuel pump shall be placed closer to a property line or street line than 12 feet.
6. All lots shall be kept free of paper and rubbish. No abandoned or junk vehicle shall be stored on the premises for more than 10 days within view of a public street.

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7. For auto body shops, areas used for the storage of vehicles awaiting repair shall be screened in accordance with Section 1323.02(c).

P. Group Homes, Small and Large

1. A written narrative shall be submitted describing the purpose and general operation of the proposed facility, including the number of residents, staff, level of supervision, and parking needs (see sub-section 8 below).
2. A proposed facility shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by code for access or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities.
3. Any counseling or other services provided shall be solely for the benefit of residents of the facility.
4. The facility shall receive the license or permit of any applicable State, County or City agencies prior to the commencement of operations.
5. The facility shall not generate traffic greater in volume or different in nature than would normally occur in the neighborhood in which it is proposed to be located.
6. No identification signs shall be permitted, except as required by law.
7. The facility shall be located no closer to another group home than 1,000 feet measured on a straight line radius from the property line so used, to the property line to be used.
8. For each staff person greater than one, one off-street parking space shall be provided, using the largest daily shift per week as a base.
9. For the facilities where clients may drive and own vehicles, the Board, after hearing the testimony for the special exception approval, shall stipulate the total required number of off-street parking spaces. The required number of parking spaces shall be one space per driver-vehicle owner.
10. The parking requirement established herein shall be a continuing requirement which shall be met at all times during the life of the permit.
11. All group homes shall conform to the City's Building, Property Maintenance and Fire Codes.

Q. Halfway Houses - See under “Drug and Alcohol Treatment Centers, Halfway Houses” in this Section.

R. Helistop

1. The landing pad shall be set back at least 100 feet from any sidewalk, street or other public area and shall be not closer than 600 feet to any residential district.
2. The landing pad shall be clearly marked and signed around the perimeter. The landing pad shall include a circle with a diameter at least 1.5 times the length of the longest helicopter using the facility.
3. If the landing pad is within 1,500 feet of a residential district, it shall not routinely be used for landings or take-offs between 11:00 p.m. and 7:00 a.m., except for emergency medical purposes.

DRAFT

4. A satisfactory surface must be provided to prevent the blowing of dust, dirt or other objectionable matter.
5. The helistop shall be provided with such fire protection devices and equipment as may be deemed necessary by the City Fire Department.
6. All helistops shall comply with the requirements of this Ordinance or applicable State and Federal agencies, whichever is more restrictive.
7. The applicant shall submit plans to the City that will direct pilots to utilize approach and departure routes that will minimize conflicts with residential neighborhoods, where practical and feasible. This provision shall not apply to a medical emergency helistop.

S. Home Occupations (including accessory home offices)

1. Any home occupation activities shall only be conducted within the principal building.
2. The only persons who may work in a home occupation on the site shall be residents of the dwelling, except that a maximum of 2 non-resident employees at one time shall be permitted for a medical office.
3. A maximum of one commercial vehicle shall be based at the dwelling.
4. The total floor area used for the home occupation shall not exceed 25 percent of the habitable floor area of the principal building.
5. A home occupation shall not require exterior alterations or additions of a building that would reduce its residential appearance. The exterior design of new additions shall reflect the principal residential use of the structure.
6. The only sign that may identify or advertise a home occupation shall be a single non-illuminated sign with a maximum sign area of 1 square foot. Such sign shall only identify the name of the occupation, the name of residents, the phone number, the address and/or a logo. Signs shall only be permitted for those home occupations located along arterial streets.
7. No on-site retail sales, warehousing or storage of equipment shall be permitted, and no bulk manufacturing shall be permitted other than custom crafts.
8. In general, a home occupation shall not be of a type that routinely attracts more traffic for business purposes than would be typical for a dwelling in a residential district, except for a home occupation along an “arterial street” or permitted offices of a medical, dental, chiropractic or similar doctor. Any home occupation providing a service (other than a medical office) or instruction must be limited to appointment only and shall be limited to serving one person at a time, and no more frequently than one such appointment per hour.
9. A use shall not be permitted as a home occupation in a residential district if it will routinely require deliveries or pickups by tractor-trailer trucks.
10. The use shall not produce noise, odors, vibration or electrical interference that are routinely detectable from another dwelling.
11. See Section 1321 concerning limits on parking of commercial vehicles.
12. The use shall not involve hazardous substances other than types typically found in a dwelling.

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13. See provisions in Section l313.01.G. under "Accessory Uses," which restricts medical and related offices.

T. Hospitals, Nursing Homes and Personal Care Centers

1. If regulated as a special exception use, a statement setting forth full particulars on the operation to be conducted shall be filed with the Zoning Hearing Board by the applicant.
2. No building shall be erected nearer than 30 feet from any lot line within a residential district.
3. Buffer strips as required by Article 1323 shall be provided.
4. The use shall acquire and maintain any and all applicable licenses required by state and/or local agencies as a condition of approval and prior to the issuance of a zoning permit.

