

**ORDINANCE
NO. 1978**

**AN ORDINANCE OF THE CITY OF WARREN, A HOME RULE MUNICIPALITY,
IN WARREN COUNTY, COMMONWEALTH OF PENNSYLVANIA
ADOPTING A NEW CHAPTER 470: ZONING
OF THE CODE OF THE CITY OF WARREN**

WHEREAS, the City of Warren Planning Commission, Zoning Steering Committee, and Mackin Engineers and Consultants worked in concert to develop an amended Zoning Ordinance; and

WHEREAS, the required public comment period and public hearings were conducted.

NOW, THEREFORE THE CITY OF WARREN ORDAINS, and it is hereby ordained by Warren City Council that the existing Chapter 470 Zoning of the Code of the City of Warren is hereby deleted in its entirety and is replaced by a new Chapter 470 Zoning which is attached hereto and made a part hereof.

ORDAINED AND ENACTED this 20th day of May, 2024.

ATTEST:

Michael A. Holtz, Municipal Clerk

David G. Wortman, Mayor

APPROVED AS TO FORM:

Andrea L. Stapleford, City Solicitor

Article I. Short Title; Purpose; Scope; Objectives; Intent

§ 470-1. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Warren, Warren County, Pennsylvania."

§ 470-2. Purpose.

- A. The zoning regulations and districts set forth in this chapter are made after careful study of the needs of the City, in conjunction with the City's Master Plan, and intended to achieve the following purposes:
- (1) Lessen congestion on the streets.
 - (2) Secure safety from fire and panic.
 - (3) Promote health and general welfare.
 - (4) Provide adequate light and circulation.
 - (5) Prevent overcrowding of the land.
 - (6) Avoid unsafe or unhealthy population congestion.
 - (7) Facilitate sound provisions for housing, commercial and industrial development, transportation, water, sewage, schools, parks and other public improvements.
- B. It is further the purpose of this chapter to guide development not only within the above-stated purposes, but also in consideration of the existing structure and character of the community in order to conserve existing values while making the most appropriate use of land throughout the City.

§ 470-3. Scope.

This chapter regulates and restricts within the boundaries of the City of Warren, Warren County, Pennsylvania:

- A. The size of buildings and other structures.
- B. Their alteration or extension.
- C. The percentage of lot that may be occupied.
- D. The density of population.
- E. All facilities and services in or about such buildings and structures.
- F. The size of open space.
- G. Parking, signs, and other public features.
- H. The location and use of buildings, structures and land for trade, industry, residence, or other purposes.
- I. Building lines and building setbacks as between buildings and upon public streets.

§ 470-4. Statement of Community Development Objectives.

This chapter has been developed as a legislative and administrative tool to help the City Council and Planning Commission to carry out the general development objectives prescribed in the City's comprehensive and community development plans. Although the specifics of these plans may change from time to time, the general objectives of the community are:

- A. Promote organic growth and entrepreneurship.
- B. Support the beautification of upper stories in the Downtown.
- C. Market the City to new residents and business owners.
- D. Provide improved quality of life in the evenings and on weekends.
- E. Establish a central organization for marketing and resources.
- F. Develop the riverfront as a mixed-use hub.
- G. Address buildings in disrepair.
- H. Enhance the city's gateways.

§ 470-5. Legislative intent.

- A. It is the intent of the Council of the City of Warren to rescind in total the Zoning Ordinance of the Borough of Warren, Ordinance No. 1295 of April 20, 1981, and all amendments thereto enacted prior to the adoption of this chapter which replaces Ordinance No. 1295, as amended.
- B. It is the intent of the City Council to promote regulations, standards and guidance for the development and renewal of the City of Warren through sound planning which is carried out through this chapter and other measures.

Article II. Zoning Districts; Map

§ 470-6. Zoning districts.

The City of Warren, for the purpose of this chapter, is hereby divided into the following zoning districts to be designated as follows:

Full Name	Abbreviation
Residential Low Density	R-1
Residential Medium Density	R-2
Residential High Density	R-3
Central Commercial	C-1
General Commercial	C-2
Mixed-Use	MU
Industrial	I-1
Preservation	Pres

§ 470-7. Boundaries of zoning districts.

The boundaries of the zoning districts are hereby established and shall be as shown upon the Zoning Map, entitled "City of Warren Zoning Map," which accompanies this chapter and is made a part of this chapter.

§ 470-8. District boundary lines.

The district boundary lines shall be as shown on the Zoning Map. District lines of streets, the boundary limits of the City or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the Planning Commission shall make the determination of the exact location of said boundary line.

§ 470-9. Lots in two zoning districts.

Where a zoning district boundary line divides a lot which was in single ownership and a lot of record at the effective date of this chapter, any extension of the least restrictive zone shall be approved by the Planning Commission.

§ 470-10. Bodies of water.

All areas within the corporate limits of the City which are under water shall be considered to be in the Preservation District (Pres) unless otherwise specifically zoned.

§ 470-11. Annexed land.

All land annexed to the City after the effective date of this chapter shall be provided a zoning designation by City Council based upon the recommendation of the Planning Commission as part of the process of annexation.

Article III. Interpretation and Application

§ 470-12. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and the general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this chapter shall be controlling; where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

§ 470-13. Application.

The provisions of this chapter shall apply to the use and/or occupancy of all buildings, structures and/or lots in the City of Warren.

Article IV. Zoning Districts

§ 470-14. Intent.

- A. Residential Low Density (R-1). To provide a district to preserve principally single-family low-density residential development.
- B. Residential Medium Density (R-2). To provide a district permitting primarily single-family residential use and multifamily residential uses. It is also the intention to permit more dense development than the R-1 District in this zone.
- C. Residential High Density (R-3). To provide a district that permits an integrated mixture of uses, including high-density residential, public/semipublic, office and commercial.
- D. Mixed Use (MU). To provide a district that permits an integrated mixture of residential and commercial uses, provides a transition between downtown Warren and adjacent residential areas, and provides opportunities for commercial development of a scale and character suitable to co-exist with residential development and favorable to pedestrians.
- E. Central Commercial (C-1). To provide a district in which will be encouraged the development of an attractive, functional and efficient central shopping and business district containing offices, retail and service establishments serving the entire community. Further, to provide for residential uses, particularly on the upper floors of business establishments.
- F. General Commercial (C-2). To provide a district in which will be encouraged the maintenance of those offices, retail and service business establishments essential to the efficient functioning of a residential neighborhood; to provide for auto-oriented business along major transportation routes; to encourage such commercial development to provide a proper interface with adjacent residential uses.
- G. Industrial (I-1). To provide for and encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products; to prohibit adverse, unhealthy or noxious facilities; to prohibit residential development.
- H. Preservation (Pres). To provide a district in which only very limited uses and development will be permitted in order to preserve and protect floodplains, water use areas, steep slopes, and special natural, historic or recreational uses.

§ 470-15. Area regulations.

- A. Residential Districts: The density of development in all residential districts shall be controlled by the following area requirements:

Minimum Lot Area	
5,000 Sq.Ft.	
Minimum Dwelling Size	
Single Family Dwelling	500 Sq.Ft.
Apartment, 1 bedroom	400 Sq.Ft.

Percentage of Lot Cover	
4,000-5,999 Sq.Ft.	50%
6,000-9,999 Sq.Ft.	45%
Over 10,000 Sq.Ft.	35%
Setbacks/Corner Lots	
Front Yard	Average of setbacks of adjoining lots on the block*
Side & Rear Yard	Minimum of 5 feet**
Corner Lots	Front yard shall be the addressed side of the lot. Structures, including fences, can be built up to 50% of the side yard.
Accessory Buildings on lots less than 60 feet in width	
Side & Rear Yard Setbacks	3 feet
Maximum Height	1 story, not to exceed 20 feet
Minimum Lot Size & Width	
Boundary adjustment or subdivision for new residential	5,000 Sq.Ft. (minimum lot size)
Existing lots of at least 4,000 Sq.Ft.	May be used for residential development
New Residential Development	40 feet (minimum lot width)
Note: Sq.Ft. = Square Feet	
* Average setback shall be determined by Zoning Officer by calculating the average of the setbacks for existing buildings on the block. At the option of the owner, existing buildings which deviate 25% or more from the average shall be deleted from all calculations. Where no average setback exists on a given block, the Zoning Officer shall determine the setback requirement in keeping with the character of the neighborhood.	
** No building shall be less than 10 feet from an adjoining building.	

- B. Commercial Districts: The density of development in all commercial districts shall be controlled by the following area requirements:

Lots
There are no limitations on minimum lot size, maximum lot coverage, minimum lot width or maximum height.
FAR (total square feet of a building area, exclusive of basements, expressed as a ratio to the total square feet of lot area)

C-1	6.0
C-2	2.0
MU	None
Setbacks	
Average of setbacks for the block where the property is located. Where no average setback exists or where it is difficult to determine, the Zoning Officer shall make the determination in keeping with the character of the neighborhood.	
Adjacent to a residential use: On a commercially zoned lot which borders a residential district, the following shall apply to all new construction, including exterior structural renovations which decrease the distance from the commercial structure to the residential district: <ul style="list-style-type: none"> • No commercial structure, except a fence or a wall, shall be located closer than 10 feet to the boundary of the adjacent residential lot or lots. • No commercial building shall be located closer than 15 feet to the boundary of the adjacent residential lot or lots. • Commercial buildings must be constructed so that the general residential character of the adjoining residential neighborhood is maintained in architecture, facade and materials. A site plan detailing construction must be approved by the Planning Commission. 	
Residential Uses	
Residential uses in commercial districts shall comply with the area regulations for R-3 Residential Districts.	

C. Industrial District: The density of development in all residential districts shall be controlled by the following area requirements:

- (1) Minimum property standards. Except as required adjacent to residential uses and in the general controls of this chapter, Article V, there are no minimum property standards for this district.

D. Preservation District:

- (1) Within any area designated as a Preservation District (Pres), no construction or development shall take place unless the plans and specifications for such development have been presented to the Planning Commission for its review and approval.
- (2) The Planning Commission shall review and determine the adequacy of any plans for development in the Pres District within 60 days of their presentation to the Commission.

§ 470-16. Uses.

- A. The following table identifies permitted uses for each Zoning District. P is Permitted by Right, SE is permitted by Special Exception, which requires a public hearing before the Zoning Hearing Board and CU is permitted by Conditional Use, which requires a public hearing before City Council.

City of Warren Zoning Ordinance

Uses	Districts								Supplemental Regulations (reference)
	R-1	R-2	R-3	MU	C-1	C-2	I-1	Pres	
<i>Residential</i>									
Apartment, 2 nd Story and Above			P	P	P	P			
Boarding/Group Homes	P	P	P	P	P	P			
Dwelling, Multi-Family		P	P	P	SE			SE	§ 470-34
Dwelling, Single-Family Detached	P	P	P	P					
Group Care Facility			SE	SE	SE				§ 470-35
Manufactured Home	P	P	P						
Nursing Home, Institutional Facility						SE			§ 470-44
Planned Residential Development	P	P	P						§ 470-50
<i>Institutional</i>									
Cemetery	SE	SE	SE					SE	§ 470-29
Essential Services	P	P	P	P	P	P	P	P	
Library/Museum			P	P	P	P			
Membership Club			SE	SE	P	P			§ 470-41
Passive Park/Playground	P	P	P	P					
Place of Worship/Assembly	SE	SE	SE	SE	P	P			§ 470-48
Public Recreation Facilities			SE	SE	P	P		P	§ 470-51
Public Facility/Structure		SE	P	P	P	P			§ 470-52
Wireless Communications Facilities	See § 470-57								
<i>Commercial</i>									
Adult Establishments							CU		§ 470-25
Automotive Gasoline Station						P	P		
Automotive/Equipment Dealers						P			
Automotive Repair Garage						SE	P		§ 470-26
Bar/Nightclub					P	P			

City of Warren Zoning Ordinance

Uses	Districts								Supplemental Regulations (reference)
	R-1	R-2	R-3	MU	C-1	C-2	I-1	Pres	
Bed-and-Breakfast	SE	P	P	P	P	P			§ 470-27
Car Wash						P	P		
Clinic					SE	P			§ 470-30
Commercial Manufacturing of Ammunition							SE		§ 470-31
Convenience Store					SE	P	P		
Day Care		SE	SE		P	P			§ 470-32
Hospital						P			
Hotel/Motel					P	P			
Kennel						SE	P		§ 470-37
Medical Marijuana Dispensary						SE	SE		§ 470-39
Microbrewery/Distillery					P	P	P		
Mini Storage Building						SE	P		§ 470-42
Mortuary			SE	P	P	P			§ 470-43
Offices			SE	P	P	P	P		§ 470-45
Restaurants				P	P	P			
Retail Businesses				P	P	P			
Personal Service Establishments				P	P	P			
Planned Development					CU				§ 470-49
Private Educational Facilities			P		P	P			
Private Recreation Facilities					P	P		P	
Veterinary Hospital			SE		P	P			§ 470-55
<i>Industrial</i>									
Gas and Oil Well Development							P		
Junkyards							P		
Manufacturing, Heavy							P		
Manufacturing, Light						SE	P		§ 470-38
Medical Marijuana Growing/Processing Facility							SE		§ 470-40

Uses	Districts								Supplemental Regulations (reference)
	R-1	R-2	R-3	MU	C-1	C-2	I-1	Pres	
Parking Facilities					SE	P			§ 470-46
Parking Lot					SE	P	P		§ 470-47
Warehouses, Shipping Terminals							P		
Wholesale Distribution						SE	P		§ 470-56
<i>Accessory</i>									
Accessory Dwelling Unit	P	P	P	P					
Customary Residential Accessory Uses	P	P	P	P	P				
Drive Through			SE	SE	SE	P			§ 470-33
Electric Vehicle Chargers					P	P	P		
Home Occupation	SE	SE	P	P	P				§ 470-36
No-Impact Home Based Business	P	P	P	P	P	P			
Parking Facilities	P	P	P	P	P	P	P		
Satellite discs and dishes	P	P	P	P	P	P	P		§ 470-53
Solar Energy System, Small	P	P	P	P	P	P	P	P	§ 470-18. C.
Wind Energy System, Small	P	P	P	P	P	P	P	P	

§ 470-17. Design Standards for Specific Districts.

- A. Mixed Use District. The following design standards shall apply to all non-residential uses in the MU District.
 - (1) No antennas, solar collectors, sheds, swimming pools or similar accessory uses are permitted in the front yard.
 - (2) Uses established by adaptive reuse of an existing building or by new construction shall meet the following standards:
 - (a) Off-street parking for the use shall be located to the rear or side of the principal building and shall not be located between the principal building and any street. Off-street parking lots shall be visually screened from an adjacent sidewalk and street by low hedges or wall between three (3) and five (5) feet in height, and from any adjacent residential use by a fence, wall, hedges, buffer plantings, or similar site elements at least six (6) feet in height.
 - (b) There shall be no more than one two-way driveway or two one-way driveways, one for ingress and one for egress, for access to a property.
 - (c) Sidewalks are required along all street frontages. Sidewalks are also required to connect

the street frontage to all front building entrances and any other space or destination on the property that generates pedestrian traffic. The sidewalk pattern shall continue across driveways.

- (3) Uses which involve new construction, additions to existing buildings, or alterations to exterior appearance or features of existing buildings shall meet the following standards:
 - (a) The front setback for buildings shall be the average setback of the two nearest principal buildings on the same side of the street. A greater setback may be permitted only for provision of a public space such as a plaza, courtyard, or passive recreation space between the sidewalk and the principal building.
 - (b) The front façade of buildings shall be oriented towards the main street, with an everyday public entrance in this front façade. The entrance doorway shall be recessed, covered or otherwise clearly identifiable through the use of architectural design elements.
 - (c) The ground floor front façades of buildings visible from the pedestrian view shall have at least fifty (50) percent of the wall area consist of clear glass windows and doors.
 - (d) The total ground level footprint of buildings on any lot shall not exceed 3,000 square feet.
 - (e) Drive-through facilities shall not be permitted.
- (4) Any of the nonresidential uses permitted in this district which involve new construction and a total ground level footprint of buildings of greater than 3,000 square feet and/or a drive-through facility shall be permitted as a special exception, provided the use meets the following criteria in addition to any other applicable criteria in this Chapter:
 - (a) Buildings shall incorporate architectural features, including materials, windows, doors, architectural details and articulations, massing, floor heights, roofs, porches, porticos, and façade offsets, compatible with existing buildings in the neighborhood. The applicant shall provide a statement documenting provision of architectural features and their compatibility prepared, signed, and sealed by a registered professional architect.
 - (b) A drive-through facility shall utilize access driveways as required in § 470-33. One additional point of ingress or egress for the drive-through facility only may be permitted if documented as needed to adequately and safely accommodate drive-through traffic. The drive-through lane shall provide screening same as required for off-street parking lots as specified in paragraph A.(2)(a) of this section and shall have an adequate length to prevent stacked vehicles from blocking access driveways and sidewalks.
 - (c) The applicant shall demonstrate that the greater building size and/or presence of a drive-through facility will make the proposed use no less compatible with the existing neighborhood or that mitigation measures will be taken to ensure compatibility and to promote the intent of the MU zoning district.
- B. Central Commercial District. Any new construction, additions to existing buildings, or alterations to existing appearance or features of existing buildings in the C-1 District shall be consistent with and incorporate form and features of the majority of buildings in the same block and on the same side of the street. At a minimum, the following standards shall be met:
 - (1) Any building adjacent to a street shall be built to the sidewalk or have a setback equal to the average setback of the two nearest principal buildings on the same side of the street. A greater setback may be permitted only for provision of a public space such as a plaza, courtyard, or passive recreation space between the sidewalk and the principal building.

