

2014 ZONING CODE

City of Harrisburg

**As Recommended for Approval by the
HARRISBURG PLANNING COMMISSION
September 4, 2013**

AND

**As Adopted by the
HARRISBURG CITY COUNCIL
July 8, 2014**

AS AMENDED



**Department of Building and Housing Development
Planning Bureau**

TITLE SEVEN PLANNING AND ZONING CODE

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CHAPTER 7-101
AUTHORITY AND TITLE.

Section 7-101.1	Authority
Section 7-101.2	Title

CROSS REFERENCES

Comprehensive Plan, Zoning, and Subdivision and Land Development: see Pennsylvania
Municipalities Planning Code, § 101, et. seq.

7-101.1 AUTHORITY

This ordinance is enacted under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

7-101.2 TITLE

This Ordinance shall be known as the “Planning and Zoning Code of the City of Harrisburg.”

CHAPTER 7-103
PLANNING COMMISSION

Section 7-103.1	Establishment
Section 7-103.2	Composition and Appointment
Section 7-103.3	Membership
Section 7-103.4	Powers and Duties

CROSS REFERENCES

Planning agencies: see Pennsylvania Municipalities Planning Code §201 *et seq.*
Planning agency defined: see Pennsylvania Municipalities Planning Code §107
Powers and duties: see Pennsylvania Municipalities Planning Code §209.1

7-103.1 ESTABLISHMENT

The existing Planning Commission of the City of Harrisburg is hereby continued and shall function pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.

7-103.2 COMPOSITION AND APPOINTMENT

The Planning Commission shall include seven (7) members, to be appointed by the Mayor with the advice and consent of Council, in accordance with §2-301.3 of Administrative Code. The term of each of the members of the Planning Commission shall be four years, or until a successor is appointed and qualified. No more than two Commissioners shall be reappointed or replaced during any calendar year. The Chair of the Planning Commission shall notify the Mayor and the Planning Bureau concerning vacancies on the Planning Commission, and any vacancy shall be filled for the unexpired term. If a vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired term.

7-103.3 MEMBERSHIP

All members of the Planning Commission shall be residents of the City of Harrisburg. At least five members of the Commission shall be citizen members and shall not be officers or employees of the City of Harrisburg.

7-103.4 POWERS AND DUTIES

- (a) The Planning Commission shall exercise all the following powers and duties:
- (1) to prepare a Comprehensive Plan and present it to the City Council of the City of Harrisburg for its consideration;
 - (2) to make recommendations to the City Council regarding the adoption or amendment of the Zoning Code, including the official Zoning Map;
 - (3) to prepare, recommend, and administer subdivision and land development regulations;
 - (4) to review and provide recommendations on Special Exceptions and Variances to the Zoning Hearing Board;
 - (5) to carry out other duties as conferred on “planning agencies” by the Pennsylvania Municipalities Planning Code, as amended;

- (6) to carry out duties authorized by the City of Harrisburg Planning and Zoning Code, the Subdivision and Land Development Code, and other City codes, executive orders, and resolutions;
- (7) to establish rules and bylaws to govern procedures and other matters under the jurisdiction of the Planning Commission; and
- (8) to submit an annual report to the Harrisburg City Council by March 1st, as required by the Pennsylvania Municipalities Code.

CHAPTER 7-301
TITLE, PURPOSE, AND COMMUNITY DEVELOPMENT OBJECTIVES

Section 7-301.1	Title
Section 7-301.2	Purpose
Section 7-301.3	Applicability
Section 7-301.4	Community Development Objectives

CROSS REFERENCES

Zoning Purpose: see Pennsylvania Municipalities Planning Code: § 604
Statement of Community Development Objectives: see Pennsylvania Municipalities Planning Code § 606

7-301.1 TITLE

This Chapter shall be known as the “Zoning Code of the City of Harrisburg.”

7-301.2 PURPOSE

- (a) This Zoning Code is enacted for the following purposes:
- (1) To promote, protect, and facilitate the public health, safety, and general welfare;
 - (2) To prevent overcrowding, blight, loss of health, life, or property from fire, flood, or other dangers;
 - (3) To adopt a Zoning Map dividing the City of Harrisburg into zoning districts with varying regulations;
 - (4) To permit, prohibit, regulate, and determine the uses of land, watercourses, and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal, and use of buildings and structures, as well as yards and other open areas to be left unoccupied;
 - (5) To establish the maximum density and intensity of uses;
 - (6) To provide for the protection of natural and historic features and resources;
 - (7) To protect existing residential neighborhoods and to provide diverse housing opportunities, including housing that is affordable;
 - (8) to establish regulations for signage and for off-street parking; and
 - (9) to establish environmental performance standards.

7-301.3 APPLICABILITY

- (a) The Zoning Code applies to the following activities within the City of Harrisburg:
- (1) creation of a new use;
 - (2) construction or demolition of a structure, building, parking lot, or sign;

- (3) change of use or expansion of the use of a structure, building, parking lot, sign, or area of land; and
- (4) creation of a lot or alteration of lot lines.

(b) The Zoning Code shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the City of Harrisburg have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by the other parties, and otherwise exercise the rights of a party to the proceedings.

7-301.4 COMMUNITY DEVELOPMENT OBJECTIVES

(a) The Zoning Code is enacted to achieve the following Community Development Objectives for the City of Harrisburg:

- (1) To protect and preserve existing neighborhoods while encouraging reinvestment and revitalization;
- (2) To increase opportunities for decent, safe, and affordable housing for renters and owners;
- (3) To protect and foster appropriate expansion of existing institutions including the State of Pennsylvania Capitol Complex, hospitals, public and private schools, universities, and other uses;
- (4) To increase the protection of historic resources, including historic neighborhoods and National Register properties;
- (5) To protect the Susquehanna River and prevent development practices which harm water quality;
- (6) To ensure that new development does not increase the potential for loss of life or property due to flooding;
- (7) To increase opportunities for open space and recreational opportunities, including the completion of the Capital Area Greenbelt, and to provide additional access to these amenities for all neighborhoods;
- (8) To encourage mixed-use development near the Harrisburg Transportation Center;
- (9) To encourage the use and expansion of alternative transportation modes, including commuter rail, bus rapid transit, and pedestrian and bicycle modes;
- (10) To encourage the redevelopment of vacant industrial parcels in the downtown and neighborhood areas; and
- (11) To implement the goals, policies, and strategies of the City of Harrisburg Comprehensive Plan.

CHAPTER 7-303

ADMINISTRATION & ENFORCEMENT

Section	7-303.1	Purpose
Section	7-303.2	Applicability
Section	7-303.3	Minimum Requirements
Section	7-303.4	Reasonable Accommodation
Section	7-303.5	Zoning Officer
Section	7-303.6	Types of Uses
Section	7-303.7	Applications for Zoning Permits
Section	7-303.8	Fees
Section	7-303.9	Other Codes
Section	7-303.10	Suspension of Permits and Approvals
Section	7-303.11	Interpretation and Uses Not Regulated
Section	7-303.12	Enforcement
Section	7-303.13	Appeals
Section	7-303.14	Changes to Approved Plans
Section	7-303.15	Zoning Code Amendments
Section	7-303.16	Liability
Section	7-303.17	Designees
Section	7-303.99	Penalties

CROSS REFERENCES

Appeals from Zoning Hearing Board: see Pennsylvania Municipalities Planning Code §§1001-A to 1006-A, 53 P.S. §§11001-A to 11006-A

Appointment and Powers of Zoning Officer: see Pennsylvania Municipalities Planning Code §614, 53 P.S. §10614

Building Permits: see 8-101

Enforcement Remedies: see Pennsylvania Municipalities Planning Code §617.2

Sign Regulations: see Chapter 7-325

Nonconforming Uses and Structures: see Chapter 7-321

Special Exceptions and Variances: see Chapter 7-323

7-303.1 PURPOSE

The Purpose of this Chapter is to describe the responsibilities of the Zoning Officer, the process for approval of Zoning Permits, the procedures to amend the Zoning Code, enforcement provisions, and other related items.

7-303.2 APPLICABILITY

This Chapter applies to all requests for construction or expansion of buildings or structures, including parking and signs, and requests for a change of use in the City of Harrisburg. Any activity regulated by the Zoning Code shall only occur in conformity with the regulations of the Zoning Code.

7-303.3 MINIMUM REQUIREMENTS

The provisions of this Zoning Code, as amended from time to time, shall be interpreted as the minimum requirements to promote public health, safety, morals, and general welfare. Where more than one provision of this Zoning Code controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Zoning Code are in addition to any other applicable City Ordinance. Any activity regulated by this Zoning Code shall only occur in such a way that conforms to the regulations of this Zoning Code. All applicants are presumed to be on notice regarding the requirements of this Code and any amendments thereto.

7-303.4 REASONABLE ACCOMMODATION

The City of Harrisburg complies with the Federal Fair Housing Act, as amended, and will ensure that policies and regulations do not discriminate against persons on the basis of race, color, religion, national origin, disability, or family status. The City shall grant requests for reasonable accommodation if such requests provide equal housing opportunity to persons with disabilities and do not constitute substantial changes of the Zoning Code. Written requests for reasonable accommodation shall be submitted to the Zoning Officer. Requests for reasonable accommodation will be treated as administrative decisions. The Zoning Officer will provide a written response to the request within thirty (30) days unless additional information is requested by the Zoning Officer.