U. Junkyards (See definition in Article 1303, which includes scrap yards)

1. See buffer requirements in Article 1323. Any new or expanded junkyard shall be surrounded by primarily evergreen plantings with an initial height of 5 feet. Such plantings shall involve species and numbers so as to result in a complete year-round visual screen at least 8 feet in height within 4 years after planting. The use shall be surrounded by a secure security fence with a minimum height of 8 feet. Any fencing or perimeter walls shall be placed on the inside of required buffer landscaping.
2. Outdoor storage and processing of junk or scrap shall be setback a minimum of: a) 100 feet from the lot line of a dwelling or a residential district, and b) 50 feet from the right-of-way of a public street or any other lot line. Any bulk mechanical crushing of metals shall be setback a minimum of 250 feet from any residential district.
3. Cleared driveways shall be provided around and throughout the junkyard to allow access by emergency vehicles. Parking spaces shall be provided for customers that do not obstruct such emergency access.
4. Burning or incineration of junk or vehicles is prohibited. All gasoline and oil shall be drained from vehicles and be properly disposed. All batteries shall be removed from vehicles and stored on an impervious surface that is drained to collect any acids for proper disposal.
5. No junk shall be stored at a total height higher than 25 feet above the ground.
6. See provisions in this Article for "Tire Storage."

V. Live Work Units/Live Work Space

1. Non residential uses shall be limited to:
   a. Retail sales; restaurants; personal services; catering; and business or professional offices; so long as they are permitted within the district in which the use is located or in the case of an "adaptive reuse" project, those which are approved by the Zoning Hearing Board as part of the special exception application

DRAFT

b. uses involving the creation of art including paintings, drawings, sculptures, ceramics, music, custom crafts and literature; music and dance instruction; or dramatic art.

2. Up to 6 persons may be present at the same time for instruction.
3. In the case of a multi-story building/unit, any portion of the non-residential use that attracts customers such as retail and/or gallery space shall be limited to the first floor.
4. Up to 4 employees may be present at any one time in addition to the resident(s) of the residential space.
5. A Live Work Unit shall be allowed to have an area equal to 50 percent of the habitable floor area of the dwelling unit for the non residential use. It is encouraged to merge an existing commercial space with an existing dwelling unit to form one Live-Work Unit
6. If located within a Residential district the following shall apply:
   a. A Live Work Unit may have a 2 square foot wall sign, which shall not be illuminated. In any non-residential district the prevailing sign regulations shall apply.
   b. A Live Work Unit may involve occasional on-site retail sales of art that was primarily produced on the premises.
7. A Live Work Unit in a commercial district may include occasional exhibitions of the art subject to meeting all applicable City codes.
8. A ceramic kiln shall be electrically powered, as opposed to directly burning its own supply of fuel.

W. Manufactured (Mobile) Home Parks

1. Each newly placed manufactured/mobile home shall comply with 1976 or later construction standards of the U.S. Department of Housing and Urban Development.
2. Each manufactured/mobile home shall be securely anchored to the ground to resist damage from high winds.
3. The maximum density of the manufactured home park shall not exceed 5 dwelling units per acre.
4. The area from the base of each manufactured/mobile home to the ground shall be surrounded by an enclosure that has the appearance of a foundation of a site-built home.
5. For any new or expanded area of a manufactured home park, a landscaped area with a minimum width of 25 feet shall be maintained around the perimeter of a manufactured home park, which shall only be interrupted at approximately perpendicular vehicle or utility crossings. Such landscaped area shall not include any buildings.
6. For any new or expanded manufactured home park, each mobile/manufactured home shall be setback a minimum of 20 feet from any other mobile/manufactured home and at least 35 feet from any exterior lot line.
7. Interior roads and required parking spaces shall be paved in asphalt with a stone subsurface, concrete or other material approved by the City Engineer.

DRAFT

X. Membership Clubs

1. If regulated as a special exception use, a statement setting forth full particulars on the operation of the use and a copy of the bylaws or articles of incorporation (if incorporated) shall be filed with the Zoning Officer.
2. The proposed use must be a non-profit organization operated primarily for the recreation and enjoyment of the members of such organization and their occasional guests.
3. The proposed use shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and the design of any structures erected in connection with such use shall be in keeping with the general character of the area.
4. Buffer strips as required by Article 1323 shall be provided.
5. See State Act 219 of 1990, which generally prohibits after-hours clubs.
6. The use shall not meet the definition of an adult use.
7. The use shall not involve the sale of alcoholic beverages in a residential district, except if permitted as a nonconforming use.

Y. Mineral Extraction

1. No new excavation for mineral extraction or mechanical loading or processing of such materials shall be located within the following minimum setbacks:
   a. 75 feet from the right-of-way of a public street,
   b. 200 feet from the boundary of a residential district,
   c. 50 feet from any other lot line.
2. A landscaped area with a minimum width of 25 feet shall be provided around the perimeter of the use, except for necessary perpendicular crossings.
3. The Zoning Hearing Board may require berming, landscaping, fencing and additional setbacks as needed to protect the public safety and to avoid conflicts with neighboring uses.
4. A copy of mapping and all application materials submitted to the State Department of Environmental Protection shall also be provided to the Zoning Officer.