- (2) The front façade of buildings shall be oriented towards the main street, with an everyday public entrance in this front façade. The entrance doorway shall be recessed, covered or otherwise clearly identifiable through the use of architectural design elements.
- (3) The ground floor façades of buildings facing a street shall have at least fifty (50) percent of the wall area consist of clear glass windows and doors.
- (4) Sidewalks are required along all street frontages. Sidewalks are also required to connect the street frontage to all front building entrances and any other space or destination on the property that generates pedestrian traffic. The sidewalk pattern shall continue across driveways.
- (5) Any off-street parking for the use shall be located to the rear or side of the principal building and shall not be located between the principal building and any street.
- (6) Off-street parking areas shall be accessed by no more than one two-way driveway or two one-way driveways, one for ingress and one for egress, connected to a street or alley to the side or rear of the lot unless side or rear access is neither available nor feasible. Points of ingress and egress shall have a width no greater than needed to accommodate two lanes of traffic if two-way or one lane of traffic if one-way.

Article V. General Controls

§ 470-18. Supplementary use regulations.

- A. Where the terms "customary" or "similar" are used in defining use, it shall mean other uses which, in the judgment of the Zoning Officer, are similar to and not more objectionable to the general welfare than the uses listed in the same section. Such use so determined by the Zoning Officer shall be regarded as a permitted use.
- B. Soil removal. Any person, firm or corporation shall not strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction, alteration of a building on such premises and excavation or grading incidental thereto.
- C. Solar Energy System, Small. No ground mounted system is permitted in any front yard.

§ 470-19. Supplementary height regulations.

Exceptions to height requirements. The maximum height limitations of this chapter shall not apply to:

- A. Appurtenant structures. Church spire, belfry, cupola, dome, monument, smokestack, derrick, conveyor, flagpole, radio tower, television tower, mast, antenna, aerial, roof tank, ventilating, air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided that any such structure shall set back from the vertical plane of the permitted building line one foot horizontally for each two feet of height which exceeds the maximum height permitted in the zoning district in which it is located.
- B. Existing designed structures. The vertical extension of a structure existing at the effective date of this chapter may be erected to such height as the original drawings of said building indicated, provided that the building was actually designed and constructed to carry the additional stories necessary for such height.

§ 470-20. Supplementary area regulations.

- A. Number of principal structures on a lot. Only one principal structure may be permitted on a lot, except in planned residential developments and for multifamily dwellings.
 - (1) Accessory structures are permitted on a lot without a principal structure if the structure is 64 square feet or less, is located to the rear of the lot and meets all setback requirements for the district where it is located.
- B. Lot width and area exceptions for lot of record. A one-family detached dwelling may be constructed on any lot of record at the effective date of this chapter as long as such lot contains at least 4,000 square feet.
- C. Determination of yards and minimum distance to lot lines on irregularly shaped lots. When any main wall of a structure does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line, from any given point along the face of the wall, shall be equal to the minimum dimension required for that yard or distance to lot line, whichever is applicable.
- D. Planned residential developments. Under controlled conditions and in accordance with § 470-50 more than one principal structure may be permitted on a lot and required area regulations and yard requirements may be waived, but any such developments must comply with the requirements in § 470-50 for Planned Residential Developments.

E. Projections into and occupancy of yards, courts or other open spaces. The following projections into and the occupancy of required yards, courts or other open spaces, except a porch and/or similar attached or semidetached accessory structure, shall be permitted, subject to the following provisions:

- (1) Steps, stoops, window sills, belt courses, eaves, similar architectural features, rain leaders and/or chimney, provided that it shall not project more than six feet beyond the face of the wall.
- (2) Exterior stairways, fire towers, balconies, fire escapes or other required means of egress, provided that it shall not project more than six feet beyond the face of the wall.
- (3) Trees, shrubs, lawns, flowers, all other vegetation, provided that no vegetation shall obstruct visual clearance at intersecting streets by being over three feet in height above the curbline within the triangular area formed by the intersection of the curblines and a straight line adjoining said curblines at points which are 15 feet distant from the point of intersection, measured along said intersecting curblines.

F. Fences, walls and hedges.

- (1) The yard requirements of this chapter shall not apply to any otherwise lawful fence, hedge or wall, provided that in any residential district no fence, hedge or wall shall exceed four feet in height in any front yard nor six feet in height in any side or rear yard.
- (2) The owners of existing principal structures which are placed to the rear of the average setback line for the block may extend a side-yard-height fence, wall or hedge to the average setback line.
- (3) Permits shall be required for the erection of any new fence or wall.
- (4) Special exception. Exceptions to the maximum height limitations as provided in Subsection F(1), (2) and (3) above may be permitted as a special exception when authorized by the Zoning Hearing Board, subject to Article XI of this chapter.
- (5) Nonconformances.
 - (a) Any present fence or wall not in compliance with the height limitations as provided in Subsection F(1), (2) and (3) above shall be considered nonconforming as of the date of this chapter, and any subsequent erection of a fence or wall shall comply with the requirements for "Nonconforming Uses," Article IX of this chapter.
 - (b) Any present hedge not in compliance with height limitations as provided in Subsection F(1), (2) and (3) above shall be brought into compliance within one year of the effective date of this chapter.

G. Woodpiles. The storage of wood for use as fuel in all zoning districts of the City shall be permitted so long as wood is stacked in piles in side and rear yards no higher than six feet.

§ 470-21. Special exceptions in use.

A. The temporary erection and use of a real estate office and/or contractor's storage yard in any Residential District, provided that:

- (1) The Zoning Hearing Board shall hear and decide such special exception as provided for in Article XI.

- (2) In cases where such use is incidental and reasonably necessary to the development of housing or construction purposes, and where the proposed use is clearly of a temporary nature, to be abandoned as the adjacent areas become occupied for residential use. Any permit so authorized shall be only for such limited period of time, and in no case more than one year, or as the Zoning Hearing Board, considering the character of the area in question, shall determine is reasonable, provided that such permit shall be conditional upon written agreement by the owner to remove any building or other structure erected thereunder, upon the expiration of the permit.
- B. The reasonable extension of use regulations into another zoning district over a lot divided by a zoning district boundary line, provided that:
- (1) The Zoning Hearing Board shall hear and decide such exception.
 - (2) Such extension shall not be more than 50 feet beyond the boundary line of the zoning district, and when all parts of such lot are held under the same ownership at the effective date of this chapter.
- C. Manufacturing and storage of ammunition provided that:
- (1) The Zoning Hearing Board shall hear and decide such special exception in accordance with § 470-31.

§ 470-22. General control of outdoor illumination; illumination of buildings.

Buildings and uses in commercial and industrial zones may be illuminated by reflected light, provided that the source of such light shall be suitably shielded so as not to detract from the quiet enjoyment of surrounding uses.

§ 470-23. Screening of borders.

In any district where a permitted nonresidential use abuts a residential district or use, in cases of new construction (including interior and exterior renovations), change of use or change of zoning, the owner shall provide the following:

- A. Suitable screening consisting of either a compact evergreen hedge which will reach a height of six feet within three years or a solid wood fence or unpierced masonry wall six feet in height.
- B. That all screening shall be maintained with a neat, attractive appearance with no dead plants nor peeling paint.
- C. That all required screening shall be completed within six months from commencement of construction activities or a change in use or change in zoning.
- D. Trash or waste storage areas completely enclosed by a solid wood fence or unpierced masonry wall six feet in height.
- E. A bond to be posted with the City of Warren in the amount of \$1,500 to cover the completion of the required screening and to be discharged after one year from the date of completion if at said time the screening is in place, properly maintained and in good condition.

Article VI. Additional Regulations for Specific Uses

The following regulations apply when the use is allowed by special exception or conditional use.

§ 470-24. Adaptive Reuse

- A. Off-street parking for the use shall be located to the rear or side of the principal building and shall not be located between the principal building and any street. Off-street parking lots shall be visually screened from an adjacent sidewalk and street by low hedges or wall between three (3) and five (5) feet in height, and from any adjacent residential use by a fence, wall, hedges, buffer plantings, or similar site elements at least six (6) feet in height.
- B. There shall be no more than one two-way driveway or two one-way driveways, one for ingress and one for egress, for access to a property.
- C. Sidewalks are required along all street frontages. Sidewalks are also required to connect the street frontage to all front building entrances and any other space or destination on the property that generates pedestrian traffic. The sidewalk pattern shall continue across driveways.

§ 470-25. Adult Establishments

- A. All adult-oriented establishments shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
- B. The distance between any adult-oriented establishment and a land use specified below, shall be measured in a straight line, without regard to intervening structures from the closest point on the exterior parcel line of the adult-oriented establishment to the closest point on the exterior parcel line of said specified land use.
 - (1) All adult-oriented establishments shall not be permitted to be located within one thousand (1,000) feet of any other adult-oriented establishment.
 - (2) No permit will be issued for any adult-oriented establishment which intends to be located within one thousand (1,000) feet of any place of worship; educational facility; public library; child day care or nursery school; public park or playground; or other such child-oriented business.
 - (3) No permit will be issued for any adult-oriented establishment which intends to be located within one thousand (1,000) feet of residential district or commercial recreation use.
- C. No permit will be issued for any adult-oriented establishment which intends to be located within one thousand (1,000) feet of residential district or commercial recreation use.
- D. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
- E. An adult-oriented establishment may be open for business only Monday through Saturday only during hours of operation to be approved by City Council as part of a conditional use application. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
- F. It shall be a violation of the Zoning Ordinance if a person causes or permits the operation, establishment, or maintenance of more than one adult-oriented establishment in the same

building, structure, or portion thereof, or the increase of floor areas of any adult oriented establishment in any building, structure, or portion thereof containing another adult oriented establishment.

§ 470-26. Automotive Repair Garage

- A. Pump islands shall be no closer than thirty (30) feet from an adjacent street right-of-way and any overhanging canopy shall not closer than twenty (20) feet from a right-of-way.
- B. Sufficient space shall be provided on each side of each pump island to accommodate at least three (3) cars being serviced or awaiting service. Such space shall not block access to other required parking on the property.
- C. All hoists, pits, lubricating, greasing, waiting and other repair facilities and processes shall be entirely within an enclosed building.
- D. Inoperable, damaged, or junked cars and discarded parts shall be stored with an enclosed building or behind a solid wall or fence at least five (5) feet high entirely closing the area.
- E. Waste, greases, and oils shall be collected in containers for disposal off the property in accordance with state regulations.
- F. Welding and spray painting shall be done in spaces without windows and shall be vented as required by the State Department of Labor and Industry and PA DEP.
- G. The landowner(s) or operator(s) shall comply with any additional standards as defined by the City Zoning Hearing Board that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site.

§ 470-27. Bed-and-Breakfasts

- A. Such use shall be accessory to and permitted only for a single-family detached residential use that is in compliance with all of the applicable area and bulk regulations for the district in which it is located.
- B. No more than five rental units shall be provided, and no more than four persons may occupy one rental unit.
- C. At least one bathroom shall be provided per each unit, and guests must not pass through other guest rooms to access a bathroom.
- D. A preexisting residence shall retain a residential appearance and character.
- E. There shall be no separate kitchen or cooking facilities in any guest room. All food service shall comply with federal, state and municipal regulations for the preparation, handling and serving of food.
- F. One off-street parking space is required for every two available rental units.
- G. If the owner does not live in the structure, a local contact shall be identified. Contact information for the local contact shall be filed with the City and posted at the property.
- H. Fire protection and life safety systems shall be installed, repaired and operated, and maintained in accordance with the 2012 International Property Maintenance Code, section 704.2.

- I. The property owner shall maintain on file at the City an up-to-date certificate of insurance documenting that the dwelling is insured as a bed-and-breakfast.

§ 470-28. Billboard

A. Location:

- (1) Billboards shall not be erected within 500 feet of the boundary line of any Residential District or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
- (2) On limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area, measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
- (3) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of 750 feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.
- (4) No billboard shall be located closer than 10 feet to any public street right-of-way.
- (5) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or limit or reduce the light and ventilation requirements.
- (6) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, and it shall not in any case obstruct or impede traffic safety.
- (7) No sign shall be erected over any sidewalk or public right-of-way.
- (8) Billboards shall not be part of a roof or wall, nor shall they be mounted on the roof, wall or other part of a building or any other structure.

B. Size and height: A billboard shall have a maximum allowable gross surface area of 250 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

- (1) A billboard shall have no more than two sign faces per billboard structure, which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
- (2) The dimensions of the gross surface area of the billboard's sign face shall not exceed 10 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
- (3) A billboard structure shall have a maximum height above the curb of the roadway, from which it is intended to be viewed, of 40 feet.

C. Construction methods: Billboards shall be constructed in accordance with applicable provisions of the City Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:

- (1) A billboard structure shall have a maximum of one vertical support being a maximum of three

feet in diameter or width and without additional bracing or vertical supports.

- (2) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
- (3) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile-per-hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the City with the application for conditional use.
- (4) The base shall be installed using a foundation and footings approved by a registered engineer for the type of construction proposed.
- (5) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three feet placed in such manner as to screen the foundation of the structure.
- (6) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (7) No bare cuts shall be permitted on a hillside.
- (8) All cuts or fills shall be permanently seeded or planted.
- (9) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of 1.0 footcandle upon the adjoining property.
- (10) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
- (11) No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

D. Maintenance:

- (1) A billboard structure shall be entirely painted every three years, unless constructed of an approved corrosive-resistant material.
- (2) Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer and shall provide to the City a certificate from the engineer certifying that the billboard is structurally sound.
- (3) Annual inspections of the billboard shall be conducted by the City to determine compliance with this chapter. The owner shall pay an annual inspection fee as established from time to time by resolution of the City Council.
- (4) Billboards found to be in violation of this chapter shall be brought into compliance or removed within 30 days upon proper notification by the City.
- (5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

- E. Liability insurance: The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the City harmless.

The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the City Council. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving 10 days notice to the City.

F. Permits:

- (1) Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application approvals from the United States Federal Aviation Administration (FAA), when applicable.
- (2) Approval of the conditional use shall be valid for six months from the date of action by the City Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
- (3) The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways. If the applicant fails to submit evidence of the required approval by PennDOT within 30 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the City Zoning Officer, who shall provide written notice to the applicant.
- (4) The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided the application is filed within the six-month period during which the conditional use approval is valid.

G. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the City Council.

H. Nonconforming billboards:

- (1) Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section.
- (2) Any billboard which is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Chapter.

§ 470-29. Cemetery

- A. A cemetery shall have access to an arterial or collector street exclusively. Access cannot occur through a residential local street.
- B. The minimum size of the parcel shall be 20 acres.
- C. No storage buildings or warehouses shall be visible from adjoining residential dwelling units.
- D. Burial sites shall comply with the setbacks required for principal structures in the district, and burial structures shall not be located within 100 feet of any property line adjoining a residential use or zoning district classification.
- E. All maintenance equipment shall be stored in an enclosed building when not in use.
- F. The landowner(s) or operator(s) shall comply with any additional standards as defined by the City Zoning Hearing Board that are needed to protect public health, safety, and welfare or to

address unique characteristics of a particular site.