7-303.5 ZONING OFFICER

(a) The provisions of this Zoning Code shall be administered and enforced by the Zoning Officer, who shall be appointed by the Mayor after meeting the qualifications established by the City for the Zoning Officer. The Zoning Officer shall not hold any elective office within the City but may hold other appointed offices. In the case of the absence of the Zoning Officer, the Deputy Director for Planning will be the Acting Zoning Officer.

- (b) The duties of the Zoning Officer(s) shall be:
- (1) to be responsible for keeping the Zoning Code and the Official Zoning Map up to date, including any amendments to the Zoning Code;
 - (2) administer the Zoning Code according to its literal term, including receiving and examining all applications required under the terms of this Zoning Code and issuing or refusing to issue permits within the provisions of this Zoning Code;
 - (3) conduct inspections to determine compliance and receive complaints of violation of this Zoning Code. In determining compliance with this Zoning Code, the Zoning Officer shall have the right to enter property or structures at a reasonable hour in the course of his/her duties, within the limitations of the law;
 - (4) keep records of applications, permits, certificates, written decisions, special exceptions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the City and being available for public inspection;
 - (5) review proposed subdivision and land development plans for compliance with this Zoning Code;

- (6) determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity; not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
- (7) take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
- (8) issue informal letters requesting compliance, issue stop, cease, and desist orders, issue enforcement notices, and initiate such other enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
- (9) carry out determinations on nonconforming uses, provide forms for registration of nonconforming uses, and keep updated records of nonconforming uses;
- (10) determine the literal meaning of provisions of this Zoning Code, within the provisions of Section 7-333, Definitions;
- (11) make such other determinations as are specified in this Zoning Code; and
- (12) have no power to permit any activity which does not conform to this Zoning Code.

7-303.6 TYPES OF USES

(a) The Zoning Officer shall review and issue Zoning Permits based on the Type of Use, as described below:

- (1) Permitted by Right Use. The Zoning Officer shall issue a Zoning Permit for a use that is Permitted by Right if it meets all of the requirements of the Zoning Code.
- (2) Special Exception. The Zoning Officer shall issue a Zoning Permit for a use that is permitted by Special Exception only in response to a written approval from the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions of the Zoning Code.
- (3) Variance. The Zoning Officer shall issue a Zoning Permit for a Variance requesting relief from specific development standards only in response to a written approval from the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions of the Zoning Code.

7-303.7 APPLICATIONS FOR ZONING PERMITS

(a) A Zoning Permit shall be obtained from the Zoning Officer prior to any or all of the following:

- (1) construction, erection, reconstruction, expansion or enlargement of any structure or portion thereof when such activity is reasonably valued at or greater than \$1,000 or any other amount established by City Council;
- (2) any change or expansion of the use of any structure or any land, including but not limited to the conversion, improvement, or use of land for parking purposes;

- (3) construction, erection, placement, or expansion of any sign as regulated under Chapter 7-325, Signs;
 - (4) construction or activity within a Floodplain District as regulated by Chapter 7-315; or
 - (5) alteration, new construction, or demolition of any building or structure within a Municipal Historic District as regulated by Chapter 7-317.
- (b) All requests for Zoning Permits required under this Code, shall:
- (1) be made in writing by the Owner or Lessee of any building, structure, or parcel, or by an authorized agent on forms provided by the City; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making the application, that the proposed work is authorized by the Owner. The full names, mailing addresses, phone numbers, and e-mail addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;
 - (2) include a statement of the existing use and proposed use of the land and/or structure;
 - (3) be accompanied by two (2) copies of a site plan, drawn to scale, showing:
 - (A) boundaries and dimensions of the lot, including boundaries of individual tax parcels located on the lot;
 - (B) location, height, and dimensions of existing and proposed structures, including existing and proposed parking, with existing structures, expansion of structures, and proposed new structures being clearly distinguished;
 - (C) for a change of use, the portion(s) of the structure or land affected by the change of use;
 - (D) a north arrow;
 - (E) names of adjacent streets; and
 - (F) existing and proposed landscaping.
 - (4) copies of applicable permits and appropriate approvals from other agencies of government, or copies of completed applications for such permits or approvals; and
 - (5) such additional information as the Zoning Officer deems necessary to determine compliance with this Code.

(c) Plans for the use or improvement of land for new or expanded parking facilities shall fully describe surface water drainage facilities, driveways, and the other requirements relative thereto as set forth in Chapter 7-327, Off-Street Parking and Loading.

(d) A Zoning Permit shall only authorize the construction, type of use, and/or other activity stated on such Permit although application for the same may be included on the building permit application form. However, a Zoning Permit shall not by itself authorize the occupancy of any new structure, nor shall it authorize the activation of any new or changed use.

(e) In response to a complete, accurate, and duly submitted application, the Zoning Officer shall determine if the proposed application fully complies with the requirements of this Zoning Code as follows:

- (1) if the application for a permitted by-right use is complete, the Zoning Officer should endeavor to make such determination within seven (7) days following the date after the application was made. If the Zoning Officer determines that the application fully complies with this Zoning Code, he/she shall issue a Zoning Permit;
- (2) such Permit is conditioned upon any other necessary City approvals, such as approval under the Subdivision and Land Development Ordinance; or
- (3) if the Zoning Officer determines that the application does not fully comply with the Zoning Code, he/she shall deny the Zoning Permit and shall supply, within ten (10) days following the date after application was made, written evidence of the denial to the applicant or his/her representative at his/her last known address, together with one or more reason(s) for the denial.

(f) After all applicable permits have been received by the applicant, the applicant may undertake the action specified, in compliance with other City Ordinances. However, applicants shall be advised to wait 30 days to begin construction if there is a possibility of an appeal by another party. Any commencement of construction or a use within this 30-day appeal period shall be at the risk of the applicant.

(g) The Zoning Officer shall have the authority to void any Zoning Permit at any time after six (6) months following the date of issuance of the Zoning Permit if the Zoning Officer determines that the permittee has not substantially initiated and pursued the action(s) for which the Permit was issued. A Zoning Permit shall not be voided after a Certificate of Compliance has been issued. Appeals from the voiding of a Zoning Permit may be made to the Zoning Hearing Board, or the permittee may file an application for a new permit.

(h) If a Zoning Permit is issued involving a structure, then the entire structure shall be made available for inspection by the Zoning Officer.

7-303.8 FEES

(a) The schedule of fees for zoning permits, certificates of compliance, inspections, statements of nonconformity, and other determinations, applications, appeals, and approvals under this Zoning Code shall be published and revised from time to time by the Department of Housing and Building Development, or his/her successor, as provided in §2-301.8.

(b) No application or appeal under this Zoning Code shall be considered complete and no permit shall be issued until all fees required under this Zoning Code are paid in full.

7-303.9 OTHER CODES

(a) The Uniform Construction Code and the International Property Maintenance Code, as adopted, amended, and supplemented, shall govern and control the classes, types, and manner of construction, erection, reconstruction, alteration, expansion, or enlargement of all structures or uses in the City.

(b) Every application under this Zoning Code shall also comply with all provisions of the City of Harrisburg Subdivision and Land Development Code, if applicable.

7-303.10 SUSPENSION OF PERMITS AND APPROVALS

(a) The Zoning Officer shall revoke, withhold, or suspend a permit or approval issued under the provisions of the Zoning Code in the case of one or more of the following:

- (1) any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based;
- (2) violation of any condition imposed by the Zoning Hearing Board upon a special exception use or variance;
- (3) any work being accomplished or use of land or structures in such a way that does not comply with this Zoning Code or an approved site plan or approved permit application; or
- (4) violation of any applicable portion of the City of Harrisburg Zoning Code.

7-303.11 INTERPRETATION AND USES NOT REGULATED

(a) When more than one provision of this Code controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Code are in addition to any other applicable Ordinance.

(b) When a proposed use is not specifically prohibited by this Code within any Zoning District according to Chapter 7-305, the applicant may request a Special Exception and the Zoning Hearing Board may permit such use as a Special Exception if the applicant specifically proves to the satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

- (1) proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the Zoning District;
- (2) proposed use would be closely similar in impacts and character to uses permitted in that Zoning District; and
- (3) proposed use would meet the standards that would apply under Chapter 7-323, Special Exceptions and Variances.

(c) The Zoning Officer shall literally apply the wording of this Code and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the City of Harrisburg City Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.

(d) If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal the determination to the Zoning Hearing Board.

7-303.12 ENFORCEMENT

In the addition to the remedies set forth in Chapter 7-701:

(a) All of the enforcement, causes of action, enforcement remedies, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply and are hereby included by reference;

(b) If it appears to the Zoning Officer that a violation of any Zoning Code provision has occurred, the Zoning Officer shall institute enforcement proceedings by sending an enforcement notice as provided herein. Prior to sending an official enforcement notice, the Zoning Officer may, at his/her option, informally notify the owner of a suspected or known violation through a written or verbal communication and request voluntary compliance;

(c) The enforcement notice shall be sent to the owner of record of the land on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record; and

- (d) At a minimum, an official 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 or street address of the property allegedly in violation,
 - (3) the specific alleged violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Code;
 - (4) a deadline to complete all steps necessary to bring the property into full compliance with this Zoning Code. Such deadline shall be 30 calendar days after the date the notice was postmarked or delivered to the applicant, whichever is earlier, unless the Zoning Officer specifically determines that a different deadline is appropriate and necessary considering the severity of the particular type of violation and the difficulty of bringing the property into compliance;
 - (5) that the recipient of the notice has the right to officially file a written appeal to the Zoning Hearing Board within thirty (30) days after receipt of the notice, unless a different period is stated in the notice, and
 - (6) that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation of the Zoning Code, with possible sanctions clearly described in the notice.