Z. Multi-Family Dwellings involving 5 or more dwelling units on a lot shall meet the following additional requirements:

1. Location of Buildings. The distance between multifamily dwelling unit buildings on the same lot shall not be less than 20 feet. No interior yards, as such, shall be required but all buildings shall be so located in relation one to another that the angle of horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building, excluding towers, chimneys and similar fixtures, does not exceed 45 degrees. Where possible, the design layout of dwelling structures shall be such that the front of one structure does not face the rear of another.
2. Proximity to Parking Area. No multi-family dwelling unit building shall be closer than 20 feet from any parking area access driveway nor closer than 10 feet from any parking area.

DRAFT

3. Court Yards. Court yards bounded on 3 or more sides by the wings of the same building or by the walls of separate buildings shall have a minimum court width of 2 feet for each one foot in height of the highest building.
4. Storage Space. In addition to any storage area contained inside multi-family building dwelling units, there shall be provided for each dwelling unit a minimum of 35 square feet of storage area in a convenient location (such as a basement) where personal belongings and effects may be stored without constituting a fire hazard and where the belongings and effects may be kept locked and separated from belongings of other occupants.
5. Stairwells, Stairways and Landings. All multi-family building stairwells, stairways and landings shall be architecturally integrated into the building.
6. Site Requirements.
   a. Interior roads shall be so designed as to minimize hazards to pedestrians and to vehicles within the development and on adjacent streets.
   b. Off-street parking areas shall not open directly on to a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles.
   c. Pedestrian walks shall be not less than 4 feet in width and shall be provided wherever normal pedestrian traffic will occur. All walks shall meet minimum construction standards as specified by the City Engineer.
   d. Garbage and refuse pickup and other multi-family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 5 feet in height around the perimeter.
   e. All new telephone and electric service utilities shall be underground in all new multi-family developments.
   f. All multi-family developments shall be served by municipal sanitary sewer and municipal water facilities.
   g. All multi-family developments shall be provided with a liberal and functional landscaping scheme. Interior roads, parking areas and pedestrian walks shall be provided with shade trees which are of an appropriate size and character. Open space adjacent to buildings and open areas between buildings to be utilized by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or other plant material. Approaches to multi-family dwellings and entrance areas shall be provided with attractive trees and shrubs. Areas not used for buildings, drives and parking shall be seeded or landscaped and kept in an attractive condition.
   h. Top soil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view by occupants and the public and such areas shall be stabilized by seeding or planting.
   i. Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to

DRAFT

minimize hazards to pedestrians and vehicles utilizing the same and shall, where necessary, be shielded to avoid disturbing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from adjoining properties.

j. The land shall be so graded, paved areas so pitched and storm drains and catch basins so located and sized as to provide rapid run-off of storm waters and avoid undue accumulations of water under the normal range of weather condition.

AA. Nursing Home - See "Hospitals, Nursing Homes" in this Section.

BB. Parking, Off-Street (Lot or Structure)

1. In a residential district, parking shall only be for the parking of passenger automobiles.
2. The facility is not to be used for sales, long term storage, repair work or servicing of any kind, unless the requirements for such uses are also met.
3. Entrances to and exits from the parking shall be located so as to insure the protection of the character of the area.
4. No advertising sign may be located on the facility, except to note its availability for parking.
5. All parking is to be separated by curbing, curb stops, fencing or similar approved barriers from streets and lot lines.
6. See Article 1323 concerning screening, buffering and landscaping. All lighting shall be arranged to eliminate glare on adjoining properties, as provided in Article 1317.
7. Off-street parking facilities shall not be subject to any maximum building coverage requirement. See provisions regarding setbacks in Article 1321.
8. Where regulated as a special exception use, the Zoning Hearing Board may establish such other conditions as they deem necessary to protect the character of the area.
9. Other when located in a Limited Industrial (I-2) or General Industrial (I-3) zoning district, no off-street parking lot that abuts or is across the street from a residential district may be used for the parking of tractors, tractor trailers, buses and commercial vehicles equal to or greater than a Class V. This restriction shall only apply to parking lots established as a principal use of the lot and not where such parking is accessory to or required as part of another principal use. (14463 §2 12/21/06, 14469 §2 02/22/07)

DRAFT

CC. Personal Care Homes - See "Hospitals, Personal Care Centers" in this Section.

DD. Persons With Disabilities - In considering a special exception application pursuant to Section 1307.03 C. of this ordinance, the Zoning Hearing Board shall make the following findings:

1. That all residents are disabled under the definitions of the Americans With Disabilities Act and/or by the Fair Housing Act, as amended.
2. That any rehabilitative or support activities held in the dwelling unit shall be restricted to the occupants thereof.
3. That Special Exception approval shall be conditioned upon the continued existence of "1" and "2" above.
4. That sufficient evidence is presented to enable the Zoning Hearing Board to make a finding that a "reasonable accommodation" is necessary pursuant to the provisions of the Fair Housing Act.
5. That the dwelling unit shall comply with the City's Building, Property Maintenance, Housing and Fire Codes as a condition of approval.
6. That in no case will the occupancy of any dwelling unit exceed eight (8) unrelated persons.