§ 470-30. Clinic

- A. Clinics shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of controlled substances and unauthorized entrance into areas where they are stored.
- B. A clinic may dispense controlled substances only to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

§ 470-31. Commercial Manufacturing of Ammunition

- A. Such use shall not be located within 250 feet of a residentially zoned area, school, daycare, in-patient healthcare facility, park, place of worship, or commercial lodging; and
- B. Any business engaged in the manufacture and storage of ammunition shall comply with all applicable state and federal requirements; and
- C. A hardwired smoke/fire alarm meeting the requirements of the International Building Code and the Uniform Construction Code and servicing all areas of the building and linked to a central monitoring station shall be installed and shall be operational at all times; and
- D. Prominent signs shall be installed on all sides of the property/building indicating that flammable powders are stored on site; and
- E. The business shall allow City of Warren Fire Department personnel to routinely, or upon request, tour the business to conduct pre-incident planning (preplanning) so as to be familiar with the facility in the event of an emergency; and
- F. An emergency key lock box, commonly referred to as a "Knox® Box," keyed for the City of Warren Fire Department must be maintained on the premises and shall contain a master building key and/or pass card(s) for all doors, including the main entry, the fire alarm panel key, and alarm panel codes.

§ 470-32. Day Care

- A. Day-care centers shall not be conducted on residential premises. A day care center, if sited on the premises of an institutional facility or place of worship shall be considered accessory to the principal use of the property concerned.
- B. Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- C. A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
- D. Day care centers must hold an approved and currently valid certificate of compliance from the Department of Public Welfare (DPW).
- E. All pedestrian pathways shall be adequately lit for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and all parking lots.
- F. The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a

minimum of four (4) feet in height. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. No portion of the outside play areas shall be less than twenty-five (25) feet from a neighboring property line without the owner's written consent. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.

- G. No portion of a day care center shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- H. For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility,

§ 470-33. Drive-Through

- A. Drive-through windows shall be designed to be on the rear or side facing wall of a building.
- B. Any outdoor microphone and speaker system shall be so designed that sound shall not be transmitted to adjoining properties.
- C. A vehicle stacking lane area shall be provided as follows:
 - (1) Vehicle stacking lanes shall have stacking room for at least six vehicles for restaurant uses and at least three vehicles for retail and financial institutions.
 - (2) Vehicle stacking lanes shall be separated from other vehicle circulation lanes and parking areas and the stacking area shall not be counted towards the required parking.
 - (3) Vehicle stacking lanes shall be set back at least 15 feet from the ultimate street right of-way and shall not be located within a required yard setback.

§ 470-34. Dwelling, Multi-Family

- A. The minimum lot area shall be one acre.
- B. The maximum dwelling unit density shall be 12 units per acre.
- C. The setback from any property line adjoining a single-family dwelling shall be 50 feet.
- D. All other minimum requirements of the zoning district shall apply.
- E. The maximum length of any building shall not exceed 250 feet.
- F. Where two or more buildings exist on the same lot, the minimum distance between buildings shall be 20 feet or 50% of the height of the taller building, whichever is greater.
- G. All property lines adjoining a single-family use or zoning classification shall be screened by appropriate buffers.
- H. All parking areas adjoining a single-family use or zoning classification which are not screened by a buffer area shall be screened by a minimum six-foot-high compact evergreen hedge.

- I. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos or other paved areas shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.
- J. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single-family residential properties. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.

§ 470-35. Group Care Facility

- A. Shall have full-time staff on-site at all times.
- B. The facility shall meet the standards of the Pennsylvania Department of Human Services, and all other licensing and certification guidelines.
- C. Total acreage shall be a minimum of one acre and shall not exceed 2.5 acres. The total resident density shall not exceed 10 persons per acre.
- D. The City Zoning Hearing Board may reduce minimum lot area dimensions when the building proposed to house such a facility is an existing building that has been established as appropriate for such an institution through a preexisting use.
- E. Whenever a party or parties seek to occupy a dwelling or other building as a group living facility, the party or parties shall file a detailed statement of intent describing the proposed use of the dwelling or building, which statement shall detail the proposed number and nature of the anticipated occupants, with the office of the Planning Director. A license or certification shall also be obtained from the Commonwealth of Pennsylvania or Warren County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the landowner and/or developer shall demonstrate to the City Zoning Hearing Board that the operation shall be conducted in a responsible manner without detriment to surrounding properties.
- F. The sponsoring agencies or owner of the facility shall file for certification annually with the Zoning Officer to indicate that the facility continues to satisfy the conditions of original approval. Change in sponsorship or any conditions of original approval shall constitute a new use, and the full procedure for obtaining a new use shall be exercised.

§ 470-36. Home Occupation

- A. A home occupation may be conducted within a single-family dwelling by the owner occupant, or by a renter-occupant with the owner's written permission. A home occupation will require a permit to operate issued by the City Zoning Officer.
- B. Not more than fifty (50) percent of the total floor area in the dwelling may be utilized for home occupation.
- C. No additions to the dwelling or modifications to the exterior appearance of the dwelling to accommodate the home occupation shall be permitted.
- D. Not more than two (2) persons not residing in the dwelling may be employed in the home occupation.
- E. When a dwelling containing a home occupation is sold the buyer shall, if they choose to continue or change the home occupation, apply to the City Zoning Officer for re-approval.

- F. Fire protection and life safety systems shall be installed, repaired and operated, and maintained in accordance with the 2012 International Property Maintenance Code, section 704.2.
- G. The property owner shall maintain on file at the City an up-to-date certificate of insurance documenting that the dwelling is insured as a home occupation.

§ 470-37. Kennel

- A. The applicant shall present evidence that the proposed facility will comply with all applicable laws and regulations concerning the housing of animals, including but not limited to the Dog Law, 3 P.S. § 459-101 et seq. and the regulations of the Pennsylvania Department of Agriculture.
- B. The exterior walls of the structure that house the animals shall sufficiently be soundproofed to prevent excess noise from leaving the structure. Specifications of the soundproofing materials shall be submitted at the time of application for a special exception.
- C. All outdoor running and play areas shall be enclosed with a minimum six-foot-tall fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The fence shall not be permitted to be a chain-link-type fence, unless evergreen plantings equal in height to the fence are proposed to fully screen the fence from view from neighboring properties. All outdoor running and play areas shall be set back at least 50 feet from neighboring properties.
- D. No animal shall be permitted to be permanently kept outside of an enclosed structure. The enclosed structures that house the animals shall be a minimum of 50 feet from neighboring properties.
- E. The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

§ 470-38. Manufacturing, Light

- A. All activities shall take place indoors.
- B. The facility shall be so designed and so constructed that there shall be no danger to the health, safety or welfare of City residents or persons on adjoining properties.
- C. All ventilation systems shall be so designed that any smoke, fumes or odors shall not be directed towards abutting properties.

§ 470-39. Medical Marijuana Dispensary

- A. Operator must present an official license from the Pennsylvania Department of Health to the City and follow all applicable regulations.

§ 470-40. Medical Marijuana Growing/Processing Facility

- A. A medical marijuana grower/processor may grow medical marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

- B. The maximum floor area of a medical marijuana processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- F. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day care facility.

§ 470-41. Membership Clubs

- A. All parking and service areas shall be located to the rear of the lot and properly screened.
- B. The club's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise or disturbance.
- C. All dumpsters and/or waste collection areas shall be enclosed by a solid or opaque screen.

§ 470-42. Mini Storage Building

- A. No activities other than rental of storage units shall be allowed on the premises. No hazardous materials or substances shall be permitted to be stored in the buildings.
- B. A lot used for this purpose shall not be less than one acre.
- C. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances.
- D. Buildings shall be:
 - (1) So situated or screened that overhead access doors are not facing adjacent streets;
 - (2) Masonry construction up to a minimum of six feet above grade; and
 - (3) A maximum of 20 feet in height.
- E. All driveways within the site shall have a minimum width of 25 feet, and there shall be no dead-end driveways.

§ 470-43. Mortuary

- A. The minimum lot area shall be 1 acre.
- B. All off-street parking areas which adjoin a residential zoning classification shall be screened by a six-foot dense, compact evergreen hedge.
- C. Traffic circulation on the lot shall be designed to minimize congestion and provide for the

lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

§ 470-44. Nursing Home, Institutional Facility

- A. Shall be licensed by appropriate agencies such as the PA Department of Social Services and the PA Department of Health.
- B. The facility may include support services such as common leisure or recreational areas and common dining area.
- C. Maximum dwelling unit density shall be 24 rooms per acre.
- D. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.

§ 470-45. Offices

- A. Parking shall be in accordance with the parking requirements of this chapter.
- B. Signs shall be in accordance with the sign requirements of this chapter.
- C. The front yard shall not be used to meet any parking needs.
- D. Fire protection and life safety systems shall be installed, repaired and operated, and maintained in accordance with the 2012 International Property Maintenance Code, section 704.2.
- E. The property owner shall maintain on file at the City an up-to-date certificate of insurance documenting that the dwelling is insured as an office.

§ 470-46. Parking Facilities

- A. Shall have clearly marked ingress and egress.
- B. Stacked spaces are prohibited.
- C. Defined movement lanes shall be clearly marked.

§ 470-47. Parking Lot

- A. Off-street parking spaces shall be arranged so that no vehicle will back out an any public right-of-way or into an entrance driveway.
- B. Stacked spaces are prohibited except for display vehicles.
 - (1) Maximum height of lighting shall be 20 feet.

§ 470-48. Places of Worship or Assembly

- A. All buildings and structures shall be set back at least 100 feet from all residential uses.
- B. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

- D. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.
- E. Such facilities are encouraged to explore shared parking agreements with nearby compatible uses. City staff may adjust parking requirements in cases where the City determines that parking needs can be met through such a formal arrangement.

§ 470-49. Planned Development

- A. Only the uses permitted in C-1 by right or as special exception uses or conditional uses shall be permitted in a planned development.
- B. The site shall be planned as a unit and designed to incorporate a uniform theme and character and to promote public use and enjoyment of the development.
- C. A planned development shall meet all requirements and standards otherwise applicable to C-1 District uses, except that City Council, in its conditional use approval, to encourage creativity and innovation, may authorize alternatives to any of the requirements or standards, except the permitted uses, if in its judgment the alternatives would result in a development that is more harmonious with and beneficial to the community, and will be equal or better in meeting the objectives of this ordinance.
- D. With a zoning permit application, an applicant for a planned development shall also submit a development plan detailing the proposed location, arrangement, design, and use of buildings, streets, sidewalks, public spaces, parking areas, landscaping, and natural features in the planned development. The applicant shall provide supporting information justifying any proposed alternatives to ordinance requirements or standards.

§ 470-50. Planned Residential Development

- A. Intent. To provide for the single development of three-acre-or-larger tracts in a planned and coordinated manner in order to maximize the use of the land while developing aesthetically pleasing living areas. It is the intention of these regulations to permit maximum design flexibility in order to encourage innovative use of the land while maintaining a sense of community responsibility.
- B. Permitted uses. Within the planned residential development all residential uses and their customary accessory uses are permitted. No commercial, office or similar use is permitted in a planned residential development.
- C. Density of land use. Within the planned residential development, the following density and intensity controls shall apply:
 - (1) Percentage of land area coverage. The maximum percentage of the total land area of the development that may be covered with buildings is 35%.
 - (2) Yard requirements.
 - (a) All yards shall be determined as the minimum distances between principal structures. These distances shall be related to the height of the structure in the following manner:
 - [1] Front of structure to front of structure: two times the height.
 - [2] Side of structure to side: one time the height.
 - [3] Rear of structure to rear: four times the height.

[4] Front of structure to rear of structure: four times the height.

[5] Side of structure to rear of structure: three times the height.

(b) No other structure arrangements are permitted.

D. General standards. The planned development must meet one of the following general standards:

(1) The planned development is consistent with the Comprehensive Plan.

(2) The planned development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wooded coves, rough terrain and similar areas.

(3) The planned development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(4) Provision for sewage treatment must be made.

(5) Provision for adequate site drainage must be made.

E. Required recreational land. Land equal to 10% of the total land area must be reserved for and developed for active recreation use, such as swimming pools, tennis courts, tot-lots, ball fields and similar recreational facilities. Development of the recreational facilities shall be the responsibility of the developer. The City shall be assured of the reservation of this land through an agreement with the developer.

F. Parking. Parking shall be provided in accordance with Article VIII of this chapter. All required parking areas shall be shown on plans submitted for approval of the development, and their location shall be subject to review and approval by the City.

G. Construction standards. All site construction, such as sewers, roads, parking areas, etc., shall be in accordance with the City's Subdivision Ordinance (Chapter 415), Building Code (Chapter 195), and other applicable City codes and ordinances.

H. Enforcement and modification. The enforcement and modification of the development plan shall be carried out in accordance with Article VII, § 706, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10706.

I. Application for tentative approval. Application for a planned residential development shall be made to the Zoning Administrator. The application shall include the payment of required fees as established by resolution of the City Council. The application procedure shall be as required in Article VII, § 707, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10707.

J. Public hearings. Public hearings on the application for a planned residential development shall be held in accordance with Article VII, § 708, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10708.

K. Findings of the City. The City shall find and act in accordance with Article VII, § 709, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10709.

L. Status of plan after tentative approval. The City shall proceed in accordance with Article VII, § 710, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S.

§ 10710.

- M. Application for final approval. The developer shall make application to the Zoning Administrator for final approval in accordance with Article VII, § 711, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10711.

§ 470-51. Public Recreation Facilities

- A. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this chapter.
- B. The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- C. All facilities shall have a paved parking area; it shall not be closer than 25 feet to any residential lot line.
- D. All facilities shall abut a public road and have a permanent access thereto.
- E. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- F. Operating hours for private and commercial facilities shall be no earlier than 7:00 a.m. and no later than 11:00 p.m., prevailing time. The Zoning Hearing Board may limit hours within this time frame based on the use and location of the facility. "Operating hours," for the purpose of this section, shall mean the period of time that the recreational or athletic activity is occurring.
- G. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when an attendant is not present, and shall be constructed in accordance with all applicable state requirements.
- H. Tennis courts shall be protected by a permanent fence 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.
- I. Fences for other types of facilities shall be as prescribed by the Zoning Hearing Board.
- J. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.

§ 470-52. Public Facility/Structure

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of surrounding open space.
- B. If the parking area for a public works facility is adjacent to a single-family residential lot, the following shall apply:
 - (1) Maximum height of outdoor parking area and roadway lighting shall be 20 feet.
 - (2) As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 0.25 footcandle

§ 470-53. Satellite Discs and Dishes

- A. Satellite discs and dishes are permitted in all districts in the rear yard of lots. Satellite discs and dishes that are two feet in diameter or less are permitted on the roof or rear or side walls of a building and not in violation of setback requirements. Satellite discs and dishes shall not contain additional advertising except the manufacturer's logo.

§ 470-54. Swimming Pool

- A. In-ground and aboveground swimming pools shall be permitted as a residential accessory use, provided a pool is located in the rear yard of the dwelling to which it is accessory.
- B. A pool must be located 10 feet from any lot line and must be enclosed by a continuous barrier not less than four feet high nor more than six feet in height.

§ 470-55. Veterinary Hospital

- A. Outdoor kennels or runs shall not be permitted.
- B. Overnight keeping of animals for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- C. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Zoning Hearing Board shall be complied with by the landowner and/or developer.

§ 470-56. Wholesale Distribution

- A. Retail sales shall not exceed 20% of the gross floor area.
- B. Outdoor storage of materials is prohibited.
- C. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six-foot hedge or opaque fence.
- D. No shipping or receiving shall be permitted within 300 feet of property in a residential zoning district between the hours of 7:00 p.m. and 7:00 a.m.
- E. The storage or handling of hazardous or potentially hazardous materials shall not be permitted.