7-303.13 APPEALS

(a) A party with legitimate standing, or as otherwise provided by the Pennsylvania Municipalities Planning Code, may appeal decisions under this Zoning Code within the provisions of the Pennsylvania Municipalities Planning Code. These appeals include but are not limited to:

- (1) appeal of a decision regarding the issuance of a permit by the Zoning Officer to the Zoning Hearing Board, or

- (2) appeal of the manner in which the Zoning Officer has literally interpreted the text of the Code to the Zoning Hearing Board, or
- (3) appeal of a Special Exception or Variance decision by the Zoning Hearing Board to the Dauphin County Court of Common Pleas.

(b) Any such appeal shall occur within the time period established in Sections 914.1 and 1002.A. of the Pennsylvania Municipalities Planning Code, as amended.

(c) The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply.

7-303.14 CHANGES TO APPROVED PLANS

(a) After the issuance of a permit and/or approval of a site plan under this Zoning Code by the City, such permit and/or approved site plan shall not be changed without the written consent of the Zoning Officer.

(b) Changes to an application approved by the Zoning Hearing Board shall require approval of the changes by the Zoning Hearing Board with advice from the Planning Commission if the Zoning Officer determines that such changes significantly affect matters that are within the jurisdiction or conditions of their approval. Such re-approval by the Zoning Hearing Board is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

7-303.15 ZONING CODE AMENDMENTS

(a) Amendment Authority. Within the requirements of the Pennsylvania Municipalities Planning Code, the City Council may amend, supplement, change, or repeal, any or all portions of this Zoning Code, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Harrisburg Planning Commission, the City Council, or by an interested person.

(b) Amendment Application. Any request for Amendment of the Zoning Code (including amendment, supplement, change, or repeal) by any person or entity, including the City Staff, Planning Commission, City Council, or committee appointed by the City Council or under the direct oversight of any such entity, shall include the following:

- (1) a statement of why the change would be in the best interests of the City, including conformance with the City's Comprehensive Plan and neighborhood plans;
- (2) a statement addressing any adverse affects on adjacent properties;
- (3) a statement addressing any major traffic access or congestion concerns;
- (4) a map showing the proposed boundaries of any proposed map changes, the existing zoning of the subject land and of adjacent lands, and the current uses of adjacent lots; and
- (5) completion of a Zoning Text Amendment Application or Zoning Map Amendment Application; and
- (6) payment of fees as set forth in §7-303.8.

(c) Proposed Zoning Amendments shall be referred to the Dauphin County Planning Commission at least 30 days prior to the review of the Proposed Amendments by the Harrisburg Planning Commission.

(d) After receiving a recommendation from the Harrisburg Planning Commission on an Amendment to the Zoning Code, the City Council shall conduct a public hearing to inform the general public of the nature of the Amendment, and to obtain public comment. The City Council shall conduct a public hearing on a proposed amendment after public notice has been given and will hold its first public hearing within 90 days from the date of the final hearing by the Harrisburg Planning Commission on the proposed Zoning Amendment.

(e) The City Council shall take final action on the proposed Zoning Amendment within 90 days after its last public hearing. Within 30 days after enactment, a copy of the Zoning Amendment shall be forwarded to the Dauphin County Planning Commission.

(f) Public Notice. Public notice requirements will comply with the provisions of the Pennsylvania Municipalities Planning Code, as amended, and will include the following requirements:

- (1) a public notice shall be published once each week for two consecutive weeks in a newspaper of general circulation;
- (2) the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing;
- (3) for Zoning Map Amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property and first class mailing of the public notice shall be sent to all current property owners who own parcels within the area proposed to be rezoned at least 30 days prior to the hearing by City Council.
- (3) If, after any public hearing held upon an Amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the City Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the Amendment.

(g) Curative amendments to the Planning and Zoning Code will follow the provisions of the Pennsylvania Municipalities Planning Code, as amended.

7-303.16 LIABILITY

(a) Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval, or permit under this Zoning Code by an officer, employee, board, commission, solicitor, consultant, or agency of the City shall not constitute a representation, guarantee, or warranty of any kind by the City, or its employees, officials, boards, solicitor(s), consultants, or agencies, of the practicality or safety of

any structure, use, or subdivision, and shall create no liability upon nor a cause of action against the City, such entity and/or person for any damage that may result pursuant thereto.

(b) If the Zoning Officer mistakenly issues a permit under this Zoning Code, the City shall not be liable for any later lawful withdrawal of such permit.

7-303.17 DESIGNEEES

Whenever a provision of this Zoning Code requires a City staff person to perform a review, act, or duty, that provision shall be construed as authorizing that staff person to delegate such responsibility to another City staff person under his/her authority.

7-303.99 PENALTIES

Chapters 7-701 and 1-305 shall apply

CHAPTER 7-305

DESIGNATION OF ZONING DISTRICTS

Section	7-305.1	Purpose
Section	7-305.2	Applicability
Section	7-305.3	Designation of Zoning Districts
Section	7-305.4	Purpose of Zoning Districts
Section	7-305.5	Official Zoning Map
Section	7-305.6	District Boundaries
Section	7-305.7	Permitted Uses by Each Zoning District
Section	7-305.99	Penalties

CROSS REFERENCES

Zoning: see Pennsylvania Municipalities Planning Code §601 et seq., 53 P.S. §10601 et seq.

7-305.1 PURPOSE

The purpose of this Chapter is to establish separate zoning districts within the City of Harrisburg in order to promote the City's community development objectives and to protect the general health, welfare, and safety of its residents. This Chapter creates separate zoning districts with distinct purposes in each and describes the land uses that are permitted in each district. Each zoning district describes whether a specific land use is permitted by right, by special exception, or is prohibited. Determination of boundaries for specific zoning districts are shown on the Official Zoning Map for the City of Harrisburg.

7-305.2 APPLICABILITY

This Chapter applies to all properties located within the City of Harrisburg.

7-305.3 DESIGNATION OF ZONING DISTRICTS

For the purposes of this Zoning Code, the City of Harrisburg is hereby divided into zoning districts which shall be designated as follows:

a) Open Space District

OSR Open Space Recreation District

b) Residential Districts

RL Residential Low-Density District

RM Residential Medium-Density District

c) Commercial and Downtown Districts

CN Commercial Neighborhood District
CG Commercial General District
DC Downtown Center District

d) Special Districts

RF Riverfront District
INS Institutional District

e) Industrial Districts

IND Industrial District

f) Overlay Districts

FP Floodplain Overlay District
AZOD Airport Zoning Overlay District
HD Historic Overlay District
ACOD Architectural Conservation Overlay District

7-305.4 PURPOSE OF ZONING DISTRICTS

In addition to the overall purposes and community development objectives stated in Chapter 7-301, the purpose for each designated Zoning District is as follows:

(a) OSR Open Space Recreation - To preserve important open space and environmental resources, to maintain flood-prone areas in open space to minimize flood damages and hazards, to provide for a range of recreation-oriented facilities to serve residents and to attract visitors to the City, and to provide for certain water-related public utilities.

(b) RL Residential Low Density - To provide for neighborhoods of primarily single-family detached housing at low densities. To protect neighborhoods from incompatible uses and other activities that would adversely affect the stability of the area.

(c) RM Residential Medium Density - To provide for neighborhoods at medium densities. To protect neighborhoods from incompatible uses and other activities that would adversely affect the stability of the area.

(d) CN Commercial Neighborhood - To encourage and preserve corridors with a mix of medium- and high-density residential and neighborhood retail activities. To encourage pedestrian-oriented uses, while avoiding auto-related uses.

(e) CG Commercial General - To provide for a wide range of commercial, office, service, and some residential uses that serve local and regional needs and are located on major arterials.

(f) DC Downtown Center - To promote a balanced mix of retail, office, service, entertainment, institutional, and high-density residential uses in the downtown. To promote expansion of the Downtown Center around the Harrisburg Transportation Center and further east along Market Street.

(g) RF Riverfront - To recognize the historical importance of Riverfront Park and to preserve the character of development along Front Street and the portion of State Street between Riverfront Park and the Capitol. Development standards, signage, and off-street parking requirements are designed to minimize impacts and are more restrictive than other zoning districts as a result.

(h) INS Institutional - To facilitate and protect institutional development including, but not limited to, government facilities, educational institutions, and hospitals.

(i) IND Industrial - To encourage all types of light industries, offices, warehousing, and wholesale sales uses. To also provide for a broad range of commercial uses, including retail sales, to provide a broad market for reuse of buildings and land. To permit heavy industrial uses by Special Exception to avoid conflicts with neighboring uses.

(j) FP Floodplain Overlay District - To promote the general health, safety and welfare of the community. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future. To minimize danger to public health by protecting water supply and natural drainage. To reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding. To comply with federal and state floodplain management requirements. See Chapter 7-315.

(k) AZOD Airport Zoning Overlay District - To create an overlay district that considers safety issues around the Capital City Airport (CXY) and Harrisburg International Airport (MDT). To regulate and restrict the heights of established uses, constructed structures, and objects of natural growth. To create a permitting process for certain uses, structures, and objects within said related zones.

(l) HD Historic Overlay District - To protect those areas of the City that are designated as municipal historic districts. See Chapter 7-317.