EE. Place of Worship

1. The use may include a maximum of one dwelling unit, provided such dwelling is limited to housing of full-time paid religious leader(s) and their families, provided that the definition of "family" is met. Such dwelling shall meet the habitable floor area requirements of Section 1315.
2. Where permitted as a special exception use, the applicant for a new Place of Worship shall provide a written description of the intended use, including maximum number of attendees, hours of operation, accessory uses, and amplification. The Zoning Hearing Board may place reasonable conditions on the use to ensure compatibility with surrounding uses.
3. Except for one dwelling permitted in subsection "1." above, any residential, social service, accessory or related uses shall only be permitted if all of the requirements for such use are also met and the use is separately approved.
4. In residential zones, places of worship may not be located in structures that are physically attached to an entirely residential structure. (14054 §2 12/23/02)

FF. Public Utility Uses

1. Where regulated as a special exception use, a statement setting forth the need and purpose of the installation shall be filed with the Zoning Hearing Board by the applicant.
2. Proof shall be furnished to the Board that the proposed installation in the location specified is necessary for the convenient and efficient operation of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
3. The design of any structure or use in connection with such facility shall conform to the general character of the neighborhood in which it is proposed to be located

DRAFT

and will not adversely affect the safe and comfortable enjoyment of properties in the neighborhoods in which it is located.

4. Buffer strips as required by Article 1323 shall be provided.
5. See also Section 619 of the State Municipalities Planning Code, which provides a process for limited exemptions.

GG. Residential Conversions:

1. Residential conversions are limited to the conversion of detached structures containing 3,000 sq. ft. or more of floor area.
2. One dwelling unit shall have a minimum of 700 square feet of habitable floor area and all additional dwelling units shall have minimum habitable floor areas according to the following standards:

Type of Unit	Square Feet
One-bedroom	500
Two-bedroom	700
Three-bedroom	900

3. No new efficiency dwelling units shall be permitted.
4. The maximum total number of dwelling units after conversion is limited to 4.
5. No exterior structural alteration of the structure may be made except as may be necessary for safety or for improved access.
6. The area of the lot upon which the conversion is located must contain the applicable square feet of lot area per dwelling unit for multi-family dwellings after conversion as stipulated in Article 1315.
7. Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet and bathing facilities.
8. The use shall meet the parking regulations of Article 1321.
9. This use shall not be permitted unless the property owner provides access for inspections by City codes enforcement officials to inspect the entire building for compliance with City codes, prior to issuance of a zoning permit.

HH. Rooming and/or Boarding Houses

1. Each rental unit shall include a minimum of 250 square feet. The lot shall include a maximum of 6 rental units.
2. Each rental unit shall be occupied by a maximum of 2 adults.
3. The building shall be occupied by a resident manager.
4. This use shall not be permitted unless the property owner provides access for inspections by City codes enforcement officials to inspect the entire building for compliance with City codes, prior to issuance of a zoning permit.

II. Sample and/or Model Homes

1. All dimensional requirements of this Ordinance shall be met.
2. The use of the home as a sample and/or model home shall be for a maximum of 10 years, commencing from the date of completion of the home.
3. Lights used for illumination purposes shall be adequately shielded and arranged to avoid glare on adjoining properties.

DRAFT

4. If a dwelling unit meets all of the requirements for a lawful dwelling unit and is used as a sample or model home for less than 2 years, does not include outside illumination beyond what is customary for a dwelling, and the property is not used for any outdoor storage, then use of the dwelling as a sample is permitted by right.

JJ. Schools, Elementary and Secondary; College or University

1. Minimum total lot area - 20,000 square feet, unless a larger lot area is specified by Article 1315.
2. Where regulated as a special exception use, off-street parking requirements stated in Article 1321 may be increased if, in the judgment of the Board, such consideration as the unavailability of public transportation, the distance from centers of population, or a relatively high percentage of pupils driving their own cars make such increased requirements necessary.
3. Illumination for night athletic activities shall be properly directed and shielded from view from adjoining street and residential areas.
4. See Article 1323 concerning buffer strips.

KK. Solid Waste Transfer Facility or Solid Waste to Energy Facility

1. All solid waste processing and storage shall be kept a minimum of 150 feet from any of the following features: public street right-of-way, exterior lot line, or perennial river or creek.
2. All solid waste processing and storage shall be kept a minimum of 300 feet from any existing dwelling that the operator of the solid waste facility does not own.
3. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use: a) will have adequate access for firefighting purposes, and b) will not create noxious odors that will be detectable off of the site.
4. No open outdoor burning shall be permitted.
5. All solid waste processing, storage, loading and unloading shall occur within an enclosed building or enclosed containers. All processes shall occur over an impervious surface that prevents polluted runoff from flowing from the site or into the groundwater.
6. The use shall be surrounded by secure fencing and gates.
7. A minimum lot area of 3 acres shall be required.
8. The use shall be operated in a manner that prevents the attraction, harborage or breeding of insects, rodents or other vectors.
9. An attendant shall be on duty during all hours of loading and unloading.
10. No radioactive, chemotherapeutic, toxic or infectious materials shall be permitted on site.
11. See standards for Tire Storage below.