§ 470-57. Wireless Communications Facilities

- A. The following shall apply to all wireless communications facilities, except those operated by a federally licensed amateur radio operator:
 - (1) Standard of Care: All wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the Pennsylvania Uniform Construction Code, American National Standards Institute (ANSI) Code, National Electrical Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. Any wireless communications facilities shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

- (2) Engineer signature: All plans and drawings included in an application for a WCF shall contain a seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania.
- (3) Eligible facilities requests: Applicants proposing a modification to an existing WCF shall be required only to obtain a building permit from the City Zoning Administrator. In order to be considered for such permit, the applicant must submit a permit application to the City Zoning Administrator in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall clearly detail all dimensional changes being made to the WCF and wireless support structure.
 - (a) Timing of approval:
 - [1] Within thirty (30) calendar days of receipt of an application for the modification of an existing WCF, the City Zoning Administrator shall notify the WCF Applicant in writing of any information that may be required to complete such application.
 - [2] Within sixty (60) days of receipt of an application for the modification of an existing WCF, and subject to applicable tolling procedures as established by federal law, the City Zoning Administrator shall issue the required building and zoning permits authorizing construction of the WCF.
- (4) Historic areas: No wireless communications facility may be located upon any property, or on a building, or structure that is listed on either the National or Pennsylvania Registers of Historic Places (either inside or outside the public rights-of-way), or in the City's Historic District, except as set forth herein. Small Wireless Communications Facilities in the Right-of-Way shall be allowed:
 - (a) By administrative permit, if the design of such facility is in full conformance with a Prior Approved Design for the Historic District under Small Wireless Communication Facility Design Manual; or
 - (b) By special exception: Small Wireless Communication Facilities outside the Right-of-Way and antennas affixed to structures may be allowed by special exception. New Wireless Support Structures not associated with Small Wireless Communication Facilities shall not be permitted.
- (5) Permits: Zoning, building and/or electrical permits may be required. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring and all other related costs. Such fees shall be determined by Council and are as set forth on the Fee Resolution which may be amended from time to time.
- (6) Wind: All wireless communications facilities shall be designed to withstand the effects of wind gusts and sustained winds to the standard designed by:
 - (a) For wood utility poles in the right-of-way, the National Electric Safety Code (NESC); and
 - (b) For City-owned structures, streetlights, and metal wireless support structures in the right-of-way, applicable American Association of State Highway and Transportation Officials (AASHTO) design and construction standards; and
 - (c) For all other wireless communications facilities, the American National Standards Institute as prepared by the engineering departments of the Electronics Industry

Association and Telecommunications Industry Association (ANSI/TIA-222, as amended).

- (7) Aviation safety: Wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- (8) Public safety communications and other communications services: Wireless communications facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (9) Radio frequency emissions: A wireless communications facility shall not, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (10) Signs: All WCFs shall be permanently labeled in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC or any other federal or state agency.
- (11) Removal: In the event that use of a wireless communications facility is to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs, or portions of WCFs, shall be removed as follows:
 - (a) All abandoned or unused WCFs and related equipment shall be removed within two months of the cessation of operations at the site unless a time extension is approved by the City.
 - (b) If the WCF or related equipment is not removed within two months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or related equipment may be removed by the City and the cost of removal assessed against the owner of the WCF. As security, the City reserves the right to the salvage value of any removed WCF and/or related equipment, if such WCF and/or related equipment is not removed by the owner within the specific time frame enumerated in this Section.
- (12) Insurance:
 - (a) Each person/company that constructs, owns, or operates either a single or multiple mass communications antennas or small WCFs shall annually provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the mass communications antenna(s) or small WCF(s). If the underlying insurance does not permit coverage to extend to additional insured policies, then the applicant shall purchase an endorsement to effect such coverage.
 - (b) Each person that constructs, owns or operates a mass communications tower(s) shall annually provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the mass communications tower(s). If the underlying insurance does not permit coverage to extend to additional insured policies, then the applicant

shall purchase an endorsement to effect such coverage.

(13) Maintenance: To the extent permitted by law, the following maintenance requirements shall apply:

- (a) The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, inspection or emergency repair.
- (b) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the City's residents.
- (c) All maintenance work shall utilize nothing less than the best available technology for preventing equipment failures and accidents.

(14) Removal, replacement, and modification:

- (a) To the extent permitted by law, the removal and replacement of WCFs and/or related equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless support structure or the number of WCFs.
- (b) To the extent permitted by state law, any material modification to a WCF shall require notice to be provided to the City and possible supplemental permit approval to the original permit or authorization.

(15) Timing of approval: The following table details the applicable timeframe of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Eligible Facilities Request	30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 total calendar days from receipt of initial application.
Mass Communications Antenna	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 total calendar days from receipt of initial application.
Mass Communications Tower	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 total calendar days from receipt of initial application.
Small WCF (Co-located)	10 business days from receipt of initial or supplemental application.	60 total calendar days from receipt of initial application.
Small WCF (new or	10 business days from	90 total calendar days from

replacement wireless support structure)	receipt of initial or supplemental application.	receipt of initial application.
---	---	---------------------------------

(16) Appeal: Any WCF Applicant aggrieved or affected by any decision issued under this Section may appeal to the Zoning Hearing Board within 30 days of such decision, in accordance with the requirements § 470-63.

B. The following regulations shall apply to mass communications antennas that do not meet the definition of a small WCF.

- (1) In addition to the applicable regulations enumerated in Subsection A above, the following regulations shall apply only to mass communications antennas that fall under the Pennsylvania Wireless Broadband Collocation Act.
 - (a) Permit required: Mass communications antenna applicants proposing structural changes to an existing mass communications tower, which do not substantially change the dimensions of the existing wireless support structure or otherwise fall under the WBCA, shall obtain a building permit from the City. In order to be considered for such a permit, the applicant must submit a permit application on a form provided by the City Building and Codes Office, to the City in accordance with applicable permit policies and procedures.
 - (b) Timing of approval for applications that fall under the WBCA. Within 30 calendar days of the date that an application for a mass communications antenna is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the sixty-day review period.
 - (c) Permit fees: The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing any application for approval of a mass communications antenna or \$1,000, whichever is less.
- (2) In addition to the regulations enumerated in Subsection A, the following regulations shall apply to mass communications antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act and are outside the ROW and do not meet the definition of a small WCF:
 - (a) Mass communications antennas are permitted by right in all zoning districts (except the state-recognized Historic District), so long as they comply with all of the terms and conditions of this Zoning Ordinance.
 - (b) Special exception authorization required. To the extent permitted by state and federal law, mass communications antennas are only permitted by special exception in the City's Historic District. In order to be considered for special exception authorization, the applicant must submit documentation and information to the Zoning Hearing Board demonstrating that the proposed mass communications antenna complies with all applicable regulations enumerated herein.
 - (c) Prohibited on certain structures. No mass communications antenna shall be located on single-family residences, duplexes, or townhomes.

- (d) Retention of experts: The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the mass communications antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these mass communications antenna provisions. The applicant and/or owner of the mass communications antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (e) Development regulations: Mass communications antennas shall be co-located on existing wireless support structures subject to the following conditions:
 - [1] The total height of any mass communications antenna shall not exceed 20 feet above the wireless support structure or structure to which it is attached.
 - [2] In accordance with industry standards, all mass communications antenna applicants must submit documentation to the City justifying the total height of the mass communications antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - [3] If the applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district, and landscaping shall be required to screen as much of the equipment building as possible. An evergreen screen shall surround the site. The evergreen screen shall be a minimum height of six feet at planting and shall not exceed 10 feet on center.
- (f) Security fence: A decorative security fence, facing out, with a maximum height of six feet shall surround any separate communications equipment building. A fence permit issued by the City Building and Codes Department is required for the installation of such fence. Vehicular access to the communications equipment building, or any structure housing related equipment, shall not interfere with the parking or vehicular circulations on the site.
- (g) Noncommercial usage exemption: City residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio and/or Internet connections at their respective residences shall be exempt from the regulations enumerated in this Section. Amateur radio operators are exempt from the regulations enumerated in this Section.
- (h) Design regulations: Mass communications antennas shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the applicant shall be subject to the approval of the City Code Official.
- (i) Inspection: The City reserves the right to inspect any mass communications antenna to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a mass communications antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance. Additionally, the owner and/or operator of the mass communications antenna shall inspect such mass communications antenna on an annual basis for compliance with all application regulations and standards. Proof of inspection shall be provided to the City.
- (j) Financial security: Prior to construction or placement of a mass communications antenna on City-owned property, the applicant shall provide to the City a bond in an amount of no

less than \$50,000 to guarantee the removal of the mass communications antenna. The bond shall remain in place until the mass communications antenna is removed, and costs therefor reimbursed to the City if necessary, and shall apply only to mass communications antennas located outside the public rights-of-way.

C. General and specific requirements for all mass communications towers.

(1) In addition to the requirements of Subsection A above, the following regulations shall apply to all mass communications towers located outside the rights-of-way, that do not meet the definition of a small wireless communications facility, excluding any mass communications tower that is owned and operated by a federally licensed amateur radio operator:

(a) Notice: Upon submission of an application for a mass communications tower and the scheduling of the mandatory public hearing in front of the City Zoning Hearing Board, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the City.

(b) Special exception authorization required: Mass communications towers are permitted by special exception outside the public rights-of-way in the I Industrial District at a height necessary to satisfy their function in the applicant's wireless communications system. No applicant shall have the right under these regulations to erect a tower to the maximum height specified in this Section unless it proves the necessity for such height. The applicant shall demonstrate that the proposed mass communications tower is the minimum height necessary for its service area.

[1] Prior to the City Zoning Hearing Board's consideration of a special exception application authorizing the construction and installation of a mass communications tower, it shall be incumbent upon the applicant for such special exception approval to prove to the reasonable satisfaction of the City Zoning Hearing Board that the applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, mass communications antennas, and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The applicant shall further demonstrate that the proposed mass communications tower must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.

[2] The special exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, and any relevant related tests conducted by the applicant in determining the need for the proposed site and installation.

[3] The special exception application shall be accompanied by documentation demonstrating that the proposed mass communications tower complies with all state and federal laws and regulations concerning aviation safety.

[4] Where the mass communications tower is located on a property with another principal use, the applicant shall present documentation to the City Zoning Hearing Board that the owner of the property has granted an easement for the proposed mass communications tower and that vehicular access will be provided to the facility.

- [5] The special exception application shall be accompanied by documentation demonstrating that the proposed mass communications tower complies with all applicable provisions in this Section.

(c) Development regulations:

- [1] Sole use on a lot. A mass communications tower shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in the City Zoning Ordinance.
- [2] Combined with another use. A mass communications tower may be permitted on a property with an existing use or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

[a] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the mass communications tower.

[b] Minimum lot area: The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the mass communications tower and guy wires, the equipment building, security fence, and buffer planting if the proposed mass communications tower is greater than 40 feet in height.

[c] Minimum setbacks: The minimum distance between the base of a mass communications tower and any adjoining property line or street right-of-way line shall be equal to 100% of the height of the mass communications tower. The underlying lot must be large enough to accommodate related equipment, stormwater runoff mechanisms, and all other features typically found within the immediate area of a mass communications tower.

(d) Design regulations:

- [1] The mass communications tower shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the applicant shall be subject to the approval of the City Zoning Hearing Board.
- [2] To the extent permissible by law, any height extensions to an existing mass communications tower shall require prior approval of the City Zoning Hearing Board.
- [3] Any proposed mass communications tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's mass communications antennas and comparable mass communications antennas, for the maximum amount of future users based on the size of the proposed mass communications tower.
- [4] Any mass communications tower over 40 feet in height shall be equipped with an anticlimbing device, as approved by the manufacturer.

(e) Surrounding environs:

- [1] The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the mass communications tower shall be preserved to the maximum extent possible.
- [2] The applicant shall submit a soil report to the City complying with the standards of

Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the mass communications tower, and anchors for guy wires, if used.

(f) Fence/screen:

- [1] A decorative security fence, facing out, with a minimum height of 10 feet shall completely surround any mass communications tower greater than 40 feet in height, as well as guy wires, or any building housing related equipment. A fence permit issued by the City Building and Codes Department is required for the installation of such fence.
- [2] The applicant shall comply with the requirements for buffer yards and screening as required by the City Zoning Ordinance.

(g) Related equipment:

- [1] Ground-mounted related equipment associated to, or connected with, a mass communications tower shall be placed underground or screened from public view using stealth technologies, as described herein.
- [2] All related equipment shall be architecturally designed to blend into the environment in which it is situated and shall meet the minimum setback requirements of the underlying zoning district.

(h) Access road: An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to mass communications towers. The access road shall be a dust-free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the mass communications tower owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

(i) Parking: For each mass communications tower greater than 40 feet in height, there shall be two off-street parking spaces.

(j) Inspection: The City reserves the right to inspect any mass communications tower to ensure compliance with the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a mass communications tower is located at any time, upon reasonable notice to the operator and property owner, if different, to ensure such compliance.

(k) Engineer inspection: Prior to the Zoning Hearing Board's issuance of a permit authorizing construction and erection of a mass communications tower, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed mass communications tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception proceedings before the City Zoning Hearing Board or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any permits.

- (l) Visual appearance: Mass communications towers shall employ stealth technology. All mass communications towers and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The City Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district and/or surrounding area involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and construction principles, practices and techniques.
- (m) Co-location and siting: An application for a new mass communications tower shall demonstrate that the proposed mass communications tower cannot be accommodated on an existing or approved structure or building or on parcels of land or buildings owned by the City of Warren. The City Zoning Hearing Board may deny an application to construct a new mass communications tower if the applicant has not made a good faith effort to mount the mass communications antenna on an existing structure. The applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within $\frac{1}{4}$ of a mile radius of the site proposed, sought permission to install a mass communications antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - [1] The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - [2] The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower, and the interference cannot be prevented at a reasonable cost.
 - [3] Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - [4] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- (n) Permit required for modifications: To the extent permissible under applicable state and federal law, any applicant proposing the modification of an existing mass communications tower, which increases the overall height of such wireless support structure, shall first obtain a building permit from the City. Nonroutine modifications shall be prohibited without such permit.
- (o) Gap in coverage, capacity, or range: An applicant for a mass communications tower must demonstrate that a significant gap in wireless coverage, capacity, or range exists in the applicable area and that the type of mass communications tower being proposed is the least intrusive means by which to fill that gap. The existence or nonexistence of a gap in wireless coverage, capacity, or range shall be a factor in the City Zoning Hearing Board's decision on an application for approval of a mass communications tower.
- (p) Additional mass communications antennas: As a condition of approval for all mass communications towers, the WCF applicant shall provide the City Manager with a written commitment that it will allow other service providers to

- (q) co-locate mass communications antennas on mass communications towers where technologically and economically feasible. To the extent permissible under federal and state law, the owner of a mass communications tower shall not install any additional mass communications antennas without obtaining the prior written approval of the City Manager.
- (r) Wind: Any mass communications tower structures shall be designed to withstand the effects of wind gusts and sustained winds of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended.
- (s) Height: Any mass communications tower shall be designed at the minimum functional height. The maximum height of any new mass communications tower outside of the public rights-of-way shall be 100 feet.
- (t) Related equipment: Either a single-story wireless communications equipment building not exceeding 250 square feet in area, or up to five metal boxes placed on a pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment, may be located on the site for each unrelated company sharing space on the mass communications tower.
- (u) Lighting: No mass communications tower shall be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient automatic lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Manager.
- (v) Noise: Mass communications towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (w) Retention of experts: The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application for approval of the mass communications tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The applicant and/or owner of the mass communications tower shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (x) Nonconforming uses: Nonconforming mass communications towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Section.
- (y) FCC license: Each person that owns or operates a mass communications tower over 40 feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- (z) Financial security: Prior to receipt of a zoning permit for the construction or placement of a mass communications tower, the applicant shall provide to the City financial security sufficient to guarantee the construction of the mass communications tower. Said financial security shall remain in place until the mass communications tower is fully constructed. Should the mass communications tower be abandoned by the owner and/or

operator and not removed within two months of such abandonment, the City shall have the authority to remove the mass communications tower and sell all of its pieces, as well as related equipment, used in the operation of the mass communications tower, in order to recover the cost of said removal.

D. Regulations applicable to all small wireless communications facilities. The following regulations shall apply to small wireless communications facilities:

(1) Location requirements:

- (a) Small WCF inside the public rights-of-way are permitted by right in all City zoning districts, subject to the requirements of this Section 470-49.1 and generally applicable permitting as required by the City Code.
- (b) Small WCF outside the public rights-of-way that are co-located on existing structures are permitted by right in all City zoning districts, subject to the requirements of this Section 470-49.1 and generally applicable permitting as required by the City Code.
- (c) Small WCFs outside the public rights-of-way that require the installation of a new or replacement wireless support structure are permitted by right in all City zoning districts except the R-1 Residential District, subject to the requirements of this Section and generally applicable permitting as required by the City Code.

(2) Application Procedures:

- (a) Applications for small WCFs shall be submitted to the City Zoning Administrator.
- (b) Applications for small WCFs shall include the following:
 - [1] A cover letter detailing the location of the proposed site, all equipment being proposed as part of the small WCF, description of the service range, and a certification that the applicant has included all information required by the City Code, signed by a representative of the applicant.
 - [2] A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the small WCF.
 - [a] If the small WCF is proposed for location on an existing or replacement wireless support structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
 - [b] If installation of a new or replacement wireless support structure is being proposed, the depiction shall include the color, dimensions, material and type of wireless support structure proposed.
 - [3] The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the small WCF.
 - [4] An aerial photograph of the proposed site showing the area within 500 feet of the small WCF. The aerial photograph shall identify all structures within such radius.
 - [5] Photo simulations depicting the small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the small WCF.
 - [6] A written certification by a structural engineer licensed in the Commonwealth of

Pennsylvania confirming that the proposed small WCF and wireless support structure are structurally sound and shall not endanger public health and safety.