(m) ACOD Architectural Conservation Overlay District - To protect the existing physical character of neighborhoods which have unique historic streetscapes. See Chapter 7-319.

7-305.5 OFFICIAL ZONING MAP

(a) The boundaries of zoning districts shall be as shown upon the map attached to and made a part of this Zoning Code, which shall be designated "Zoning Map - City of Harrisburg, Pennsylvania." The date of adoption and the dates of any revisions of the Zoning Map shall be noted on the Zoning Map. The Zoning Map and all notations, references, and other data shown thereon are hereby incorporated by reference into this Zoning Code and shall be as much a part of this Zoning Code as if all were fully described herein.

(b) At least one Official Copy of the Zoning Map shall be located in the Planning Bureau in the Department of Building and Housing Development and shall be the final authority on boundaries and districts. If the Official Copy of the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, or needs to be updated or needs correction, a new Official Copy of the Zoning Map may be created if certified as accurate by the Zoning Officer.

7-305.6 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district as shown on the Zoning Map, the following rules shall apply:

(a) Unless otherwise stated on the Zoning Map, zoning district boundary lines are intended to follow or be parallel to the center line of street or alley rights-of-ways, railroad rights-of-way, or waterways or to follow lot lines as each existed as of January 1, 2013. A subsequent change to or deletion of a lot line shall not by itself cause a change to a zoning district boundary; and

(b) Where a district boundary is not fixed by information on the Zoning Map and where the line does not approximately follow lot lines, then the location of such boundary shall be determined by the use of the scale of the Zoning Map.

7-305.7 PERMITTED USES BY ZONING DISTRICT

(a) Unless otherwise provided by law or specifically stated in this Zoning Code, including but not limited to Chapter 7-309, Specific Criteria, land or a structure shall only be used as or occupied by a use specifically listed in this Chapter as being permitted in the respective zoning district, as listed in the following tables.

(b) Any use shall only be permitted if it complies with all other requirements of this Zoning Code. Where different requirements are stated for the same use or structure in this Zoning Code, the most restrictive requirement upon the use or structure shall apply.

(c) For the purpose of this Section, the following abbreviations shall have the following meanings:

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special Exception use (decision by Zoning Hearing Board, after an opportunity for review by the Planning Commission)

N = Not Permitted

7-309 = See Specific Criteria

(d) Any list of prohibited uses in this Zoning Code is intended to provide examples but is not intended to be exhaustive.

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
A. Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
<i>(For Accessory Uses, Refer to Section C)</i>									
Dormitory	N	N	N	N	N	P	N	P	N
Dwelling, Attached	N	SE	P	P	P	P	P	N	N
Dwelling, Detached	N	P	P	P	N	N	P	N	N
Dwelling, Manufactured Home	N	P	P	P	N	N	P	N	N
Dwelling, Multifamily (7-309)	N	N	SE	P	P	P	SE	SE	N
Dwelling, Semi-Detached	N	P	P	P	P	N	P	N	N
Supportive Housing-Emergency (7-309)	N	N	N	SE	SE	SE	N	P	N
Supportive Housing-Facility (7-309)	N	N	N	P	N	P	SE	P	N
Supportive Housing-Family (7-309)	N	P	P	P	N	P	P	P	N
B. Non-Residential Principal Uses									
<i>(For Accessory Uses, Refer to Section C)</i>									
Adult Day Care (7-309)	N	N	SE	P	P	P	P	P	N
Adult Establishment (7-309)	N	N	N	N	N	N	N	N	SE
Amusement Arcade (7-309)	SE	N	N	SE	P	SE	N	N	N
Amusement Park	SE	N	N	N	P	SE	N	N	P
Animal Hospital/Veterinarian/Kennel (7-309)	N	N	N	SE	P	N	N	N	P
Animal Stables	P	N	N	N	N	N	N	N	N
Assembly or Finishing of Products Using Materials Produced Elsewhere	N	N	N	N	P	SE	N	N	P
Auction House	N	N	N	N	P	P	N	N	P
Automobile Auction and/or Automobile Parking or Storage Compound	N	N	N	N	N	N	N	N	P
Auto Body Shop and/or Repair Garage (7-309)	N	N	N	N	P	N	N	N	P
Auto, RV, Boat, or Manufactured Home Sales (7-309)	N	N	N	N	P	N	N	N	P

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
B. Non-Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Bakery, Retail	N	N	P	P	P	P	N	SE	N
Bed & Breakfast (7-309)	N	N	N	P	P	P	P	N	N
Betting Use (7-309)	N	N	N	N	N	SE	N	N	SE
Building Supplies and Building Materials, Wholesale Sale of	N	N	N	N	N	N	N	N	P
Business Services	N	N	N	P	P	P	P	P	N
B.Y.O.B. Club (7-309)	N	N	N	N	SE	SE	N	N	SE
Car Wash (7-309)	N	N	N	N	P	N	N	N	P
Cemetery (7-309)	SE	N	N	N	N	N	N	N	N
Child Care Center (7-309) (See also Accessory Uses, Section C)	N	N	SE	P	P	P	P	P	N
Coffee Shop/Cafe	N	N	SE	P	P	P	SE	P	N
College or University (See also Dormitory)	N	N	N	SE	N	P	N	P	N
Commercial Recreation and Entertainment Facility	SE	N	N	N	P	P	N	N	N
Communication Tower/Antenna (7-309)	SE	N	N	N	SE	N	N	N	P
Community Center	SE	N	P	P	P	P	P	P	N
Conference Center	N	N	N	P	P	P	P	P	N
Convenience Store (7-309)	N	N	N	P	P	P	N	N	P
Convenience Store with Gas Dispensing (7-309)	N	N	N	SE	P	SE	N	N	P
Correctional Facility (7-309)	N	N	N	N	N	N	N	N	SE
Correctional Facility, Community (7-309)	N	N	N	N	SE	N	N	N	SE
Crafts or Artisan's Studio	N	N	P	P	P	P	P	P	N
Distillery, Brewery, Pickling Process, or Sugar Refinery	N	N	N	N	N	N	N	N	P

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
B. Non-Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Distribution, including Package Delivery	N	N	N	N	P	N	N	N	P
Dry Cleaners, Laundries and/or Laundromat (Commercial or Industrial) <i>See also Personal Services</i>	N	N	N	N	P	P	N	N	P
Emergency Medical Treatment Center	N	N	N	P	P	P	N	P	P
Essential Services	P	P	P	P	P	P	P	P	P
Farmer's Market and/or Flea Market	N	N	N	P	P	P	N	N	N
Financial Institution	N	N	N	P	P	P	N	N	N
Fitness Center	N	N	N	P	P	P	SE	SE	N
Florist	N	N	P	P	P	P	P	SE	N
Funeral Home (7-309)	N	N	SE	P	P	N	P	N	N
Greenhouse, Garden Center, or Plant Nursery	N	N	N	P	P	SE	N	P	P
Grocery Store or Supermarket	N	N	N	P	P	P	N	SE	P
Grocery Store or Supermarket with Gas Dispensing (7-309)	N	N	N	SE	P	SE	N	N	P
Home Improvement or Building Supply Store	N	N	N	P	P	P	N	N	P
Hospital (7-309)	N	N	N	N	N	P	N	P	N
Hotel or Motel	N	N	N	SE	P	P	SE	N	N
Hotel, Extended-Stay	N	N	N	SE	P	P	SE	N	N
Industrial Equipment Sales, Repair, and Service	N	N	N	N	P	N	N	N	P
Junk Yard (7-309)	N	N	N	N	N	N	N	N	SE
Library	SE	P	P	P	P	P	P	P	N
Liquid Fuel Storage, Bulk or Off-Site Distribution, Retail Propane Distribution	N	N	N	N	N	N	N	N	SE
Liquor Store/Beer Distributor	N	N	N	P	P	P	N	N	N
Lumber Yard	N	N	N	N	N	N	N	N	P

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
B. Non-Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Manufacturing and/or Assembly	N	N	N	N	SE	N	N	N	P
Marina and/or Boat Rental	SE	N	N	N	N	N	N	N	N
Meat Processing	N	N	N	N	N	N	N	N	P
Medical or Dental Office, Testing Center, or Laboratory	N	N	N	P	P	P	P	P	P
Membership Club	N	N	N	P	P	P	N	N	N
Mineral Extraction (7-309)	N	N	N	N	N	N	N	N	SE
Municipal Owned Uses	SE	P	P	P	P	P	P	P	P
Museum, Cultural or Science Center, or Planetarium	SE	N	N	P	P	P	P	P	N
Natural Area or Wildlife Refuge	P	N	N	N	N	N	N	N	N
Night Club or Dance Hall (7-309)	N	N	N	N	P	SE	N	N	P
Offices	N	N	N	P	P	P	P	P	P
Parking Lot or Structure, Commercial	N	N	N	N	P	N	N	P	P
Pawn Shop	N	N	N	P	P	P	N	N	P
Personal Services	N	N	SE	P	P	P	SE	SE	N
Photo Processing, Bulk	N	N	N	N	P	P	N	N	P
Place of Worship	N	SE	SE	P	P	P	SE	P	N
Post Office	N	N	P	P	P	P	P	P	P
Power Generating Facility	N	N	N	N	N	N	N	N	P
Printing or Book Binding	N	N	N	N	P	P	N	N	P
Public Utility Facility	P	P	P	P	P	P	P	P	P
Racetrack (7-309)	N	N	N	N	N	N	N	N	SE
Recording Studio	N	N	N	N	P	P	N	N	P
Recreation, Indoor	SE	N	SE	P	P	P	N	N	P
Recreation, Outdoor (7-309)	P	N	SE	P	P	N	N	N	P
Recreation, Public	P	N	N	N	N	N	N	N	N
Recycling and Bulk Collection Center (7-309)	N	N	N	N	P	N	N	N	P