LL. Student Residences (within the R-SO Overlay District)

1. Student residences shall only be permitted in detached residential structures of two or more dwelling units. New student residences shall not be located in structures of two (2) or more dwelling units which were created through the

DRAFT

conversion of a single family dwelling or the merger of adjoining properties that has occurred after October 26, 1997.

2. The owner of a structure in which a student residence was in existence as of October 26, 1997 and properly registered same with the Zoning Office as required by Ordinance No. 13607, may continue the use subject to Article 1329 and shall continue to renew the registration annually. In support of the application the property owner shall produce documentation in support of the student residence living arrangement.
3. These regulations shall apply in addition to the regulations of the underlying district. Where both the underlying district and the R-SO Overlay District regulate the same specific matter, the provision that is most restrictive upon the use shall apply.
4. The residents of a student residence shall live in a dwelling unit as a single housekeeping unit, doing their cooking on the premises.

MM. Temporary Shelters - See under "Drug and Alcohol Treatment Centers, Temporary Shelters" in this Section.

NN. Tire Storage

1. Any area used for the bulk overnight outdoor storage or processing of 100 or more used tires shall be setback a minimum of 50 feet from any lot line and shall be separated from any other pile of 100 or more used tires by at least 50 linear feet that does not include combustible material.
2. No pile shall include more than 500 used tires nor have a height greater than 25 feet.
3. Any area used for the bulk overnight outdoor storage of 200 or more used tires shall also meet the requirements for a junkyard.

OO. Trucking Terminal

1. Parking and storage of trucks or trailers of tractor-trailer combinations shall not spillover onto public streets, except within designated loading areas.
2. The buffer requirements of Article 1323 shall be met.
3. Tractor-trailer combinations shall not be parked within 20 feet of a residential district.

PP. Veterans Treatment Center

1 A narrative shall be submitted by the applicant describing the purpose and general operation of the proposed treatment center, including the number of residents, staff and level of supervision. The narrative shall also include any out-patient facilities which shall be provided on the site, and their anticipated level of service for the next 3 to 5 years.

2. The treatment center shall receive the license or permit of any applicable State, County or City agencies prior to the commencement of operations.
3. The treatment center shall be located no closer to another Veterans Treatment Center than 1,000 feet measured on a straight line radius from the property line so used, to the property line proposed to be used.

DRAFT

4. All such treatment centers shall conform to the City's Building Property Maintenance and Fire Codes.

OO. Wind Turbine (as an accessory use)

1 All wind turbines shall be set back from a lot line a minimum distance equal to two times the total maximum height to the top of the extended blade. All wind turbine setbacks shall be measured from the center of the base of the turbine.

2 The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the property line.

3 The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.

4 A wind turbine shall not be climbable for at least the first 12 feet above the ground level.

5 If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.

6 The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.

7 In a residential district, the maximum total height above the ground level to the tip of the extended blade shall be 80 feet.

8 New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

PP. Wind Turbines (as a principle use)

1. All wind turbines shall be setback from a lot line a minimum distance not less than two times the maximum height to the top of the extended blade. All wind turbine setbacks shall be measured from the center of the base of the turbine.
2. The audible sound from the wind turbine(s) shall not exceed 45 A-weighted decibels, as measured at the property line.
3. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
4. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
5. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
6. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
7. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
8. A site plan meeting the requirements of Article 1325 shall be submitted.
9. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.

ARTICLE 1329
NONCONFORMITIES

1329.01 Purposes
1329.02 Applicability
1329.03 Nonconforming Structures
1329.04 Nonconforming Uses
1329.05 Nonconforming Lots
1329.06 Exemption from Nonconforming Status

1329.01 PURPOSES. To recognize that many structures and uses do not conform to this Ordinance, and to specify those circumstances and conditions under which these "nonconformities" may change and expand. To seek the incremental conversion of nonconforming uses into conforming uses.

1329.02 APPLICABILITY. All uses, lots and structures that do not conform to the current zoning regulations of the district in which they are located, and which were lawful when they were first established, shall be known as "nonconforming" and shall meet the regulations of this Article. Uses, lots and structures that were not lawful when they were first established, or that changed in an unlawful manner, shall not have any right to continue, and shall be brought into conformance with this Ordinance. See definitions in Article 1303 of "Nonconforming Lot," "Nonconforming Structure" and "Nonconforming Use."

1329.03 NONCONFORMING STRUCTURES. A lawfully existing nonconforming structure shall be subject to the provisions of this section.

A. Repairs and Alterations. Repairs, maintenance, alterations and modernization may be made to a nonconforming structure provided that the extent of each nonconformity is not increased, and no new nonconformity is created.

B. Additions and Enlargements. A nonconforming structure may be enlarged or extended provided that the extent of each nonconformity is not increased, and no new nonconformity is created, and provided that all other requirements of this Ordinance are met, such as applicable setback requirements and requirements applicable to any nonconforming use.