- [7] A report by a qualified engineering expert which shows that the small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
 - [8] A certificate of insurance.
 - [9] Certification of the application's compliance with all requirements of this Section.
 - [10] All application fees required by the City as detailed in the City fee schedule.
- (c) Resubmission upon denial.
- [1] [1] If the City denies an application for a small WCF, the City shall provide the applicant with written documentation of the basis for denial, including the specific provisions of the City Code on which the denial was based, within five (5) business days of the denial.
 - [2] The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The City shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.
- (d) Consolidated applications: A single applicant may not submit more than one consolidated or 20 single applications for co-located small WCFs in a 30-day period. If the City receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe will be extended by 15 days.
- (3) Location and development standards:
- (a) Small WCFs in the public ROW requiring the installation of a new wireless support structure shall not be located in front of any building entrance or exit.
 - (b) All small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and all City Code requirements applicable to streets and sidewalks.
 - (c) Any underground vaults related to small WCFs shall be reviewed and approved by the City's DPW Director and UCC Commercial Inspector.
 - (d) Small WCFs outside the public ROW shall be sited on City-owned property as a first priority. If a WCF applicant is proposing the construction of a small WCF outside the ROW on private property owned by a party other than the City, it shall be incumbent on the WCF applicant, as a prerequisite to approval of the application, to provide evidence to the City that the WCF applicant has explored the possibility of siting the small WCF on City-owned property and has found such siting to be technically infeasible.
- (4) Time, place and manner: Once approved, the City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- (5) Obstruction: Small WCFs and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to

pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the City.

- (6) Graffiti: Any graffiti on a small WCF, including the Wireless support structure and any related equipment, shall be removed at the sole expense of the owner within fourteen (14) calendar days of notification by the City.
 - (7) Design standards: All small WCFs in the City shall comply with the requirements of the City Small Wireless Communications Facility Design Manual. A copy of such shall be kept on file at the City Building and Codes Department.
 - (8) Obsolete equipment: As part of the construction, modification or replacement of a small WCF, the applicant shall remove any obsolete or abandoned equipment from the wireless support structure.
 - (9) Relocation or removal of facilities: Within ninety (90) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (a) The construction, repair, maintenance or installation of any City or other public improvement in the right-of-way;
 - (b) The operations of the City or other governmental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the City.
 - (10) Time limit for completion of construction: The proposed co-location, the modification or replacement of a wireless support structure or the installation of a new wireless support structure with small WCF attached for which a permit is granted under this Section shall be completed within one year of the permit issuance date unless the City and the applicant agree in writing to extend the period.
 - (11) Reimbursement for ROW use: In addition to permit fees as described in this Section, every small WCF in the ROW is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each small WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.
- E. Police powers: The City, by granting any permit or taking any other action pursuant to this Section, does not waive, reduce, lessen, or impair the lawful police powers vested in the City under applicable federal, state, and local laws and regulations.

Article VII. Sign Regulations

§ 470-58. Conformance required.

From the effective date of this article, any sign erected shall conform to the provisions of this article and any other ordinance(s) or regulations of the City of Warren that relate to it.

- A. Definitions. See Article XIII of this chapter.

§ 470-59. General regulations.

The following restrictions and regulations shall be applicable to all signs unless otherwise specified:

- A. **Materials.** All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone, or other material as determined by the City which has the general appearance of structures composed primarily of wood, metal or stone with painted, engraved or raised messages. Sign materials should complement the original construction materials and architectural style of the building facade on which they are to be displayed. If plywood is used, medium density overlay shall be used as a minimum grade. Bare plywood is prohibited.
- B. **Color.** In selecting the principal colors for a sign, colors that compliment the color of the building should be used.
- C. **Illumination.**
- (1) Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare distracting to pedestrians or motorists.
 - (2) Each display of internally illuminated changing display signs must be static and activated for a minimum of 30 seconds. Scrolling signs are permitted.
 - (3) Permits for illuminated signs will not be issued without an approved electrical permit.
- D. **Electrical connections.** The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables. Applications for electrical permits shall be filed at the time of the sign permit application.
- E. **Nuisance.** No sign shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particle emissions, or odors.
- F. **Sign removal.** Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the sixty-day period.
- G. No sign or sign structure shall be erected unless it complies with all applicable requirements of the City of Warren Building Code.
- H. All signs and sign structures shall be kept in good repair and in a presentable condition, so that all sign information is clearly legible. Any sign found by the Zoning Officer to show deterioration, including rust, faded colors, discoloration, holes, and missing parts or informational items, shall constitute a violation of this article.
- I. No sign or structure shall be placed in the public right-of-way except for permitted sandwich boards, projecting signs, and civic event signs as provided for in this article.

- J. Supplemental signs shall not exceed 25% of the total allowable sign square footage.

§ 470-60. Prohibited signs.

- A. It shall be unlawful for any person, firm, or corporation to erect any sign in the City of Warren unless it is specifically permitted in this article. Unlawful signs include, but are not limited to:
- B. Any sign which by color, shape, or location conflicts with or resembles a traffic signal device.
- C. Signs attached to rocks, utility poles, parking meters, traffic signposts, traffic signals or control devices, street signs, or historical markers.
- D. Signs attached to trees, shrubs or any living vegetative matter.
- E. Signs erected without the permission of the property owner or authorized agent.
- F. Signs that create a hazard by obstructing the clear view of vehicle and pedestrian traffic.
- G. Animated, changing display, and scrolling signs within the Historic District.
- H. Any sign that obstructs free ingress to or egress from a required door, window, fire escape, or other required exit.
- I. Vehicular signs on vehicles parked in the same location in excess of 30 days.
- J. Abandoned signs.
- K. Signs that exhibit statements, words, or pictures of an obscene or pornographic nature.
- L. Beacon lights.
- M. Pennants longer than 150% of the street frontage of the premises.

§ 470-61. Permits required.

Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in § 470-67. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this section, "maintenance" shall include any repainting of a sign that does not otherwise change its message or appearance.

§ 470-62. Signs exempt from permits.

The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a zoning district, subject to the restrictions in § 470-65.

- A. Government/regulatory signs.
- B. Real estate signs.
- C. Political signs.
- D. Public interest signs.
- E. Memorial signs.

- F. Yard sale signs.
- G. Address signs.
- H. Interior signs.
- I. Incidental signs.
- J. Civic event signs on premises.
- K. Personal expression signs.
- L. Pennants as permitted in this article. Pennants may only be used on nonresidential premises.
- M. Artisan signs.
- N. Home-based business signs smaller than four square feet.
- O. Supplemental signs.

§ 470-63. Permits requiring City Council approval.

The following signs shall be allowed as permitted by City Council:

- A. Murals.
- B. Marquee signs. City Council shall ensure the proposed sign is appropriate to the style, period, type, size, and scale of the building for which it is proposed. Council shall weigh testimony from other property owners in the vicinity regarding the merits of the sign. Council shall weigh whether the sign will enhance the traditional town character of Warren or detract from it in determining whether the sign shall be permitted.

§ 470-64. Signs on premises of legally nonconforming uses.

Signs on the premises of legally nonconforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued. If a sign wears out or is damaged, or is changed for any other reason, the number, size and area of all signs relating to the premises shall not be increased beyond the size they were at the time this article was adopted.

§ 470-65. Regulation of legally nonconforming signs.

- A. If a legally nonconforming sign lists more than one business, new businesses may be added without affecting the nonconforming status of the sign. However, the sign may not be altered in any way that extends the sign's nonconformity in any manner.
- B. Nothing in this article shall relieve the owners or users of legally nonconforming signs, or the owners of the property on which legally nonconforming signs are located, from any provisions of this article regarding the safety, maintenance, and repair of signs.
- C. Should 50% or more of any legally nonconforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this article.
- D. Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60 day period.
- E. The existence of a legally nonconforming sign on a single- or multiple-occupancy premises

shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this article. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this article.

- F. A legally nonconforming sign shall immediately lose its legally nonconforming designation if the sign message or appearance is altered in any way. At that time the sign shall be immediately brought into compliance with this article and a new permit secured, or the sign shall be removed.
- G. City Council may determine that a sign existing before this article was enacted which is nonconforming but is not a serious detractor to the City's character, may be conditionally accepted as legally nonconforming.

§ 470-66. Permits.

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City of Warren without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements.
- B. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information where relevant:
 - (1) Name, address, telephone number and signature of the owner or duly authorized agent for the property owner.
 - (2) Name, address, telephone number and signature of the owner of the sign.
 - (3) Name, address and telephone number of the sign contractor.
 - (4) Property address and applicable zoning district.
 - (5) Two copies of a plan drawn to scale depicting:
 - (a) Lot dimensions, building frontage, and existing cartways, rights-of-way, and driveways.
 - (b) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme, and proposed location.
 - (c) Sign message.
 - (d) Building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing permanent signage.
 - (e) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
- C. A permit fee, to be established from time to time by resolution of City Council, shall be paid.
- D. Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the City.

§ 470-67. Guidelines by zoning designation.

Zone	Purpose	Form	Restrictions/ Guidelines
R-1	Home occupation	Wall	Maximum 1 sign, nonilluminated, name and address of occupant, attached to building. Maximum 4 square feet.
	Real estate	Temporary	Must be removed within 72 hours of closing on the sale of property. Maximum 6 square feet per side of sign.
	Contractor	Temporary	Must be removed within 72 hours of completion of the project. Maximum 16 square feet per side of sign.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum 4 square feet per side of sign.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.
R-2	Home occupation	Wall	Maximum 1 sign, nonilluminated, name and address of occupant; attached to building. Maximum 4 square feet.
	Rooming house	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source; 4 square feet.
	Bed-and-breakfast	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source; 4 square feet.
		Freestanding	Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source; 10 square feet per side.
	Convalescent homes	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum 4 square feet
		Freestanding	Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source. Maximum of 16 square feet
	Gallery	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Museum	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Philanthropic institutions	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
		Freestanding	Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source. Maximum of 16 square feet.
	Private or parochial schools	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
		Freestanding	Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source. Maximum of 16 square feet per side with a maximum of 2 sign faces.
	Public/semipublic uses	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
Freestanding		Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source. Maximum of 4 square	

Zone	Purpose	Form	Restrictions/ Guidelines
			feet
	Real estate	Temporary	Must be removed within 72 hours of closing on the sale of property. Maximum of 6 square feet per side of sign.
	Contractor	Temporary	Must be removed within 72 hours of completion of the project. Maximum of 16 square feet per side of sign.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum of 4 square feet.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.
R-3 And MU	Home occupation	Wall Sign	Maximum 1 sign, nonilluminated, name and address of occupant; attached to building. Maximum of 4 square feet.
	Rooming houses	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
	Bed-and-breakfast	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
		Freestanding	Maximum 1 sign with a maximum of 2 faces; illuminated indirectly by a hooded light source. Maximum of 10 square feet.
	Convalescent homes	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
	Gallery	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Museum	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Philanthropic institutions	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
	Private or parochial schools	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
	Public/semipublic uses	Wall	Maximum 1 sign, illuminated indirectly by a hooded light source. Maximum of 4 square feet.
	Permitted offices	Wall	Maximum 1 sign; 6 square feet in area on 1 side; may have a separate support not more than 4 feet in height and at least 5 feet from the street right-of-way or property line.
		Temporary	Maximum of 6 square feet per side.
	Real estate	Temporary	Must be removed within 72 hours of closing on the sale of property. Maximum 6 square feet per side of sign.
	Contractor	Temporary	Must be removed within 72 hours of completion of the project. Maximum of 16 square feet per side of sign.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum of 6 square feet.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except

Zone	Purpose	Form	Restrictions/ Guidelines
			that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.
C-1	The total area of all signs for one business shall not exceed the total area permitted under "wall sign."	Wall Sign	4 square feet for each lineal front foot of building up to 30 lineal feet; 3 square feet additional for each lineal front foot in excess of 30 lineal feet up to 100 lineal feet; 4 square feet additional for each lineal front foot in excess of 100 feet.
	Sign regulations shall apply to each side of a building facing on more than 1 street. Area calculations are not aggregate and shall be applied to each side of a building	Freestanding	Maximum height of 25 feet and maximum total area of 1 side, excluding base, frames and support, of 75 square feet; total of all faces may not exceed 150 feet. Base, supports and sign shall be located entirely within the property lines of the business for which the sign was erected.
		Projecting	Maximum 72 inches into public right-of-way but not more than 72 inches from building to which it is attached and no closer than 4 feet from curb. Maximum area of 24 square feet per side; maximum total area of all sides not to exceed 48 square feet per sign. Lower edge shall be at least 10 feet from ground.
		Temporary	Maximum of 10 square feet per side.
	Real estate	Temporary	Must be removed immediately upon sale of property. Maximum of 16 square feet per side.
	Contractor	Temporary	Must be removed immediately upon completion of the contract. Maximum of 16 square feet per side.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum of 16 square feet per side.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.
	Gallery	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Museum	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
C-2	The total area of all signs for one business shall not exceed the total area permitted under "wall signs."	Wall sign	4 square feet for each lineal front foot of building up to 30 lineal feet; 3 square feet additional for each lineal front foot in excess of 30 feet up to 100 lineal feet; 4 square feet additional for each lineal front foot in excess of 100 feet.

Zone	Purpose	Form	Restrictions/ Guidelines
	Sign regulations shall apply to each side of a building facing on more than one street.	Freestanding	Maximum height of 25 feet and maximum total area of 1 side, excluding base, frames and support, of 75 square feet; total of all faces may not exceed 150 square feet. Base, supports and sign shall be located entirely within the property lines of the business for which the sign was erected.
	Area calculations are not aggregate and shall be applied to each side of a building	Projecting	Maximum 72 inches into public right-of-way; no more than 72 inches from building; no closer than 4 feet from curb. Maximum area of 24 square feet per side; maximum total area of all sides not to exceed 48 square feet. Lower edge shall be at least 10 feet from ground.
		Temporary	No limit on the size of an individual temporary sign as long as the allotted square footage for signs of the business is not exceeded by this and other signage.
	Real estate	Temporary	Must be removed immediately upon sale of property. Maximum of 32 square feet per side.
	Contractor	Temporary	Must be removed immediately upon completion of the contract. Maximum of 32 square feet per side.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum of 32 square feet per side.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.
	Gallery	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
	Museum	Wall	Maximum 1 sign illuminated indirectly by a hooded light source or backlit. Maximum of 50 square feet.
I-1		Freestanding	The size of signs in the I-1 Industrial District shall not be limited. Maximum of 35 feet in height.
		Projecting	Do not extend over the right-of-way; shall be subject to the requirements of freestanding signs in the I-1 district.
	Real estate	Temporary	Must be removed immediately upon sale of property. Maximum of 32 square feet per side.
	Contractor	Temporary	Must be removed immediately upon completion of the contract. Maximum of 32 square feet per side.
	Special event	Temporary	Erected for a period not to exceed 4 weeks. Maximum of 32 square feet per side.
	Church		For church or other permitted public use, regulations of the district in which a sign is located shall be in effect except that the size of a permanent sign or bulletin board may be a maximum of 16 square feet.

Article VIII. Parking Regulations

§ 470-68. General.

- A. Each parking space shall be a minimum of nine feet by 20 feet and have adequate ingress and egress.
- B. All parking spaces required under § 470-68 hereof and driveways providing access thereto shall be paved with a permanent impervious surface or a pervious pavement system designed in accordance with the PADEP BMP Manual, provided that existing parking spaces and driveways that are in place prior to the enactment of this amendment shall be exempted from the requirements of this section. Single-Family and duplex residential uses in all districts are exempt from the paving requirements.
- C. Parking and driving shall be designed and constructed in accordance with Chapter 405, the City of Warren Stormwater Management Ordinance. Where Chapter 405 is not applicable or proposed activities are exempt, parking and driving areas shall at a minimum be graded to shed surface water to a street, alley or public stormwater system. No drainage onto adjacent properties will be permitted.
- D. Off-street parking areas shall provide safe access to and from adjoining streets. The following minimum standards shall apply to all uses except single-family and duplex residential uses.
 - (1) Access to parking areas shall be provided by driveways with defined entrances and exits to streets.
 - (2) Parking areas shall not allow vehicles to directly access a parking space from a street or directly exit a parking space onto a street.
- E. Any parking area of three or more spaces adjoining a residential use shall be screened from the residential area by a thick hedge or solid fence a minimum of four feet high.
- F. Any parking area containing lighting shall have the lighting designed in such a way as to not cause glare on adjoining properties.
- G. Any parking area of over 50 spaces shall contain perimeter and/or site landscaping of at least 5% of the total lot.
- H. Parking areas adjacent to a street shall have, between the street right-of-way and the parking area, a planting strip 10 feet in width with a tree planted every 50 feet of lineal frontage. Breaks may be permitted for entrances and exits with no greater combined width than 20 feet per each 50 feet.