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
B. Non-Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Research, Engineering or Testing Facility, or Laboratory	N	N	N	SE	P	P	SE	P	P
Restaurant (See also Drive-Thru Facility under Section C)	N	N	N	P	P	P	SE	SE	SE
Retail Store	N	N	N	P	P	P	N	SE	N
Sawmill	N	N	N	N	N	N	N	N	P
School, Public or Private, Primary or Secondary (7-309)	N	P	P	P	P	P	P	P	N
Scrap Metal Processor (7-309)	N	N	N	N	N	N	N	N	SE
Self-Storage Facility (7-309)	N	N	N	N	P	SE	N	N	P
Shopping Center	N	N	N	P	P	P	N	N	P
Solid Waste Facility (7-309)	N	N	N	N	N	N	N	N	SE
Swimming Pool, Non-Household (7-309)	P	N	N	P	P	P	P	P	N
Target Range (7-309)	N	N	N	N	N	N	N	SE	SE
Tattoo and Body Piercing Establishment	N	N	N	SE	P	P	N	N	P
Theater, Indoor	SE	N	N	P	P	P	P	P	N
Theater, Outdoor	SE	N	N	P	P	P	P	P	N
Trade School	N	N	N	P	P	P	SE	P	N
Transportation Terminal (Bus, Train, or Rail)	N	N	N	N	P	P	N	N	P
Treatment Center (7-309)	N	N	N	N	P	P	N	N	P
Trucking Company Terminal	N	N	N	N	N	N	N	N	P
Urban Agriculture/Livestock	SE	SE	SE	SE	SE	SE	SE	SE	SE
Warehouse and/or Wholesale Trade	N	N	N	N	N	N	N	N	P
Welding Shop	N	N	N	N	N	N	N	N	P
Wind or Solar Energy Facilities (7-329)	SE	N	N	N	N	N	N	N	P

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
C. Accessory Residential and Non-Residential Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Accessory Dwelling Unit (7-309)	N	P	P	SE	N	N	P	N	N
Accessory Parking Lot or Structure	SE	P	P	P	P	P	P	P	P
Adult Day Care (7-309)	N	N	SE	P	P	P	P	P	N
Bed & Breakfast (7-309)	N	SE	SE	P	P	P	P	N	N
Child Care Home – Family (7-309)	N	P	P	P	N	P	P	N	N
Child Care Home – Group (7-309)	N	SE	SE	SE	N	SE	SE	N	N
Child Day Care Center (7-309)	N	SE	SE	P	P	P	P	P	P
Coffee Shops/Cafes	N	N	SE	P	P	P	SE	SE	N
Dormitory (7-309)	N	N	N	N	N	P	N	P	N
Drive-Thru Facility (7-309)	N	N	N	SE	P	N	N	N	P
Essential Services	P	P	P	P	P	P	P	P	P
Fitness Center	N	N	N	P	P	P	SE	P	P
Heliport, Emergency	N	N	N	N	N	P	N	P	P
Home Occupation (7-309)	N	P	P	P	P	P	P	N	N
Restaurant	N	N	N	P	P	P	SE	SE	P
Retail Store	N	N	N	P	P	P	N	SE	N
90 Rooming House (7-309)	N	N	SE	SE	N	SE	SE	N	N
Special Occasion Home (7-309)	N	SE	SE	P	N	N	P	N	N

P Permitted by Right

SE Special Exception

N Not Permitted

7-309: Specific Criteria

7-305.99 **PENALTIES** Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-307

DEVELOPMENT STANDARDS

Section	7-307.1	Purpose
Section	7-307.2	Applicability
Section	7-307.3	Development Standards
Section	7-307.4	Access to a Public Street
Section	7-307.5	Number of Permitted Uses
Section	7-307.6	Accessory Setbacks
Section	7-307.7	Setback Exceptions
Section	7-307.8	Height Exceptions
Section	7-307.9	Fences and Walls
Section	7-307.10	Special Lot and Yard Requirements
Section	7-307.11	Landscaping Requirements
Section	7-307.12	Landscaping Requirements for Parking Lot
Section	7-307.13	Tree Preservation
Section	7-307.14	Sight Distance at Intersections
Section	7-307.15	Sewer and Water Service
Section	7-307.99	Penalties

CROSS REFERENCES

Special Exceptions and Variances: See Chapter 7-323

Design Standards: See Subdivision and Land Development Code, Chapter 7-507

7-307.1 PURPOSE

The purpose of this Chapter is to establish development standards, including minimum lot size and setback dimensions, for development within specific zoning districts and for certain uses in all zoning districts.

7-307.2 APPLICABILITY

This Chapter applies to all development located within the City of Harrisburg. Any request for relief from the development standards in this Chapter will require a Variance Permit from the Zoning Hearing Board, as further described in Chapter 7-323, Special Exceptions and Variances.

7-307.3A DEVELOPMENT STANDARDS

The following development standards shall apply for the specific zoning district, unless a more restrictive requirement for a specific use is required by Chapter 7-309, Specific Criteria, or another section of this Code. If a lot includes more than one use, whichever requirements of this Code which are more restrictive shall apply. All measurements shall be in feet unless otherwise stated.

7-307.3A DEVELOPMENT STANDARDS							
Zoning Districts	Minimum Lot Area and Density	Minimum Lot Width at Lot Frontage	Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Maximum Impervious Lot Coverage	Principal Building Height and Width
Open Space Recreation (OSR)	2,000 Square Feet	20 feet	15 feet	15 feet	5 feet each	30%	Height: 45 feet maximum
Low Density Residential (RL)	5,000 square feet or 8,000 square feet for non-residential uses 4-8 Dwelling Units Per Acre	50 feet for residential uses or 80 feet for non-residential uses	Minimum of 20 feet or shall conform to existing prevailing setback	15 feet	5 feet each	50%	Height: 36 feet maximum Width: no greater than 20% of prevailing width on block
Medium Density Residential (RM)	1,500 square feet per dwelling unit or 3,000 square feet for non-residential uses 8-20 Dwelling Units Per Acre	20 feet	Shall conform to the existing prevailing building setback within the block, or minimum of 5 feet where no such setback is prevailing	10 feet	4 feet each except 0 feet at the shared lot line of lawfully attached dwellings	70%	45 feet Maximum Height Width no greater than 20% of prevailing width on block

DEVELOPMENT STANDARDS							
Zoning Districts	Minimum Lot Area and Density	Minimum Lot Width at Lot Frontage	Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Maximum Impervious Lot Coverage	Principal Building Height and Width
Commercial Neighborhood (CN)	1,200 square feet per dwelling unit or 2,000 square feet for non-residential	20 feet	Shall conform to the existing prevailing setback within the block, except a maximum of 5 feet where no such setback is prevailing.	5 feet	4 feet each except 0 feet at the shared lot line of lawfully attached structures	95%	Height: 75 feet maximum
Commercial General (CG)	3,000 square feet	20 feet	Shall conform to the existing prevailing setback within the block, except a minimum of 5 feet where no such setback is prevailing.	5 feet	5 feet each except 0 feet at the shared lot line of lawfully attached structures	95%	Height: 100 feet maximum
Downtown Center (DC)	1,200 square feet	20 feet	Shall conform to the existing prevailing setback within the block, except a minimum of 5 feet where no such setback is prevailing.	No minimum	No minimum	100%	Height: 45 feet minimum, no maximum

DEVELOPMENT STANDARDS							
Zoning Districts	Minimum Lot Area and Density	Minimum Lot Width at Lot Frontage	Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Maximum Impervious Lot Coverage	Principal Building Height and Width
Riverfront (RF)	2,000 square feet	20 feet south of Reily Street 50 feet north of Reily Street	50 feet along Front Street north of Reily Street; 15 feet along Front Street south of Reily Street or conforming to existing setbacks. Setbacks on State Street shall conform to existing setbacks.	15 feet for parcels along Front Street 5 feet for parcels along State Street	10 feet each	75%	Height: 36 feet minimum 45 feet maximum; 99 feet maximum south of Interstate 83
Institutional (INS)	5,000 square feet	50 feet	20 feet or shall conform to the prevailing setback in the block	20 feet	20 feet each	75%	Height: 100 feet maximum
Industrial (IND)	5,000 square feet	30 feet	10 feet	5 feet	5 feet each	75%	No maximum

7-307.3B AFFORDABLE HOUSING DEVELOPMENT STANDARDS

This section applies to those Affordable Housing Developments which have received a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification. The following development standards shall apply for the specific zoning district, unless a more restrictive requirement for a specific use is required by Chapter 7-309, Specific Criteria, or another section of the Code. If a lot includes more than one use, whichever requirements of this Code which are more restrictive shall apply. All measurements shall be in feet unless otherwise stated. Nothing in the subsection shall relive an Affordable Housing Developer from the development standards outlined in Section 7-307.3A for the following:

- (1) Minimum Lot Width at Lot Frontage;
- (2) Front Yard Setback;
- (3) Minimum Rear Yard Setback;
- (4) Principal Building Width.