1. If an existing single family detached dwelling, twin dwelling, rowhouse or townhouse has a lawfully nonconforming side yard building setback, additions may occur as a "permitted by right" use to increase the height above such setback or to extend other portions of the dwelling up to such nonconforming side yard setback line, provided:
   a) the building shall not be extended beyond the existing side yard setback line,
   b) no additional nonconformity shall be created,
   c) all other requirements of this Ordinance shall be met,
   d) no additional intrusions occur into the minimum rear yard, and

DRAFT

e) an absolute minimum side yard setback of 3 feet is maintained for any addition.

C. Moving. A nonconforming structure shall not be moved to another location unless it becomes conforming or less nonconforming by such move.

D. Restoration of Damaged Nonconforming Structure.

1. A nonconforming structure which is destroyed or damaged by fire or other casualty or by act of God shall only be rebuilt or restored in a nonconforming manner if the majority of the exterior walls are still structurally sound, with the following exception:

a) A destroyed or damaged nonconforming single family detached, twin or rowhouse/townhouse dwelling containing only one dwelling unit may be reconstructed regardless of the amount of destruction provided that no new nonconformity is created or increased by the reconstruction.

2. Where a nonconforming structure is permitted to be rebuilt or restored in a nonconforming manner, such permission shall only be granted if:

a) the structure is properly secured after the damage or destruction,

b) work begins within 18 months after the date of damage or destruction, unless the Zoning Hearing Board grants a time extension for good cause, and

c) work is diligently pursued to completion.

1329.04 NONCONFORMING USES. A lawfully existing nonconforming use shall meet the following provisions:

A. Expansion of Nonconforming Use. A lawful nonconforming use shall only be expanded if the following requirements are met:

1. The total building floor area or total land area occupied by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond the area that existed at the time the use first became nonconforming.

a) The 50 percent maximum shall be measured in aggregate over the entire life of the nonconformity. Therefore, for example, if a use became nonconforming in 1971, and was expanded by 20 percent in 1980, then one 30 percent expansion would be permitted today.

b) These provisions apply regardless of whether the use is expanding within an existing building or an addition.

2. Special exception approval shall be required, except that a one-time expansion of up to 5 percent of the nonconformity in existence as of the adoption date of this ordinance shall be permitted by right.

3. Any expansion of a nonconforming use shall meet all required setbacks and all other requirements of this Ordinance. No new nonconformity shall be created.

B. Change of Nonconforming Use. A nonconforming use all or partially conducted in a structure(s) may be changed to another nonconforming use only upon determination by

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the Zoning Hearing Board as a special exception that the proposed new use will be no more detrimental to its neighborhood and surroundings than the use it is to replace (except as provided in "2." below). In determining such relative detriment, the Board shall review any written report of the Zoning Officer.

1. The Board may consider the following factors, among others: traffic generated; traffic safety; nuisance characteristics, such as emission of noise, dust, odors and smoke; creation of vibrations and fire hazards; waste generation; storage characteristics; public health and safety hazards; and the hours and manner of operation.
2. The Zoning Officer may issue a permit for a change from one nonconforming establishment to another nonconforming establishment, without requiring approval by the Zoning Hearing Board, provided that:
   a) the same general type of use is involved (such as from one retail store to another retail store, or from one personal service business to another personal service business);
   b) the operator of the new establishment agrees in writing as a condition of the permit to abide by any applicable conditions that were established for the previous use of the property;
   c) the new use involves similar or less intensive characteristics compared to the previous use, such as hours and manner of operation, types of merchandise or service, and waste generation; and
   d) the new use does not involve the sale of alcohol unless the previous use also involved the sale of alcohol in a similar manner.
3. Hours of Operation. Notwithstanding any provisions to the contrary, special exception approval from the Zoning Hearing Board shall be required if a proposed change of a nonconforming use is proposed to be open to the public during any hours between midnight and 6 AM in the B-1/R district or between 10 PM and 6 AM in any residential district. The only standard for the special exception approval shall be whether the late night hours are likely to create nuisances and incompatibilities with nearby residential uses, considering the type of proposed use and its location. In considering the grant of a special exception approval, the Zoning Hearing Board may further restrict the hours of operation beyond the limits stated herein.

C. Discontinuance of Use. If the area occupied by a nonconforming use becomes unoccupied or unused and remains unoccupied or is not used by the nonconforming use during any continuous period of 12 months, the use shall be presumed to be abandoned, unless sufficient evidence is presented to the Zoning Hearing Board to determine said use was not abandoned. Once abandoned, such property or structure shall only be occupied by a use which conforms to this ordinance. This 12 month period shall be extended to 24 months for a lawful commercial nonconforming use in a residential district.

D. Nonconforming Sign. In no case shall a nonconforming sign be extended in any manner that would increase its nonconformity.

E. Nonconforming Junkyard or Scrapyard. A nonconforming junkyard or scrapyard shall not be expanded in land area occupied by the use.