§ 470-69. Parking schedule.

Schedule of parking spaces required according to use.

- A. Residential uses.
 - (1) All residential uses,: one for each dwelling unit.
 - (2) Group home: 0.5 for each resident.
 - (3) Hospital, nursing home, institutional home: one for each bed.
 - (4) Home occupation: two plus one for each dwelling.

- (5) Group housing with common dining facilities: 0.5 for each resident; one per employee, based on the number of employees on the maximum working shift.

B. Public/semipublic uses.

- (1) Government facility: one for each employee plus one for each 500 square feet of floor area.
- (2) Church, synagogue or other place of worship: one for each five units in seating area.
- (3) School, college, day nursing school (auditoriums require additional parking): one for each 20 seats in an elementary school; one for each 10 seats in all other schools.
- (4) Places of public assembly, such as a theater, auditorium, etc.: one for each five seats.
- (5) Membership clubs: one for each 400 square feet of gross floor space.

C. Commercial uses.

- (1) Retail or personal services establishment: one for each 300 square feet of gross floor area.
- (2) Office establishments: one for each 500 square feet of gross floor area.
- (3) Eating and/or drinking establishments: one for each four units of seating capacity.
- (4) Hotel/motel: one for each sleeping room plus one for each five seating units of restaurant.
- (5) Recreation facilities (except bowling alleys): one for each 400 square feet of gross floor area.
- (6) Bowling alleys: five for each alley.
- (7) Mortuary or funeral homes: 15 for each chapel, plus two for each dwelling unit plus one for each employee.
- (8) Wholesale, warehouse and industrial establishment: one for each employee based on the number of employees on the maximum working shift.

- D. Uses not covered. For any uses not specifically named, the Zoning Officer shall determine the most appropriate use category based on similarity of the proposed use to those uses listed.

§ 470-70. Additional Parking Standards.

A. Residential district.

- (1) Driveways and turnaround areas in any residential district may be allowed in the front, side, and rear yards.
- (2) Parking spaces in front yard.
 - (a) Parking spaces in any residential district shall not be located in the front yard except under the following conditions:
 - [1] The lot contains two or more street frontages; or
 - [2] The lot has side yards or a rear yard too narrow to permit vehicular passage.
 - (b) In said circumstances, parking spaces may be allowed in a front yard when located behind the average setback line of the block. Said spaces may be enclosed in a structure complying with the requirements of § 470-15A.

- (3) Parking spaces and parking areas in any residential district shall be related to the use of the property and shall not provide parking spaces for other uses.
- (4) The following standards shall apply to all parking areas, driveways, and turnarounds in all residential zoning districts:
 - (a) A permit for construction of each parking area, driveway, and turnaround shall be required.
 - (b) No residential use parking area shall exceed 440 square feet, exclusive of required maneuvering space.
 - (c) The width of a parking area, driveway, or turnaround area shall not extend across the front of the dwelling more than 1/2 the width of the dwelling.
 - (d) No driveway shall be wider than 18 feet at the street right-of-way.
 - (e) No driveway, parking area, and turnaround area combined shall be wider than 30 feet.
 - (f) Turnaround areas shall conform to the following additional specifications:
 - [1] The turnaround area shall not be used as a permanent parking area.
 - [2] The turnaround area shall not exceed 10 feet in width and 15 feet in length.

B. Commercial district.

- (1) Property which is used for nonresidential purposes within a commercial or industrial zoning district may contain allowable parking spaces, parking areas, driveways, and turnaround areas within the front, side, and rear yard areas.
- (2) Within a commercial or industrial district property proposed for new development, parking spaces shall be a minimum of 10 feet from any abutting street right-of-way.
- (3) Residential parking spaces in front yards.
 - (a) Residential use parking spaces in any commercial or industrial district shall not be located in the front yard, except in the following conditions:
 - [1] The lot contains two or more street frontages.
 - [2] The lot has side or rear yards that are too narrow to permit vehicular passage.
 - (b) In said circumstances, parking spaces may be allowed behind the average setback line of the block in a front yard. Said spaces may be enclosed in a structure complying with the requirements in § 470-15B.

§ 470-71. Residential conversions.

- A. In the conversion of existing properties to residential use, including single-family to multifamily and the upper floors of commercial buildings, if there is not sufficient land area to provide required parking on site, 50% of the on-site parking requirement shall be waived.

§ 470-72. Location of parking.

- A. Private parking lot. Where there is not adequate land on site, off-street parking spaces within 500 feet of the site may be counted to meet the parking requirements. Off-street parking

spaces are defined as parking spaces located on a private parking lot and meeting the parking requirements of this chapter. Said spaces shall be owned by the applicant or available by a current written agreement.

- B. Public parking lot. Where there is not adequate land on site, public parking lot spaces within 500 feet of the site may be counted to meet the parking requirements. Public parking lot spaces are defined as unreserved spaces within a municipal parking lot or garage. This definition does not include on- street parking spaces.
- C. Shared parking. Multiple adjacent uses may share parking spaces in off-street parking areas to provide the minimum number of required spaces and reduce the total number of spaces provided by the participating uses. Sharing of parking spaces may be permitted where it can be determined that uses have intermittent and non-conflicting parking demands and that peak demands occur at different times whether daily, weekly, or seasonally. An applicant shall submit with the zoning permit application an analysis supporting a shared parking arrangement and a proposed shared parking agreement between the participating property owners which shall be executed and filed with the zoning officer upon approval.

§ 470-73. Parking, storage or use of major recreational equipment.

- A. Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, motorcycles, snowmobiles, all-terrain vehicles and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be stored on any public right-of-way.
- B. Occupancy. No such equipment shall be used for living, sleeping or housekeeping purposes, except as provided for under the following conditions: travel trailers, pickup campers or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes by visitors and house guests only and in accordance with the following provisions:
 - (1) The temporary parking and occupancy period shall not exceed 48 hours.
 - (2) Such vehicles and/or trailers shall have adequate off-street parking areas to the rear of the principal building.
- C. Permanent parking and storage of camping and recreational equipment. Permanent storage of such equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion of the lot behind the principal building.
- D. Spacing. Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.
- E. Lot coverage. Major recreational equipment six feet or more in height shall be included on the same basis as buildings for regulations of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.
- F. Inoperable. No major recreational equipment shall be stored outside on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

Article IX. Nonconforming Uses, Structures and Lots

§ 470-74. Statement of intent.

- A. The zoning districts established by this chapter are designed to guide future use of land in the City by encouraging the development of desirable residential, commercial and manufacturing areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, property and other aspects of the general welfare.
- B. To achieve this end, existing uses and structures which were lawful prior to the enactment of this chapter, and which under the terms of the chapter or future amendments do not conform to the character and regulations of the zoning district in which they are located, shall be deemed to be nonconforming and subject to certain limitations.
- C. Nonconforming uses and structures will be generally permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their locations.
- D. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction or intended use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this chapter and on which actual building construction has been diligently carried on.

§ 470-75. Nonconforming use of lots and structures.

Lawful uses, located either within a building or other structure or part thereof or on the land, or combination of both, which, at the effective date of this chapter or subsequent amendment thereto, became nonconforming, may be continued, including transfer of ownership, so long as they remain otherwise lawful subject to the following regulations:

- A. Enlargement and change.
 - (1) A nonconforming use of a lot or a building may be changed to another nonconforming use classification upon approval of a variance by the Zoning Hearing Board where the Board finds the proposed use occupies no greater area of the structure or land than the existing use, and is equally compatible and not more objectionable than the existing use to the surrounding area in terms of outside appearance, customer and employee traffic, need for parking, lighting, noise, vibration, odors, fumes, electronic interference, and generation of solid waste and sewage.
 - (2) A nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the time of enactment or amendment of this chapter.
 - (3) A nonconforming use shall not be moved in whole or in part to any other portion of the lot not occupied by such use at the time of enactment or amendment of this chapter.
 - (4) The area of land occupied by a nonconforming use or a structure containing a nonconforming use may be enlarged or increased if deemed to be necessary by the natural expansion and growth of trade of the nonconforming use. Enlargement or increase may be permitted only on land in the same lot and in the same ownership as existed at the time the use became nonconforming. Such enlargements, up to 25%, may be permitted by the Zoning Officer upon the applicant meeting all other requirements of this chapter. A variance from the Zoning Hearing Board must be obtained for all enlargements in excess of 25%.

(5) Where a nonconforming use or a structure containing a nonconforming use is removed or destroyed except as provided for in Subsection B., the land shall not again be used except in conformance with this chapter.

B. Damage or destruction. A structure in which a nonconforming use is conducted which is damaged in whole or in part by fire, explosion or natural disaster, may be rebuilt or repaired and used for the nonconforming use, provided that:

- (1) The reconstructed building shall comply with the area regulations of the district in which it is located.
- (2) A building permit for reconstruction of the building must be obtained within one year from the date of occurrence of such damage and reconstruction shall commence.
- (3) Any proposed change of use or enlargement must conform to § 470-74A.

C. Abandonment.

- (1) If a nonconforming use of land or building is discontinued for a period of six months, the owner must file, within such six-month period with the Zoning Officer, a certificate of intention to maintain such use. Such certificate of intention shall terminate after a period of six months and may be renewed by the owner for successive six-month periods to a maximum of two years next proceeding such discontinued nonconforming use.
- (2) Should such owner fail to file a certification of intention to maintain such nonconforming use, for each of the six-month periods as prescribed for above, then this shall be presumed to be intent to abandon such nonconforming use, and any subsequent use of the land or building must conform to the regulations of this chapter.

§ 470-76. Nonconforming structures

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the requirements of this chapter, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or otherwise have any structural alterations made to it in a way which increases its nonconformity, except upon approval of a variance by the Zoning Hearing Board.
- B. Should such structure be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

§ 470-77. Nonconforming lots of record.

- A. Regulations. In any district in which single-family houses are permitted, notwithstanding the area limitation imposed by other provisions of this chapter, a single-family house and customary accessory buildings may be erected or enlarged on any single lot of record in existence at the effective date of adoption or amendment of this chapter, even though such lot fails to meet requirements of area or width, or both, applicable in the district in which the lot is located, provided that the following requirements shall be observed:
 - (1) Such lot must be in separate ownership and not form part of a continuous frontage with other lots in the same ownership.

(2) All requirements for front yard, side and/or rear yards shall be met.

- B. If a nonconforming lot exists contiguous with other lot(s) in the same ownership the combined area of which would represent a conforming lot, said lots may be considered by the Zoning Officer to be combined for the purposes of this chapter, and any use permitted by the applicable zoning district may occur on the combined lots provided the use and structures meet all lot, yard, and area requirements. Thereafter, the owner shall not be permitted to subdivide or transfer a lot or lots which leaves remaining any lot not meeting the requirements of this chapter.

§ 470-78. Nonconforming signs; nonconforming sign regulations.

Signs in existence at the effective date of this chapter or amendments thereto may be continued, subject to the regulations at § 470-66F.

Article X. Administration and Enforcement

§ 470-79. Zoning Officer.

The Zoning Officer, who shall be appointed by the Manager, shall interpret and enforce all the regulations and provisions of this chapter and shall have such duties and powers as are conferred on him by the Municipalities Planning Code and this chapter as are reasonably implied for that purpose. The Zoning Officer shall:

- A. Receive, examine and process all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this chapter. Permits for construction or uses requiring a special exception or variance shall be issued only upon such approval from the Zoning Hearing Board. Permits for conditional uses shall be issued only upon such approval from City Council.
- C. Receive applications for conditional uses and zoning amendments, forwarding such requests to City Council or other appropriate agencies.
- D. Receive applications for special exceptions, variances and other matters under the jurisdiction of the Zoning Hearing Board, and forward those applications to the Zoning Hearing Board.
- E. Conduct inspections to determine compliance or noncompliance with this chapter.
- F. Issue zoning certificates upon completion of permitted work that complies with this chapter.

§ 470-80. Zoning permits.

- A. A zoning permit shall be obtained before any person may:
 - (1) Occupy, use, enlarge the use of, or change the use of any land.
 - (2) Erect, construct, reconstruct, enlarge, structurally alter, occupy or use any structure, including any accessory structure or sign.
- B. Applications for a zoning permit shall be accompanied by a site plan showing clearly and completely the location, dimensions, architecture and use of any structures involved; location, size, arrangement and capacity of parking areas; methods of illumination, signage and description of proposed use in sufficient detail to indicate compliance with this chapter, together with an application fee as established by resolution of City Council.
- C. The Zoning Officer shall review all applications for completeness and reject incomplete applications in writing, with cause given for rejection.
- D. The Zoning Officer shall render a determination by approving or disapproving the application within fifteen (15) days of receipt of a complete application. Disapproval shall be in writing explaining the reasons for such disapproval and corrections or modifications necessary to obtain the required approval.
- E. Upon approval of the application, a zoning permit shall be issued.
- F. If the use and/or work authorized is not initiated within six months from the date of the zoning permit, such permit shall be null and void.
- G. The Zoning Officer may revoke an issued zoning permit if the holder of the permit has falsified information leading to issuance of the permit or has failed to comply with the requirements of

this chapter or with any conditions attached to the issuance of the permit.

- H. Upon completion of permitted work and inspection to determine that the use or work complies with the chapter, a notation shall be placed on the zoning permit stating that the structure or use complies with this chapter.

§ 470-81. Violations and penalties.

- A. Enforcement notice. When it appears to the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
 - (1) The name of the owner of record and any other person against whom the City intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Causes of action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least 30 days prior to the time the action is begun by serving a copy of the complaint on the City Council of the City of Warren. No such action may be maintained until such notice has been given.
- C. Enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys' fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which

event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of zoning ordinances shall be paid over to the City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

§ 470-82. Method of appeal.

Any person or City official aggrieved or affected by any determination of the Zoning Officer may appeal to the Board within 30 days, as provided by the Pennsylvania Municipalities Planning Code and by the rules of the Board, by filing a notice of appeal specifying the grounds thereof.

Article XI. Zoning Hearing Board

§ 470-83. Creation and function.

- A. A Zoning Hearing Board shall be created for the purpose of helping ensure the fair and equitable administration of this chapter.
- B. The Zoning Hearing Board shall be created as prescribed by the Municipalities Planning Code, and shall have all authority, perform all duties, and exercise all powers vested in it by the provisions of the aforementioned act.
- C. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the City Council pursuant to § 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
 - (2) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
 - (3) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - (4) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to provisions and criteria in § 910.2 of the Municipalities Planning Code.
 - (5) Applications for special exceptions under the Zoning Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsections D. and E.
 - (6) Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this chapter.
 - (7) Appeals from the Zoning Officer's determination under § 916.2 of the Municipalities Planning Code.
 - (8) Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the Municipalities Planning Code.

§ 470-84. Appeals and requests to the Board

- A. Appeals and challenges may be filed in writing with the Zoning Hearing Board by the landowner affected, any officer or agency of the municipality, or any person aggrieved,
- B. Requests for variances or special exceptions may be filed in writing with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.
- C. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after a zoning application has been approved by the City if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and

proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse preliminary opinion by the Zoning Officer pursuant to § 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

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

§ 470-85. Special exceptions.

- A. Where this chapter has set forth expressed standards and criteria for special exceptions, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the enabling act and this chapter.
- B. Standards and criteria. In considering any special exceptions, the Zoning Hearing Board shall not grant such special exception unless:
 - (1) The property is suitable for the use desired.
 - (2) The proposed use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood.
 - (3) Adequate public facilities, such as streets, water and sewers, are available.
 - (4) The proposed use will not adversely affect public services and facilities, such as water, sewers, police and fire protection.

§ 470-86. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with § 908 of the Municipalities Planning Code. The City Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§ 470-87. Termination and modification of permit.