**7-307.3B
AFFORDABLE HOUSING DEVELOPMENT STANDARDS**

TABLE 2

RL ZONING DISTRICT

	% Units Affordable	Density Bonus (%)	Minimum Lot Area (sq. ft.) per Dwelling Unit	Maximum Impervious Lot Coverage (%)	Principal Building Height
Existing	---	---	5,000	50%	36 feet maximum
Low Income (<80% MFI)	20%	35%	3,250	65%	50 feet maximum
Workforce (80-120% MFI)	20%	15%	4,250	50%	40 feet maximum

RM ZONING DISTRICT

	% Units Affordable	Density Bonus (%)	Minimum Lot Area (sq. ft.) per Dwelling Unit	Maximum Impervious Lot Coverage (%)	Principal Building Height
Existing	---	---	1,500	70%	45 feet maximum
Low Income (<80% MFI)	20%	50%	750	85%	60 feet maximum
Workforce (80-120% MFI)	20%	30%	1,050	75%	55 feet maximum

CN ZONING DISTRICT

	% Units Affordable	Density Bonus (%)	Minimum Lot Area (sq. ft.) per Dwelling Unit	Maximum Impervious Lot Coverage (%)	Principal Building Height
Existing	---	---	1,200	95%	75 feet maximum
Low Income (<80% MFI)	20%	45%	660	95%	100 feet maximum
Workforce (80-120% MFI)	20%	35%	790	95%	85 feet maximum

7-307.4 ACCESS TO A PUBLIC STREET

(a) A new principal building shall only be built upon a lot that abuts a public street, and a new lot shall only be approved if it abuts a public street, except:

- (1) an existing lot of record may be used for a single dwelling unit on the lot, provided the lot has access to a paved public alley with a minimum cartway width of 10 feet from the lot to a public street;
- (2) a multifamily dwelling development may have access to individual units using a parking court and/or a shared driveway/private street within the tract to reach a public street;
- (3) a commercial or industrial building which is part of an office/industrial park with two driveways/private streets to reach a public street, provided there is a permanent method to guarantee access and to fund maintenance; or
- (4) as may be specifically permitted otherwise by this Zoning Code.

7-307.5 NUMBER OF PERMITTED USES

(a) Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this and other City Codes are satisfied.

(b) A lot approved for non-residential uses or multifamily dwellings may include more than one permitted principal building. In such case, the minimum front, side, and rear yard requirements shall only apply at exterior lot lines of the property, except as otherwise provided by this Code. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.

7-307.6 ACCESSORY SETBACKS

(a) The setback requirements of the applicable district shall apply to every accessory building, structure, or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Chapter for a particular accessory use.

(b) No accessory structure, use, or building shall be permitted in a required front yard in any district, unless specifically permitted by this Code.

(c) Any portion of a building (such as a garage) that is structurally attached to a principal building shall be considered part of such principal building for the purposes of determining setbacks.

7-307.7 SETBACK EXCEPTIONS

- (a) The following features may project into required yard setbacks as specified:
- (1) Emergency fire escapes, new or improved fire exits, and handicapped access facilities added onto a building that existed prior to the adoption of this Code may project a maximum of four (4) feet into a required yard, provided that a fire escape shall not intrude into a required front yard;
 - (2) Routinely projecting architectural features such as bay windows, cornices, eaves, fireplaces, flues, gutters, chimneys, or window sills may project a maximum of two (2) feet into a required yard;
 - (3) Stairs, stoops, and landings that are not covered by structural roofs that are necessary for entry into the main doors of a building may project a maximum of three (3) feet into a required yard;
 - (4) A patio may project into a required yard, provided it is not covered by a structural roof and other roofing material;
 - (5) Awnings and canopies may extend into a required yard if the following standards are met:
 - (A) the awnings or canopies shall be constructed of fire-resistant material that has a general appearance similar to canvas or other fabric;
 - (B) the awnings or canopies shall be maintained in good condition;
 - (C) the awnings or canopies shall not be enclosed on the front or sides;

7-307.8 HEIGHT EXCEPTIONS

(a) The maximum height specified for each zoning district shall not apply to: communications antennae, household or standard antennae, water towers, cupolas, clock or bell towers, steeples or spires of places of worship and similar architectural extensions, utility lines and poles, industrial raw material storage silos (other than for fuels), flag poles, elevator shafts and stairway enclosures, ventilators, skylights, windmills, smokestacks, chimneys, or other similar appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

(b) At a minimum, any structure proposed to have a height of two hundred (200) feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable Federal, State, and City requirements regarding airport approaches and warning lights.

7-307.9 FENCES AND WALLS

(a) Fences, walls, and hedges are permitted by right in all zoning districts subject to the following general standards:

- (1) A building permit is required for all permanent fences and walls. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- (2) Fences and walls located in a Municipal Historic District must receive a Certificate of Appropriateness, as regulated under Chapter 317 of this Code.

- (3) Fences and walls located in a Special Flood Hazard Area must obtain a Floodplain Special Exception Permit, as regulated under Chapter 315 of this Code.
 - (4) Fences and walls shall comply with the standards of this Chapter unless a Special Exception Permit is obtained, as regulated under Chapter 7-323 of this Code.
 - (5) No fence, wall, or hedge shall obstruct safe sight distances at intersections of streets and driveways, as regulated under Section 7-307.14.
 - (6) No fence or wall shall obstruct a drainage swale or other needed easement without approval from the City.
 - (7) No fence shall be constructed out of fabric, junk, junk vehicles, rolled wire, sheet metal, appliances, tanks, or barrels.
 - (8) No fence or wall shall be built within the existing public right-of-way. A fence or wall may be constructed on a lot line but shall not be located in front of any required plantings.
- (b) The following standards shall apply in the OSR Zoning District:
- (1) Fences and walls shall have a maximum height of four (4) feet.
 - (2) Fences and walls shall be made of brick, stone, ornamental metal, wood, or wood composite material.
 - (3) Chain link fences require Special Exception Permits.
 - (4) Barbed, razor, or other security wire fencing is prohibited.
- (c) The following standards shall apply in the RL or RM Zoning Districts or on a lot used residentially:
- (1) Any fence or wall located in the required front yard of a lot, or located to the front of the dwelling, in a residential district shall not exceed four (4) feet in height.
 - (2) A fence or wall located in a residential district in a location other than a required front yard or to the front of a dwelling shall have a maximum height of six (6) feet.
 - (3) Fences and walls shall be made of brick, stone, ornamental metal, wood, wood composite material, or PVC.
 - (4) Barbed, razor, or other security wire fencing is prohibited.
- (d) The following standards shall apply in the RF Zoning District:
- (1) Fences and walls shall have a maximum height of six (6) feet.
 - (2) Fences and walls shall not be erected in the front yard setback or any yard which abuts Front Street without a Special Exception Permit.
 - (3) Fences and walls shall be made of brick, stone, ornamental metal, wood, or wood composite material.
 - (4) Barbed, razor, or other security wire fencing is prohibited.
- (e) The following standards shall apply in the CN, CG, DC, and INS Zoning Districts:
- (1) Fences and walls shall have a maximum height of six (6) feet.
 - (2) Barbed, razor, or other security-type wire fencing is prohibited.

- (f) The following standards shall apply in the IND Zoning District:
 - (1) Fences shall have a maximum height of eight (8) feet.
 - (2) Barbed, razor, or other security-type wire fencing is prohibited.
- (g) Walls shall be installed in accordance with the following:
 - (1) Engineered retaining walls necessary to hold back slopes are exempt from setback regulations and the regulations of this Code, and are permitted by right as needed in all districts;
 - (2) A wall shall have a maximum height of three feet within the required front yard in a RL or RM district;
 - (3) No wall shall be built within the existing public right-of-way. A wall may be constructed on a lot line, but shall not be located in front of required plantings as part of a buffer yard or planting strip; and
 - (4) Walls that are attached to a building shall be regulated as a part of that building.

7-307.10 SPECIAL LOT AND YARD REQUIREMENTS

- (a) As a general rule:
 - (1) No lot, structure, or use shall be created or developed in such a way that it would result in another lot, structure, or use not being able to meet the requirements of this Code; and
 - (2) All uses and structures shall have adequate provisions for access by emergency vehicles; and
 - (3) No structure shall obstruct a required emergency exit. No building shall be located within three (3) feet of an approximately parallel exterior door or window on another lot unless the owner of such lot provides a written and signed waiver of such setback.

7-307.11 LANDSCAPING REQUIREMENTS

(a) Any part of a new development or expansion of an existing development which is not used for structures, loading areas, parking spaces and aisles, sidewalks, and designated storage areas shall be provided with an all-season, well-maintained, vegetative groundcover and shall be landscaped with trees and shrubs.

(b) All landscaped areas shall be perpetually maintained by the property owner and shall be kept in a healthy condition.

(c) Any new development or expansion of a new development which abuts a residential use shall be required to include a plant screen of at least three (3) feet in height which extends the length of the lot line. Any fencing shall be placed on the inside of any landscaped or plant screen area.

(d) The Zoning Officer shall review such landscaping plans to determine that the plans are in conformance with the terms of this Code.

7-307.12 LANDSCAPING REQUIREMENTS FOR PARKING LOTS

(a) Any development or expansion of five (5) or more new parking spaces shall be required to provide shade trees within or immediately around the edges of paved areas. This requirement shall not apply to development of underground parking or multi-level parking. The City may permit some or all of these required trees to be planted within the public right-of-way.

(b) One deciduous tree shall be required for every three thousand (3,000) square feet of paved area.

(c) All parking lots shall be required to install a plant screen with a minimum height of three (3) feet along the length of the lot line. Any fencing shall be placed on the inside of the landscaped or plant screen area.