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1329.05 NONCONFORMING LOTS.

A. If a lot existed as of record prior to the adoption date of this Ordinance, and such lot has nonconforming lot area or lot width, and the owner thereof owns no adjoining land, then the lot may be used for any use allowed in the district. Any development of the lot shall meet all other applicable regulations, including but not limited to, minimum yard requirements.

B. If two nonconforming lots are contiguous to each other and have a common owner, and at least one of the lots does not include a principal building, then the two lots shall be considered to be merged, and shall not be separately sold and shall not be separately developed.

C. Side Yard Reduction. If a lot existed as of record prior to March 26, 1971, and such lot now includes a nonconforming lot area and/or lot width, and lots on each side of the subject lot are occupied by principal buildings, and such adjacent lots are in different ownership than the subject lot, then the subject lot may be used for a building with each side yard equal to the abutting side yard of the abutting lot.

1329.06 EXEMPTION FROM NONCONFORMING STATUS. Any lot or structure which is rendered non-conforming by the action of a governmental agency in opening, closing, widening, paving or improvement of any street or acquiring any right-of-way or any governmental condemnation, shall, absent any other reason for non-conformity, be exempt from the non-conforming restrictions of this Ordinance and shall, for all purposes of this ordinance, be considered as if it continued to exist in its pre-taking condition.

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ARTICLE 1331
REQUIREMENTS IN RELATED ORDINANCES

The following additional articles of the Codified Ordinances of the City of Allentown shall be considered by the applicant, as applicable. This list is not all-inclusive.

Article 701	Animals
Article 712	Temporary Signs
Article 719	Noise Control
Article 903, etc.	Obstructions (Within Right-of-Way)
Article 1371, etc.	Land Development and Subdivision
Article 1387	Stormwater Management
Article 1391	Historic Districts (Old Allentown, Old Fairgrounds and West Park Historic Districts)
Article 1393	Flood Control (See the official Federal Floodplain Maps to determine applicability)
Article 1395	Airport Approach (Regulates heights of structures along approaches to Queen City and Lehigh Valley International Airports)
Article 1725	Swimming Pools
Article 1729	Hamilton Mall Sign Control
Part 15	Fire Prevention (Administered by the Bureau of Fire)
Part 17-Title 5	Property Rehabilitation and Maintenance (Primarily regulates existing structures)

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INDEX
Not Updated

This index is for general informational purposes, and is not intended to be all-inclusive.

	Article/ Section No.
Additional Requirements for Specific Uses	1327
Access, Required to be Adequate	1311.01
Accessory Structures, Yard and Height Requirements	1315.04
Administration	1305
Adult Uses	1327.03
Amendments to this Ordinance	1305.04
Appeals	1307.04
Area, Yard and Building Requirements by Zoning District	1315
Buffer Yards	1323
Certificate of Occupancy	1305.03
Clear Sight Triangle	1311.06
Commercial Communications Towers and Antennas	1327
Corner Lots	1311.03
Day Care, Additional Requirements for	1327.03
Definitions	1303
Dwellings	
- Definitions of Types	1303
- Minimum Floor Area	1315.05
Environmental Standards	1317
Exceptions	1311
- For Emergency Exits	1311.10
Fences or Walls	1311.07
Flood-Prone Areas	See Separate Article 1393
Floor Area, Minimum for Dwellings	1315.05
General Requirements	1311
Group Homes, Additional Requirements for	1327.03
Height Exceptions	1311.09
Historic Districts	See Separate Article 1391
Home Occupations, Additional Requirements for	1327.03
Landscaping	1323
Lighting, Control of	1317.02
Loading	1321
Lots	
- Irregularly Shaped	1311.08
Multi-Family Dwellings, Additional Requirements for	1327.03
Nonconformities	1329
- Nonconforming Lots	1329.05
- Nonconforming Structures	1329.03
- Nonconforming Uses	1329.04
Objectives of this Ordinance	1301.02

DRAFT

INDEX (Continued)

	Article/ Section No.
Parking	1321
- Additional Requirements for	1327.03
- Aisle Widths	1321.01.D
- Commercial Vehicle Parking	1321.01.N
- Compact Car Parking	1321.01.C
- Landscaping of	1323.02
- Number of Required Spaces	1321.02
- Off-site Parking	1321.01.I
- Parking Setbacks	1321.01.Q
- Reduction of Required Number of Spaces	1321.01.O
- Sizes of Spaces	1321.01.C
Penalties	1305.09
Performance Standards	1317
Permits	
- Time Limits	1305.02
Related Ordinances, List of	1331
Setbacks - See Yards	
Sight Clearance Triangle	1311.06
Signs	1319
- Business/Commercial Districts	1319.07
- Definitions of	1319.02
- Industrial Districts	1319.08
- Measurement of Signs	1319.09
- Portable Signs	1319.03
- Prohibited Signs	1319.04
- Residential Districts	1319.05
- R-H District	1319.06
Site Design Guidelines	1325.02
Site Plan Review	1325.01
Special Exception Procedures	1307
Storage, Open	1317.02
Temporary Uses and Structures, Permits for	1307.08
Uses Permitted by Zoning District	1313.01
- Within Primarily Residential Districts	1313.01A
- Within Primarily Business Districts	1313.01.B
- Within Park and Institutional Districts	1313.01.C
Variances to this Ordinance	1307.03
Yards	
- Front Yard Averaging	1311.12
- For Accessory Structures	1315.04