- A. Termination of permits. If, after a permit has been authorized by the Board, such permit is not applied for and not issued within a period of six months from the date of authorization, then such authorization shall be null and void, and no permit shall be issued thereunder.
- B. Modification of a permit. Any permit so issued shall not be modified except by action of the Board.

Article XII. Amendment

§ 470-88. Procedure for amendments.

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions, and boundaries may, from time to time, be amended by the City Council in accordance with provisions of the Municipalities Planning Code, and with the following general procedures:

- A. An amendment may be initiated by:
 - (1) The City Planning Commission.
 - (2) The City Council.
 - (3) An application to the City Council by the owner of the property or the owner's authorized representative.
- B. Amendments shall be submitted to the City Council at a regular or special meeting of the Council.
- C. In considering and enacting an amendment, the City shall follow the procedures and timelines prescribed by the Municipalities Planning code including but not limited to public notice, public hearing, and referral to the City Planning Commission and the Warren County Planning Commission.

§ 470-89. Amendment filing fee.

The filing fee for a zoning amendment shall be in the amount as established by resolution of City Council and shall be submitted with the application.

Article XIII. Definitions

§ 470-90. Definitions.

For the purposes of this chapter, certain terms, phrases and words shall have the meanings given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building," "structure," and "land" or "premises" shall be construed as though followed by the words "or any portion thereof," and the word "structure" includes the word "building." The word "shall" is always mandatory and not merely directory.

ABANDONED MOTOR VEHICLES

Shall be prima facie "abandoned" when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose and without the intention of returning to reclaim or appropriate such vehicle.

ABANDONED SIGN

A sign which no longer identifies or advertises an existing business, lease, service, owner, product, or activity, and/or for which no legal owner can be found.

ADAPTIVE REUSE

An existing structure which has been updated or adapted for a purpose other than its original intended use while retaining its exterior appearance and features.

ADULT ESTABLISHMENTS

All uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statues are hereby included by reference, including but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion Picture Theater," "Sexual Activities," "Specified Anatomical Areas," and "Specified Sexual Activities."

AIRPORT

Any landing area, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces within the airport boundaries.

ALLEY

The space or area between the rear or side lot lines of lots which has a minor right-of-way less than 20 feet in width which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

ALTERATION

As applied to a building or structure, is a change or rearrangement in the structural parts of or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

ALTERATION, STRUCTURAL

A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.

AMMUNITION

The projectiles and propelling charges used in small arms, artillery, and other guns or launching devices.

APARTMENT, 2ND STORY AND ABOVE

A dwelling above a non-residential use in a mixed building.

ARCHITECTURAL DETAIL

Decorative elements of a building facade such as cornices, lintels, brackets, fishscale shingles, columns, fluting, and quoins that give the building its character.

AUTOMOTIVE/EQUIPMENT DEALERS

An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rentals, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental, farm equipment sales and rental, and machinery sales, service and rental.

AUTOMOTIVE GASOLINE STATION

An establishment used for the sale of motor fuel and lubricants. May also offer maintenance services such as oil changes and; and/or the sale, installation or minor repairs of tires, batteries, mufflers or other automotive accessories. May or may not include a convenience store and/or a car wash as accessory uses.

AUTOMOTIVE REPAIR GARAGE

A building used for mechanical and/or body repair, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOTIVE SERVICE ESTABLISHMENT

Any premises used for supplying gasoline, oil, minor accessories or services for motor vehicles at retail direct to the motorist consumer, including car washing and the making of minor repairs, but not including major repairs, such as spray painting; body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring removal therefrom of cylinder head or crankcase pans; repairs on radiators requiring removal thereof, or complete recapping or retreading of tires.

AUTOMOTIVE WRECKING

The dismantling or wrecking of used motor vehicles, trucks, trailers or farm equipment, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BAR/NIGHTCLUB

A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT

A portion of a building partly underground and having 1/2 or more than 1/2 of its floor-to-ceiling height below the average grade of adjoining ground. A basement is not included in computing the number of stories for the purpose of maximum height regulations.

BED-AND-BREAKFASTS

A single-family detached dwelling unit and operated by the dwelling's owner in which a maximum of five (5) rooms provide overnight guests sleeping quarters. A bed and breakfast shall not include a boarding house or hotel.

BILLBOARD

Any off-premises sign with a changeable or permanent advertising face which advertises an establishment, person, activity, product or service which is unrelated to or not available on the premises on which the sign is located.

BLOCK

The length of a street between two street intersections. A block shall be considered to have a maximum length of 1,600 feet.

BOARD

The Zoning Hearing Board of the City of Warren, Warren County, Pennsylvania.

BOARDING/GROUP HOME

A facility providing living space for four or more unrelated persons, which generally provides central cooking and dining facilities and is operated for profit.

BREEZEWAY

Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

BUILDING

An enclosed structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and protection of persons, animals or property of any kind.

BUILDING, ACCESSORY

A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING, ATTACHED

A building where both side walls or all except the end structure are party walls.

BUILDING, DETACHED

A building which has no party wall.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

BUILDING, SEMI-DETACHED

A building which has one party wall in common with an adjacent building.

CARPORT

A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least 50% of such wall area must remain open. For purposes of interpretation of this chapter, a carport shall be treated the same as a garage.

CAR WASH

An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CELLAR

That portion of a building wholly or partly below ground level and having more than 1/2 of its floor-to-ceiling height below the average grade of the existing ground level. See "basement."

CEMETERY

Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF USE AND OCCUPANCY

A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure and/or land conforms with the provisions prescribed in this chapter and may lawfully be occupied or used for a specific use or uses.

CLINIC

A group practice in which two or more professional people work cooperatively. Examples include physicians, veterinarians, lawyers, accountants, etc.

COMMISSION

The Warren City Planning Commission.

COMPREHENSIVE PLAN

The comprehensive, long-range plan for the desirable use of land in Warren, the purpose of such plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdivision and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings.

CONVALESCENT HOME

A dwelling converted into quarters or a building constructed with quarters for the care of sick, aged or infirm persons.

CONVENIENCE STORE

A type of retail operation with a floor area usually less than 2,500 square feet that primarily sells routine household goods, limited groceries, and prepared ready-to-eat foods to the general public, but that is not a restaurant or a grocery store. A convenience store may have gas dispensing operations.

COUNCIL

The Council of the City of Warren.

CRAFT SHOP

A commercial establishment where craft supplies or craft items not made on the premises are offered for retail sale or where classes are regularly scheduled.

CURB LINE

The line establishing the width of a cartway in a right-of-way.

CUSTOMARY RESIDENTIAL ACCESSORY USES

Items incidental to the primary use, includes, but is not limited to sheds, swimming pools, greenhouses, and garages.

DAY CARE

A facility providing care, supervision and/or instruction for children or adults for a period of less than 24 hours and licensed to operate as such by the Pennsylvania Department of Public Welfare.

DOUBLE-FACED SIGN

A sign with two identical faces of equal sign area which are back-to-back.

DRIVE-IN BUSINESS

A place of business where persons remain in their vehicles while served.

DRIVEWAY

A private roadway providing access for vehicles from a public way to parking space, garage, dwelling or other structure.

DRIVEWAY, SERVICE

An open space located on a private lot built for access to a private garage or to any structure located on the lot.

DWELLING (DWELLING BUILDING)

A building arranged and used for residential occupancy containing a dwelling unit or units, including a one-family, two-family, row and multifamily dwelling, but excluding a boardinghouse, convalescent home, hospital, institutional home, lodging house, hotel, motel, rooming house, tourist court or a tourist home.

DWELLING UNIT

Living space physically arranged so as to create the complete independent housekeeping facilities for, and exclusive use of, one family, and with direct access to the outside or to a public hall.

DWELLING, MULTI-FAMILY

A building having two or more dwelling units and designed to be used or occupied as a residence by two or more families living independently of each other.

DWELLING, SINGLE-FAMILY DETACHED

A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit. This definition includes manufactured homes.

EAVE LINE

The lower border of the roof where it joins with the facade.

ENLARGEMENT

A construction activity which increases the size of a building or other structure.

ERECT

To build, construct, attach, hang, place or suspend, which shall also include the painting of wall signs or other graphics.

ESSENTIAL SERVICES

The provision of distribution systems by municipal or other government agencies regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, fire hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare. Essential services also include municipal and community sewage disposal systems.

FAMILY

Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single nonprofit housekeeping unit. A family shall

also be deemed to include not more than four (4) unrelated persons occupying a dwelling unit as their domicile and living as a single, nonprofit housekeeping unit. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

FLOOR AREA (GROSS FLOOR AREA)

In computing minimum floor area for dwelling units, floor area shall mean the sum of the gross horizontal areas of several floors of a building devoted solely to residential use, measured between interior wall faces and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages. Minimum floor area for single-family detached or semidetached dwellings is 800 square feet per unit. Minimum floor area for multifamily, semidetached or attached dwellings is 550 square feet per dwelling unit.

FLOOR AREA RATIO (FAR)

The total allowable floor area for a given lot expressed as a ratio between the total floor area and the area of the lot. To obtain the FAR, divide the floor area of the building by the lot area.

GALLERY

A building or hall solely for the display of artistic works.

GARAGE, AUTOMOTIVE

See "automotive service establishments."

GARAGE, PRIVATE

A structure or any portion thereof accessory to a dwelling used for the housing of not more than three private motor vehicles. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

GARAGE, PUBLIC

A structure or any portion thereof used for the housing of motor vehicles not the property of the owner of the garage.

GAS AND OIL WELL DEVELOPMENT

The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas, but excluding any structure, facility or use constituting a Natural Gas Compressor Station or a Natural Gas Processing Plant.

GRADE

The mean curb level or, when the curb level has not been established or all the walls of the building are more than 15 feet from street lot lines, "grade" means the mean elevation of the ground adjoining the principal structure on all sides.

GROUP CARE FACILITY

A residential facility designed, operated and maintained for adults which may include skilled nursing, intermediate care, or personal care facilities, as well as independent living facilities. This use shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

HARDSHIP

An unusual situation or condition that relates to a particular property and which denies that property owner full utilization of his property if the strict application of this chapter is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of this chapter would place an individual in an unusual circumstance and, in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him.

HEDGE

A fence or boundary formed by a dense row of shrubs or low trees.

HEIGHT OF BUILDING

The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

HEIGHT OF STORY

The vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is no ceiling, to the top of the roof rafters.

HEIGHT OF WALL

The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

HIGHWAY

A road or highway of the state highway system.

HISTORIC DISTRICT

The twenty-eight-block district bounded by the Conewango Creek on the east, Hazel Street on the west, Pennsylvania Avenue on the south, and an irregular northern boundary along Fifth, Sixth, and Seventh Avenues. Properties abutting the stated boundaries are included in the Historic District.

HOME OCCUPATION

A business carried on entirely within a dwelling by the residents thereof, involving no exterior changes to the appearance (other than signage in accordance with 470-69) of the dwelling and not creating nuisance or congestion conditions in the neighborhood where it is located.

HOSPITAL

A private or public institution and related or affiliated entities devoted to providing facilities, services, programs and activities for the treatment, care and custodial support of those persons who are physically or mentally sick, injured, disabled or infirm; to providing programs and activities for the training of persons, activities and studies in the medical and health-care fields; and to promoting improved health status and the prevention of illness and injuries among the general public.

HOSPITAL, VETERINARY

A structure designed or converted for the care of and/or treatment of sick and wounded domestic animals.

HOTEL/MOTEL

A building or connected buildings which provide lodging and usually meals, entertainment and various personal services on a short-term basis to any member of the public.

ILLUMINATED SIGN

A sign utilizing artificial lighting which includes:

A. External light source.

B. Internal light source:

(1) Static display: remains the same.

(2) Changing display: periodically changes static displays.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material which prevents absorption of stormwater. Such material must be of adequate depth to withstand expected traffic loadings. Recommended examples include bituminous concrete and Portland cement concrete.

INDUSTRY, LIGHT

Industrial development which is free from offensive noise, vibration, smoke, odors, glares, hazards of fire or other objectionable effects.

INTERIOR SIGN

Any sign located fully within the interior of any building or stadium that is intended solely for information relating to the operation of such building or stadium.

JUNK

Any worn, cast off or discarded articles or materials which are ready for destruction or which have been collected or stored for sale, resale, salvage or conversion to some other use. The term "junk" shall include abandoned and/or nonoperating vehicles, as defined below:

ABANDONED VEHICLE

Shall be prima facie "abandoned" when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose and without the intention of returning to reclaim or appropriate such vehicle.

NONOPERATING VEHICLE

Shall be prima facie "nonoperating" when it does not display thereon a current Pennsylvania registration plate and inspection sticker, or if such current registration plate and inspection sticker are displayed thereon, does not presently meet the requirements of the Pennsylvania Motor Vehicle Code concerning the condition of vehicles and the necessary equipment to be attached to vehicles in order to pass current state inspection standards.

JUNKYARDS

The use of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL

Any place in which five (5) or more dogs, cats, or other domesticated animals over six (6) months are housed, bred, boarded or sold. This term shall not include the routine keeping of animals within a veterinary office/clinic while undergoing recuperation or a permitted retail pet store.

LAND

The solid portion of the earth's surface which is capable of being used or occupied.

LEGALLY NONCONFORMING SIGN

An existing sign:

- A. Located on a premise in the City with a permitted use; and
- B. Legally erected prior to the adoption of this article; and
- C. Does not meet the provisions of the current chapter.

LIBRARY/MUSEUM

Facilities that are used for the collection of literary, artistic, musical or similar materials in the form of books, recordings, displays and films for public use.

LINE, LOT

A line forming the front, rear or side of a lot as described in the recorded title. Any lot line which abuts a street or other public way shall be measured from the right-of-way.

LINE, BUILDING SETBACK

A building line which determines the minimum allowable distance between a building or structure and lot line.

FRONT LOT LINE

The front lot line shall be the street right-of-way line.

SIDE LOT LINE

A line extending from the front lot line street (right-of-way) to the rear property line of a lot.

LINE, REAR LOT

A lot line which defines the rear of a lot or property and is generally opposite the front lot line. In the case of corner lots, the owner shall have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear lot line, provided such choice, in the opinion of the Zoning Officer, shall not be injurious to the existing or the desirable future development of adjacent lots. Also, the rear lot line of any irregular or triangular lot shall be a line entirely within the lot and at least 10 feet in length.

LOADING SPACE

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way, and which is not less than 12 feet in width, 50 feet in length and 14 feet in height.

LOT

An area of land which is described in a single deed or by reference to a recorded plat by metes and bounds and used or occupied or capable of being occupied by a building(s), structure(s) and/or use(s), including required open spaces. The lot shall not include any portion of the street right-of-way.

LOT AREA

The area of land (a horizontal plane) measured at grade and bounded by the front, side and rear lot lines.

LOT AREA, MAXIMUM PERCENTAGE OF

The maximum percentage of the lot area that is permitted to be covered by the principal and accessory structures. The covered area or area built upon is measured at grade level and includes the permissible yard and court encroachments and street projections as herein provided.

LOT DEPTH

The mean horizontal distance measured from the front lot line to the rear lot line.

LOT FRONTAGE

The horizontal distance measured along the front lot line between the side lot lines.

LOT OF RECORD

An area of land which constitutes a separate lot as duly recorded or registered in the office of the Recorder of Deeds, Warren County, Pennsylvania.

LOT WIDTH

The mean horizontal distance between the side lot lines.

LOT, CORNER

A lot fronting on two intersecting streets with the angle of intersection being less than 135°.

LOT, NONCONFORMING

A lot lawfully existing at the effective date of this chapter, or by subsequent amendment thereto, which does not completely conform with the area regulations and other provisions prescribed for the zoning district in which it is located.

LOT, THROUGH

An interior lot whose front and rear lot lines abut streets, or a corner lot with two opposite lot lines abutting a street.

MANUFACTURED HOME

Prefabricated homes primarily assembled in factories and then transported to the permanent site. These homes must be placed on a fixed foundation and all skirting must be removed once on site.

MANUFACTURING, HEAVY

Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products, for which, due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

MANUFACTURING, LIGHT

Manufacturing that involves processing, packing or bottling; excludes uses or processes which produce or emit dust, smoke, refuse matter, toxic or noxious odors, gases and fumes, noise or vibrations.

MARQUEE

Any sign attached to, or adjacent to, the entrance of a building for the purpose of identifying a venue for the fine arts, performing arts, or a movie theater or similar place of entertainment.

MARQUEE SIGN

Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

MEDICAL MARIJUANA DISPENSARY

A facility for which a permit has been issued by the Pennsylvania Department of Health to dispense medical marijuana products.