7-307.13 TREE PRESERVATION

(a) All plans shall show the location of any existing trees with a trunk diameter of twelve (12) inches or more (measured at three-and-one-half (3.5) feet above the ground level), or concentrations of such trees, and any existing and proposed street trees.

(b) Tree planting and tree removal in the public right-of-way is governed under the Shade Tree Ordinance, Chapter 10, of the Codified Ordinances.

(c) To the maximum extent feasible, while still permitting reasonable use of the property, existing healthy trees on private property with a trunk diameter of twelve (12) inches or more shall be preserved.

(d) Where trees are to be preserved, a sufficient-sized area shall remain unpaved around the tree to provide oxygen and water. During construction, temporary fencing shall be used under the "dripline" of the tree to avoid compaction of soil and damage of roots by vehicles.

7-307.14 SIGHT DISTANCE AT INTERSECTIONS

(a) In order to ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic, the following shall apply:

- (1) A triangular area as described in this section shall be graded and shall be kept free of sight obstructions between a height of three (3) feet and eight (8) feet, including structures, non-transparent fences, vegetation, and signs (but not including sign posts or utility posts of less than one (1) foot in width or the trunks of deciduous trees).
- (2) Where required, a sight triangle shall be shown on development plans submitted to the City and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
- (3) Where two streets intersect, a clear sight triangle shall be required. Each of the two shorter legs of the triangle shall be measured 30 feet back from the

point of intersection of the street cartways. These two shorter legs shall be connected by a third longer leg.

- (4) In no case shall a sight triangle be required for a driveway that only serves one or two dwelling units that enters onto a local street.
- (5) Requirements for minimum sight distances on State highways shall comply with the Pennsylvania Department of Transportation regulations.

7-307.15 SEWER AND WATER SERVICE

Every principal building shall be served by both public water and public sewer service.

7-307.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-309

SPECIFIC CRITERIA

Section	7-309.1	Purpose
Section	7-309.2	Specific Criteria
Section	7-309.99	Penalties

CROSS REFERENCES

Special Exceptions and Variances: see Chapter 7-323

Definitions: see Chapter 7-333

Off-Street Parking: see Chapter 7-327

City of Harrisburg Building Code: see Title 8

7-309.1 PURPOSE

(a) The purpose of this Chapter is to establish specific criteria for certain uses Permitted by Right or Special Exception, in addition to the sign, parking, environmental performance standards, and other requirements of this Code and the requirements of each Zoning District. The applicant shall be required to demonstrate compliance with these criteria and must furnish whatever evidence is necessary to demonstrate such compliance. Each use must comply with the standards expressed within the underlying zone. Wherever two or more requirements apply to the same use or structure, then the requirement that is more restrictive upon the use, structure, or activity shall apply.

7-309.2 SPECIFIC CRITERIA

(a) Accessory Dwelling Unit: An Accessory Dwelling Unit shall be permitted by Special Exception in the RL, RM, CN, and RF zoning districts, subject to the following criteria:

- (1) the accessory dwelling unit may be created within the principal residential unit or may be located as a detached unit on the same lot;
- (2) the accessory dwelling unit may not be larger than 25% of the square footage of the principal residential unit; and
- (3) the accessory dwelling unit must include one off-street parking space.

(b) Adult Day Care Center: An Adult Day Care Center shall be permitted by right in the CN, CG, DC, RF, and INS zoning districts and by Special Exception in the RM zoning district subject to the following criteria:

- (1) the Center shall be licensed by the State Department of Aging; and
- (2) the Center shall include constant supervision during all hours of operation.

(c) Adult Establishment: An Adult Establishment shall be permitted by Special Exception in the IND zoning district subject to the following criteria:

- (1) no Adult Establishment shall be permitted within any of the following areas:
 - (A) within one thousand (1,000) feet of any other existing Adult Establishment or any residential district, and
 - (B) within five hundred (500) feet of the lot line of an existing dwelling, place of worship, primary or secondary schools, recreation areas, child care centers, or public libraries.
- (2) all Adult Establishments shall be permitted to have signs and visible messages based on the allowable sign area of the IND zoning district, provided:
 - (A) sign messages shall be limited to written description of material or services available on the premises, without any graphic or pictorial depiction of material or services available on the premises, and
 - (B) messages which are visible or intended to be visible from outside the building (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.
- (3) any application for an Adult Establishment shall include the full legal name and home addresses of:
 - (A) all persons who will have any ownership interest in the use or any corporation that controls the use, and
 - (B) an on-site manager who shall be personally responsible, in addition to the owners, to ensure that this Code is complied with on a daily basis. Any changes to such information shall be reported to the Zoning Officer in writing within seven (7) days.
- (4) in the event any of the unlawful activities specified in the Codified Ordinances of the City of Harrisburg are conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm, or association shall be deemed in violation of this Chapter as well as the person or persons engaged in the unlawful activity;

(d) Amusement Arcade: An Amusement Arcade shall be permitted by right in the CG zoning districts and by Special Exception Permit in the OSR, CN, and DC zoning districts, subject to the following criteria:

- (1) all activities shall take place within a building;
- (2) the applicant shall furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the arcade;
- (3) a working plan for the cleanup of litter shall be furnished and implemented by the applicant; and
- (4) in establishments with only one device, these regulations shall not apply.

(e) Animal Hospital/Veterinarian/Kennel: An Animal Hospital/Veterinarian/Kennel shall be permitted by right in the CG and IND zoning districts and by Special Exception Permit in the CN zoning district subject to the following criteria:

- (1) any structure in which animals are treated or housed shall be a minimum of fifty (50) feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings;
- (2) outdoor animal runs may be provided for small animals for use between 8:00 a.m. and 8:00 p.m., provided the runs are at least one hundred (150) feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four (4) feet in height, to minimize dog barking;
- (3) the overnight keeping of animals shall only occur as an accessory use, unless a kennel is permitted in that district and the applicable requirements are met;
- (4) any outdoor solid waste receptacles (other than routine trash receptacles for visitors) and all structures housing animals shall be setback a minimum of fifty (50) feet from any existing dwelling on an adjacent lot;
- (5) State laws regulating kennels;
- (6) screening meeting the requirements of Section 7-307 shall be required between any outdoor animal runs and any adjacent "residential lot line;" and
- (7) the use shall be maintained in a sanitary manner to avoid noxious odors to other properties.

(f) Auto Body Shop and/or Repair Garage: An auto body shop and/or repair garage shall be permitted by right in the CG and IND zoning districts, subject to the following criteria:

- (1) all major repair, welding, and paint work shall be performed within a building, with a fume collection and ventilation system that directs noxious fumes away from any adjacent dwellings;
- (2) outdoor major repairs and outdoor welding shall not occur within 250 feet of a residential lot line;
- (3) overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or an adjacent dwelling;
- (4) an individual "junk vehicle" shall not be stored within view of a public street or a dwelling for a total of more than three (3) days. A maximum of two (2) junk vehicles may be parked on a lot outside of an enclosed building at any one time within view of a street or dwelling;
- (5) service bay doors shall not face directly towards an "abutting" dwelling; and
- (6) performance standards contained in Chapter 7-331, Environmental Performance Standards.

(g) Auto, RV, Boat, or Manufactured Home Sales: Auto, RV, Boat, or Manufactured Home Sales shall be permitted by right in the CG and IND zoning districts, subject to the following criteria:

- (1) no item offered for sale shall occupy any part of the existing street right-of-way or required customer parking area or yard setback area required by Chapter 7-307, Development Standards;
- (2) light and glare standards as required by Chapter 7-331; and

- (3) any auto repair shall meet the requirements for an "Auto Body Shop and/or Repair Garage."

(h) Bed and Breakfast: A Bed and Breakfast shall be permitted as a Non-Residential Principal Use or Accessory Use in the CN, CG, DC, and RF zoning districts by right, and shall be permitted by Special Exception as an Accessory Use in the RL and RM zoning districts, subject to the following criteria:

- (1) a maximum of two (2) adults may occupy one guest unit;
- (2) at least one bathroom for guest use shall be provided for every 3 guest units;
- (3) the exterior of the building shall not be changed in any way that would decrease its residential appearance and character, except for necessary accessibility and life safety modifications;
- (4) the use must be either owner-occupied or manager-occupied;
- (5) there shall not be separate cooking facilities in any guest room and food shall only be served to guests who are staying overnight; and
- (6) guests shall not routinely stay for more than fourteen (14) days in any month.

(i) Betting Use: A Betting Use shall be permitted by Special Exception in the DC and IND zoning districts, subject to the following criteria:

- (1) a traffic impact study shall be required that meets the standards specified in the Subdivision and Land Development Code;
- (2) minimum building setback from any dwelling in a residential district or the lot line of a place of worship: one hundred fifty (150) feet; and
- (3) the hours of operation shall be between 10:00 a.m. and 10:00 p.m.

(j) B.Y.O.B. (Bring Your Own Bottle) Club: A B.Y.O.B. Club shall be permitted by Special Exception Permit in the CG, DC, and IND zoning districts, subject to the following criteria:

- (1) compliance with all provisions of Chapter 3-349 of the City Code.

(k) Car Wash: A Car Wash shall be permitted by right in the CG and IND zoning districts, subject to the following criteria:

- (1) traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets;
- (2) on-lot traffic circulation channels and parking areas shall be clearly marked;
- (3) adequate provisions shall be made for the proper and convenient disposal of refuse;
- (4) water used in the operation shall not flow into streets, sidewalks, separated storm sewers, or waterways;
- (5) any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills;
- (6) greywater recycling shall be required; and
- (7) there shall be room for at least two cars to wait in front of each bay.