DRAFT

INDEX (Continued)

	Article/ Section No.
Zoning Districts	
- Area, Yard and Building Requirements by Zoning District	1315
- Within Primarily Residential Districts	1315.01
- R-MP District, Additional Requirements	1315.02
- Within Non-Residential Districts	1315.03
- Boundaries	1309.04
- Establishment of Zoning District	1309
- Purposes of Each District	1309.06
- Uses Permitted in Each District	1313.01
Zoning Hearing Board	1307

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City of Allentown Zoning Map

Map Scale: 1 inch = 750 feet (1:9,000) Map Production Date 3/10/2010

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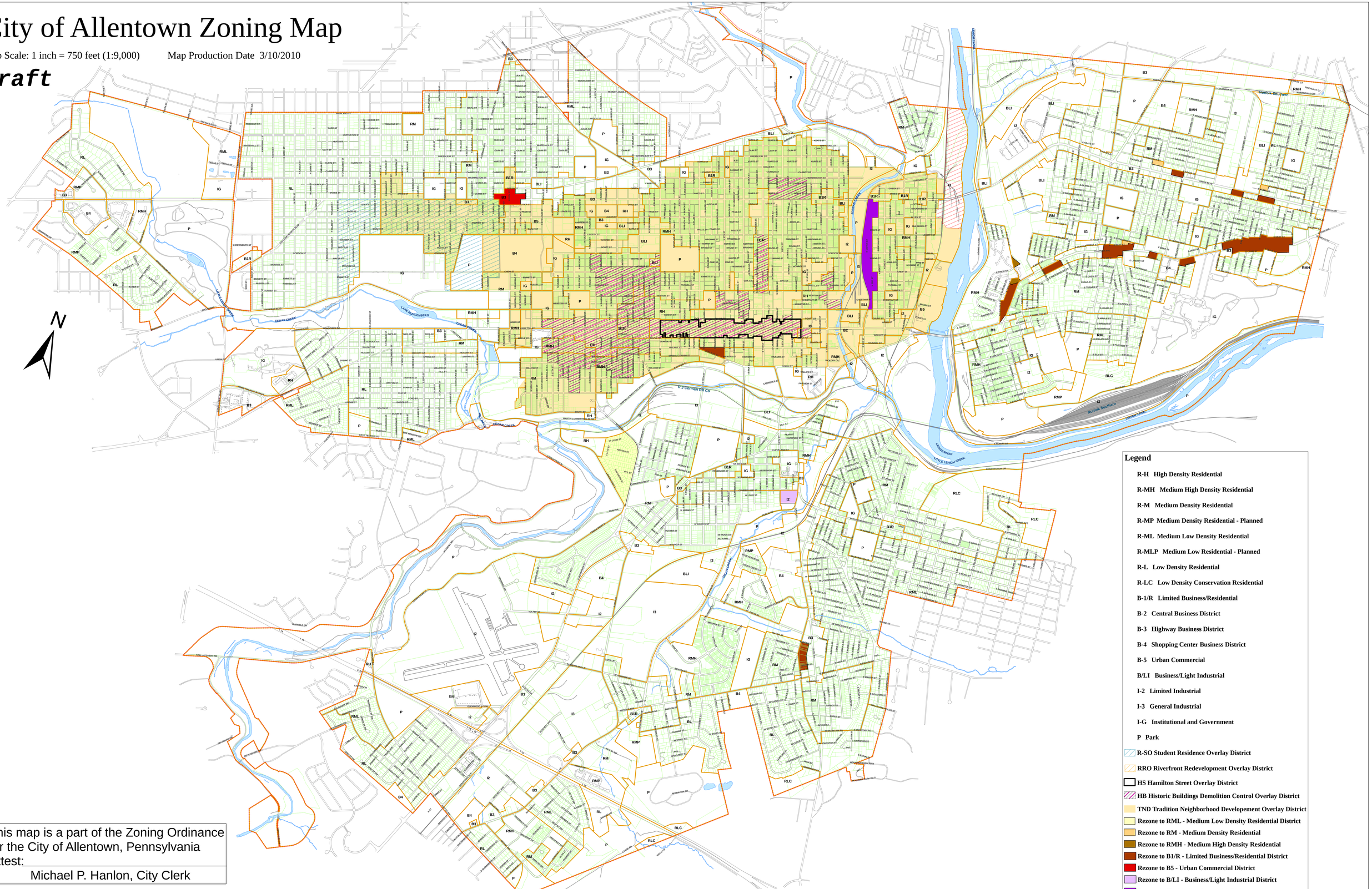

This map is a part of the Zoning Ordinance for the City of Allentown, Pennsylvania
Attest:_____
Michael P. Hanlon, City Clerk