MEDICAL MARIJUANA GROWING/PROCESSING FACILITY

A facility used to grow and/or convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association,

trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MEMBERSHIP CLUB

A building to house the activities of a club or social organization, not including one conducted for profit and which is not an adjunct to or operated for or in connection with a public tavern, cafe or other place of business. A membership club may serve alcohol on site.

MICROBREWERY/DISTILLERY

Establishment engaged primarily in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use or any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol for human consumption under such regulations as are or may be promulgated by a proper agency of the United States Government. This can also include an accessory tasting room and/or retail sales area. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items.

MINI STORAGE BUILDING

Storage facilities consisting of one or more larger buildings divided into small, separate units for the storage of personal property.

MORTUARY

A building where dead bodies are prepared for and kept prior to burial or cremation and where memorial services for the deceased may be held. The display and/or sale of funeral equipment is permitted as an incidental use.

MOTEL

Any group of attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients, including an auto court, motel, cabin and/or motor lodge.

MOVABLE SIGN

Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames. This definition does not include sandwich board signs.

MURAL

Artwork applied to the wall of a building, which covers all or most of the wall and depicts a scene or event of natural, social, cultural, or historic significance.

MUSEUM

An institution solely for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

NEON SIGN

Any sign composed of glass tubing containing a large proportion of neon gas. A neon sign may be a wall sign, a projecting sign, or a window sign.

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which does not create vehicular or pedestrian traffic by customers, clients, patients, pickup, delivery or removal functions to or from

the premises which is in excess of that which is normally associated with residential use.

NURSING HOME, INSTITUTIONAL FACILITY

An institution for the care of children, the aged, or infirm, who are residents requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed or certified in accordance with applicable state and county laws and regulations.

OFFICES

A place which is used to conduct a broad range of professions or businesses where the functions of consulting, recordkeeping, clerical work and sales (provided that saleable, tangible goods are not displayed or stored on the premises) are performed.

OFF-PREMISES SIGN

Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

ON-PREMISES SIGN

A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

OWNER

The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building or structure in question.

PARK

An area of land maintained generally in an open manner for the use of the public and which may contain active or passive recreation facilities.

PARKING AREA

An open space on a lot used as an accessory use for the parking of automotive vehicles.

PARKING FACILITIES

A building or structure consisting of more than one level and used to temporarily park or store motor vehicles, whether for a fee, free or as an accommodation for clients and customers.

PARKING LOT

An open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients and customers.

PARKING SPACE

An off-street space having an area of not less than 180 square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one motor vehicle.

PASSIVE PARK/PLAYGROUND

An area that is used for informal leisure time activities such as picnicking, nature study, bird watching, etc. These areas may include play equipment for small children.

PENNANTS

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.

PERMIT

A license, issued by the Zoning Officer, which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

PERSON

An individual, association, copartner or corporation.

PERSONAL SERVICES ESTABLISHMENTS

An establishment occupied by a business which performs services on-site related to the care of the personal self, household pets, clothing, jewelry or other smaller items. Activities include but are not limited to barbershops; beauty parlors; self-service laundry and dry-cleaning establishments; repair shops; tattoo studios; tailor and dressmaking shops; and pet grooming with no overnight boarding. This does not include massage parlors or related services.

PLACES OF WORSHIP OR ASSEMBLY

A public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

PLANNED DEVELOPMENT

A development in which buildings, streets, walkways, public spaces, parking, and related facilities are integrated and designed in accordance with an overall plan for an entire site under single ownership.

PLANNED RESIDENTIAL DEVELOPMENT

A unique concept of residential development consisting of a large-scale project constructed by a single owner or group of owners acting jointly and involving a related group of uses. The development is planned as an entity, and therefore susceptible to development and regulation as one complex unit rather than as a mere aggregation of individual buildings located on separate, unrelated lots. Such developments usually include a more compact arrangement of individual and/or multifamily dwelling units grouped in and around common open spaces or green areas. Also, they may include such uses as neighborhood commercial and personal service uses, public and semipublic uses and recreational facilities (noncommercial), provided they are functionally integrated into the development and that the character of the development conforms to the purpose and intent of this chapter. In general, such development projects shall include the necessary covenants or other legal provisions and financial programs as will assure conformity to and achievement of the proposed development plan.

PLAT

A map, plan or chart of a section or subdivision of the City of Warren indicating the location and boundaries of individual lots.

PLOT

A parcel of land consisting of one or more portions thereof which is described by reference to a recorded plat or by metes and bounds.

PORCH

A roofed-over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

PREMISES

A parcel of real property with a separate and distinct identifying number shown on a recorded plat record of survey, parcel map, subdivision map, or a parcel legally created or established in accordance with zoning.

PRIVATE EDUCATIONAL FACILITIES

A school supported by a private organization or private individuals rather than by government.

PRIVATE RECREATION FACILITIES

An indoor and/or outdoor facility used for swimming, tennis club, rink, track, alley, cage, course, field, range, or other similar types of uses in which the patrons pay a fee and/or are members to participate in or view a recreational or entertainment physical activity, including activities which include the use of firearms or motorized vehicles.

PROJECTING SIGN

A sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall. A projecting sign may not extend more than four feet from a wall and must clear the sidewalk by at least 10 feet.

PUBLIC FACILITY/STRUCTURE

Any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county or municipal, or school district without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC RECREATION FACILITIES

An enterprise owned and operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

PUBLIC/SEMI-PUBLIC USES

Uses of a nature serving the general or a specific public. Such uses would include City building, libraries, schools, churches, parks, hospitals, nursing homes, museums and galleries.

RESTAURANTS

Any establishment at which food and beverages are prepared and sold for consumption on or off the premises.

RETAIL BUSINESSES

A business whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult establishments and related uses as defined herein.

REVOLVING SIGN

A sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

ROOF SIGN

Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SANDWICH BOARD

A movable sign consisting of two members connected and hinged at the top.

SCROLLING SIGN

A sign displaying continuous movement of text and/or images in either a horizontal or vertical direction.

SERVICE ESTABLISHMENTS

Businesses engaged in providing services on a retail or wholesale basis, such as, but not limited to, tax preparation offices, printing and duplicating services, brokerages, professional offices, etc.

SHIPPING TERMINALS

A lot maintained by a motor freight company which is the origin and/or destination point of short- and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

SIGN

A name, identification, image, description, display, or illustration that:

- A. Is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land.
- B. Directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business.
- C. Is visible from any street, right-of-way, sidewalk, alley, park, or other public property.

SIGN AREA

- A. The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed. "Sign area" excludes any supporting framework and bracing, provided that it does not contain lettering, wording, designs or symbols. For the purpose of this article, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face (defined hereafter).
- B. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are essentially three-dimensional with respect to their display surfaces, the entire display surface(s) is included in the computation of area.
 - (1) When the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area; unless the sides are not identical or the interior angle formed by the faces of the sign is greater than 45°, then all faces shall be considered in calculating total sign area.
 - (2) Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.

SIGN FACE

The part of a sign that is, or can be, used to identify, advertise, and communicate information for visual representation and which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim, and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display, or symbol is designed and included as part of the structure.

SIGN HEIGHT

The distance from the highest portion of the sign, including all structural elements, to mean grade.

SIGN STRUCTURE

A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

SIGN TYPE

Signs are defined by purpose and by form. Purpose refers to the type of message contained in the sign. Form refers to the physical sign itself.

SIGNS AS DEFINED BY PURPOSED

The type of message contained in the sign:

ADDRESS SIGN

A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

ARTISAN SIGN

A sign giving the name or names of principal contractors, architect, and lending institutions responsible for painting or construction on the site where the sign is placed.

CIVIC EVENT SIGN (ON PREMISES)

A noncommercial temporary sign, posted to promote and advertise an activity sponsored by the City, school district, church, public agency, civic or charitable association, or other similar noncommercial organization on the premises where the event is to be held.

CIVIC EVENT SIGN (OFF PREMISES)

A noncommercial temporary sign posted off premises to promote and advertise an activity sponsored by the City, school district, church, public agency, civic or charitable association or other similar noncommercial organization.

DEVELOPMENT SIGN

A temporary sign indicating that the premises is in the process of subdivision or development.

DIRECTORY SIGN

A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business campuses, and similar large complexes which have a variety of tenants and/or uses.

DIRECTIONAL SIGNS

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," "one way," or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

GENERAL PURPOSE SIGN

A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered on the premises where the sign is displayed.

GOVERNMENT/REGULATORY SIGN

A sign to control traffic or for identification, including street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by, or at the order of, a public officer, employee or agent thereof in the discharge of his official duties.

HOME-BASED BUSINESS SIGN

A sign which designates home-based businesses as permitted in this chapter.

INCIDENTAL SIGN

A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards; signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

INSTRUCTIONAL SIGN

A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation, and/or use of buildings or facilities.

MEMORIAL SIGN

A memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

PERSONAL EXPRESSION SIGN

A sign that expresses a noncommercial opinion, interest, or position (not including political signs).

POLITICAL SIGN

A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public.

PUBLIC INTEREST SIGN

A sign on private property that displays information pertinent to the safety or legal responsibilities of the public such as "Warning" and "No Trespassing" signs.

REAL ESTATE SIGN

A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

TEMPORARY SIGN

A sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

TIME/TEMPERATURE SIGN

An internally illuminated display alternately showing the time and the temperature. May be a wall sign, projecting sign, or freestanding sign.

YARD SALE SIGN

A temporary sign advertising a yard or garage sale.

SIGNS AS DEFINED BY FORM

The physical structure of the sign:

ANIMATED SIGN

A sign displaying movement either by physical motion or variable light intensity and color, but not including wind-actuated elements such as flags, banners, or specialty items.

AWNING SIGN

A sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects from it.

BANNER

A temporary sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo, or graphic symbols.

BEACON LIGHT

A source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate a particular sign, structure or other object.

CANOPY (FREESTANDING)

A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

FREESTANDING SIGN

A sign and supporting structure that is secured in the ground and independent of any building fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:

GROUND SIGN

A sign designed to be viewed at eye level. The bottom of the sign is no more than three feet from the ground.

POLE SIGN

A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

WALL SIGN

Any sign erected against the wall of a building or displayed on doors or fences that does not protrude more than 12 inches from the wall, window, or door. A wall sign may not extend beyond the eave line or parapet of the roof line.

WINDOW SIGN

Displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

PERMANENT

A sign painted on or fixed to a window.

TEMPORARY

A paper or cardboard sign that is taped or pressed against or hung on the inside of a window.

SPECIAL EXCEPTION

A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

STORY

See "height of story."

STREET

A roadway or public way which is dedicated or deeded to public use by legal mapping by the uses or by another lawful procedure.

STREET LEVEL

That floor of the building constructed to provide the principal entrance to the property.

STRUCTURE

A combination of materials forming a construction for occupancy and/or use, including, among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall or a sign.

STRUCTURE, ACCESSORY

An attached, semidetached or detached structure whose use is customarily incidental and subordinate to the principal structure or use and is located on the same lot as the principal structure or use.

STRUCTURE, NONCONFORMING

A legal structure existing at the effective date of adoption or subsequent amendment of this chapter which does not completely conform to the height regulations, area regulations and other provisions prescribed for the zoning district in which it is located.

STRUCTURE, PRINCIPAL

A structure housing the principal use.

SUPPLEMENTAL SIGN

A sign in addition to the primary business sign used for the purpose of a short-term promotion (for the business on the premises).

TERRACE

A natural or artificial embankment which is higher than the curb level.

TERRACE, HEIGHT OF

The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

TURNAROUND

An off-street space permitting the turning around of a vehicle; not intended to be used for parking.

USE, ACCESSORY

A use customarily incidental and subordinate to the principal use of a building, structure and/or land, except parking and/or loading facilities as herein provided.

USE, NONCONFORMING

A legal use of a building, structure and/or land existing at the effective date of adoption or subsequent amendment of this chapter which does not completely conform with the use regulations and other provisions prescribed for the zoning district in which it is located.

USE, PRINCIPAL

The main or primary purpose for which a building, structure and/or land is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter. All other structures or uses on the same lot and incidental or supplemental thereto and permitted under this chapter shall be considered accessory uses.

VARIANCE

Relief granted by the Zoning Hearing Board, upon appeal in specific cases from the terms of this chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of these regulations will be observed and substantial justice is done.

VEHICULAR AND/OR EQUIPMENT SIGN

Any vehicle and/or equipment (i.e., dumpster, semi-truck trailer, etc.) used as a sign or a vehicle and/or equipment to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business on which the vehicle sits, or is otherwise not incidental to the vehicle's primary purpose.

WAREHOUSE, SHIPPING TERMINALS

A lot maintained by a motor freight company which is the origin and/or destination point of short-

and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

WHOLESALE DISTRIBUTION

Businesses primarily engaged in storing and selling merchandise to retailers; to industrial, commercial, institutional, or professional users; or, to other wholesalers.

WIRELESS COMMUNICATIONS FACILITIES

ANTENNA

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

APPLICANT

Any entity or person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way, City-owned land, or other property.

CO-LOCATION

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

EMERGENCY

A condition that:

- Constitutes a clear and immediate danger to the health, welfare, or safety of the public or
- Has caused, or is likely to cause, facilities in the rights-of-way to be unusable and result in loss of the services provided.

FCC

Federal Communications Commission

HEIGHT OF A MASS COMMUNICATIONS TOWER

The vertical distance measured from the ground level, including any base pad, to the highest point on a mass communications tower, including mass communications antennas mounted on the tower and any other appurtenances.

MASS COMMUNICATIONS ANTENNA

Any antenna and related equipment attached to a support structure. Mass communications antennas shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground level.

MASS COMMUNICATIONS TOWER

Any structure that is constructed for the primary purpose of supporting one or more mass communications antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. Distributed antenna system hub facilities are considered to be mass communications towers. A mass communications tower shall not include towers and supportive structures for amateur purposes, including but not limited to ham and citizens band radios maintained and/or utilized by federally licensed amateur radio operators.

MODIFICATION OR MODIFY

The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion

of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the wireless support structure.

RELATED EQUIPMENT

Any piece of equipment related to, incidental to, or necessary for the operation of a wireless communications facility. By way of illustration, not limitation, related equipment includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

RIGHT-OF-WAY

The surface and space in, on, above and below any real property in which the City of Warren has an interest in law or in equity, including, but not limited to, any public street, boulevard, avenue, road, highway, easement, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, green space or any other place.

SMALL WIRELESS COMMUNICATIONS FACILITY

A wireless communication facility that meets the following criteria:

1. The structure on which antenna facilities are mounted:
 - a. Is 50 feet or less in height; or
 - b. Is no more than 10% taller than adjacent structures; or
 - c. Is not extended to a height of more than 50 feet or by more than 10% above its preexisting height as a result of the co-location of new antenna facilities; and
2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.

STEALTH TECHNOLOGY

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

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE

A modification substantially changes the physical dimensions of a support structure if it meets the criteria established by 47 CFR §1.6100.

WBCA

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

WIRELESS

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

WIRELESS COMMUNICATIONS FACILITY (WCF)

The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a mass communications tower, or any other support structure that could support the placement or installation of a wireless communications facility, if approved by the City.

WRITTEN NOTICE

Shall be considered to have been served if delivered in person to the individual, person or to the parties intended, or if delivered or sent by certified mail to the last address known to the party giving notice.

YARD

An open, unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

YARD, FRONT

A yard across the full width of the lot, extending from any point of a principal building or structure to the front lot line (street right-of-way line).

YARD, MINIMUM DIMENSION

The minimum permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this chapter. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

YARD, REAR

A yard across the full width of the lot, extending from any point of a wall of a principal building or structure to the rear lot line of the lot.

YARD, SIDE

A yard between the principal building or structure and the adjacent side lot line of the lot, extending from the front yard to the rear yard.

ZONING

The legal and administrative process of dividing the community into districts or zones and regulating within such districts the use of land and the use, height and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that part of the Comprehensive Land Use Plan which is concerned with the private uses of and the private developments on privately owned land, as distinguished from that part which is concerned with public uses and facilities.

ZONING OFFICER

The agent or official designated by the City of Warren and charged by law with the administration and enforcement of this chapter.

ZONING HEARING BOARD

A group of individuals, created officially by the adoption of this chapter and appointed by the governing body, whose purpose and function is to review applications for variances or exceptions and to decide whether there is legitimate reason for granting the applicant the relief which he desires or the exception which he has requested.

ZONING MAP

Warren City Zoning Map.

ZONING ORDINANCE
Warren City Zoning Ordinance.