(l) Cemetery: A Cemetery shall be permitted by Special Exception Permit in the OSR zoning district, subject to the following criteria:

- (1) all structures and graves shall be setback a minimum of: fifteen (15) feet from the lot line of a "residential lot line" or the existing right-of-way of any

public street and eight (8) feet from the cartway of an internal private driveway;

- (2) no grave sites shall be located within the 100-year floodplain; and
- (3) the applicant shall provide evidence that proves to the satisfaction of the Zoning Officer, based upon a review by the City Solicitor, that there will be an appropriate financial system to ensure perpetual maintenance of the land.

(m) Child Care Center: A Child Care Center shall be permitted as a principal use by Special Exception Permit in the RM zoning district and shall be permitted by right in the CN, CG, DC, RF, and INS zoning districts. Child Care Centers are permitted by Special Exception as an accessory use only to non-residential structures. Child Care Centers are subject to the following criteria:

- (1) loading and unloading of children shall be accomplished through the use of the parking area or the provision of a drop-off/pick-up lane located to allow the safe delivery of children. When the facility is an accessory use to an existing use, the parking and loading/unloading requirements may be waived by special exception;
- (2) the facility shall provide an on-site, secure, outdoor play area of at least one thousand (1,000) square feet or be within 500 feet of a park or playground that is accessible to the children during daylight hours when the use is in operation;
- (3) outside play areas in residential districts shall be limited to use between 7:30 a.m. and 9:00 p.m.;
- (4) the facility shall be licensed by the State Department of Public Welfare and receive approval after issuance of a Certificate of Occupancy;
- (5) the facility must be tested for lead-based paint with an abatement plan implemented prior to occupancy;
- (6) the facility shall receive Building Code, Health, and Life Safety codes approval;
- (7) any area routinely used for outdoor play by children under the age of twelve (12) shall be surrounded by a secure fence with a minimum height of four (4) feet; and
- (8) in residential districts, the use shall be located in a building that is not attached to any dwelling units on the lot.

(n) Child Care Home - Family: A Child Care Home – Family is only permitted by right as an accessory use to a residential structure in the RL, RM, CN, DC, and RF zoning districts subject to the following criteria:

- (1) the child care provider must be a resident of the home and the number of children shall not exceed six (6), which shall include those of the child care provider;
- (2) the facility shall be licensed by the PA Department of Public Welfare and receive approval after issuance of a Certificate of Occupancy;
- (3) the facility shall receive Building Code, Health, and Life Safety codes approval;
- (4) the facility shall be approved by the Codes Administrator and the Fire Bureau and must receive a Mercantile License, and
- (5) the facility must be tested for lead-based paint with an abatement plan implemented prior to occupancy.

(o) Child Care Home - Group: A Child Care Home – Group is only permitted by Special Exception as an accessory use to a residential structure in the RL, RM, CN, DC, and RF zoning districts subject to the following criteria:

- (1) the child care provider must be a resident of the home and the number of children cared for at one time shall be a maximum of twelve (12), which shall include those of the child care provider;
- (2) the use shall comply with the parking requirements of Chapter 7-327;
- (3) the facility shall provide an on-site, secure, outdoor play area or be within five hundred (500) feet of an existing public park or playground that is accessible to the children during the hours this use is in operation;
- (4) the facility shall be licensed by the PA Department of Public Welfare and receive approval after issuance of a Certificate of Occupancy,
- (5) the facility shall be approved by the Codes Administrator and the Fire Bureau and must receive a Mercantile License; and
- (6) the facility must be tested for lead-based paint with an abatement plan implemented prior to occupancy.

(p) Communications Tower/Antenna: A Communications Tower/Antenna shall be permitted by Special Exception in the OSR and CG zoning districts and shall be permitted by right in the IND zoning district, subject to the following criteria:

- (1) any antenna that is attached to and extends less than fifty (50) feet above an existing principal non-residential building or water tower shall not be regulated by this Section, and instead is permitted by right without additional regulations under this Code;
- (2) a freestanding antenna shall be set back a minimum distance equal to one-third of its height from all residential lot lines;
- (3) the base of a freestanding antenna shall be surrounded by a secure fence with a maximum height of six (6) feet;
- (4) any freestanding antenna higher than fifty (50) feet that is within one hundred (100) feet of a public street or dwelling shall be buffered along that street or lot line (except at the driveway crossing) by evergreen screening or preserved woods.
- (5) towers and antenna panels shall be painted in colors that blend into the surroundings; and
- (6) the applicant shall provide a written statement by a professional engineer stating that in the event of a collapse, such as resulting from very high winds or future corrosion, any antenna is engineered to not land upon a street or building (other than an accessory building serving the antenna).

(q) Convenience Store: A Convenience Store shall be permitted by right in the CN, CG, DC, and IND zoning districts, subject to the following criteria:

- (1) all merchandise shall be displayed within the building;
- (2) temporary signs or banners are prohibited on the outside of the building; and
- (3) security arrangements, such as security cameras, shall be provided inside and outside of the store.
- (4) trash cans and recycling receptacles shall be placed at a location near the main entrance to the building.

(r) Convenience Store with Gas Dispensing: A Convenience Store with Gas Dispensing shall be permitted by right in the CG and IND zoning districts and by Special Exception in the CN and DC zoning districts, subject to the following criteria:

- (1) a site plan shall be provided showing the location of fuel pumps, convenience store, landscaping, and parking spaces;
- (2) fuel pumps shall be at least twenty-five (25) feet from the street cartway;
- (3) light and glare shall meet the requirements of Chapter 7-331, Environmental Performance Standards;
- (4) driveways shall be a minimum of forty (40) feet from the right-of-way of a street intersection;
- (5) temporary signs or banners are prohibited on the outside of the building;
- (6) security arrangements, such as security cameras, shall be provided inside and outside of the store; and
- (7) trash cans and recycling receptacles shall be placed at a location near the main entrance to the building.

(s) Correctional Facility: A Correctional Facility shall be permitted by Special Exception in the IND zoning district, subject to the following criteria:

- (1) the applicant shall establish to the satisfaction of the Zoning Hearing Board that the proposed use will include sufficient security measures to protect the general public and adjacent residents; and
- (2) any new correctional facility shall be set back a minimum of one thousand (1,000) feet from any existing correctional facility.

(t) Correctional Facility, Community: A Community Correctional Facility shall be permitted by Special Exception in the CG and IND zoning districts, subject to the following criteria:

- (1) the applicant shall establish to the satisfaction of the Zoning Hearing Board that the proposed use will include sufficient security measures to protect the general public and adjacent residents; and
- (2) any new community correctional facility shall be set back a minimum of one thousand (1,000) feet from any existing correctional facility.

(u) Drive-Thru Facility: A Drive-Thru Facility is permitted by right as an accessory use in the CG and IND zoning districts, and is permitted by Special Exception as an accessory use in the CN zoning district, subject to the following criteria:

- (1) drive-thru facilities shall be designed and located to avoid conflicts with pedestrians and with traffic onto, around, and off of the site;
- (2) any vehicle drive-thru window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use;
- (2) for restaurants, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of forty (40) square feet each. The words on such signs shall not be readable from a street or dwelling;
- (3) for restaurants, there shall be space for a minimum of five (5) vehicles waiting at or behind a menu sign; and

- (4) drive-thru lanes shall have a minimum width of eleven (11) feet.

(v) Dwelling, Multifamily: A Multifamily Dwelling is permitted by Special Exception in the RM and RF zoning Districts and by right in the CN and DC zoning districts, subject to the following criteria:

- (1) existing detached, semi-detached, and attached dwellings may be converted to multifamily dwellings provided there is a minimum of 2,500 square feet in the existing dwelling unit; and
- (2) a maximum of three (3) units shall be permitted in an existing detached, semi-detached, and attached dwelling that is converted to a multifamily dwelling.

(w) Funeral Home: A Funeral Home shall be permitted by right in the CN, CG, and RF zoning districts and by Special Exception in the RM zoning district. A funeral home with a crematorium shall be permitted by Special Exception. Funeral homes are subject to the following criteria:

- (1) minimum lot area is twelve thousand (12,000) square feet, which may include adjacent parking lots in common ownership or under long-term lease. A funeral home may include a crematorium; and
- (2) the structure of a crematorium shall be setback a minimum of two hundred fifty (250) feet from all residential lot lines.

(x) Grocery Store or Supermarket with Gas Dispensing: A Grocery Store or Supermarket with Gas Dispensing shall be permitted by right in the CG and IND zoning districts and by Special Exception in the CN and DC zoning districts, subject to the following criteria:

- (1) a site plan shall be provided showing the location of fuel pumps, grocery store, landscaping, and parking spaces;
- (2) fuel pumps shall be at least twenty-five (25) feet from the street cartway;
- (3) light and glare shall meet the requirements of Chapter 7-331, Environmental Performance Standards;
- (4) driveways shall be a minimum of forty (40) feet from the right-of-way of a street intersection;
- (5) temporary signs or banners are prohibited on the outside of the building; and
- (6) security arrangements, such as security cameras, shall be provided inside and outside of the store.

(y) Home Occupation: A Home Occupation is a business permitted as an accessory use in all dwelling units in all zoning districts subject to the following criteria:

- (1) A permitted Home Occupation shall occupy a floor area not greater than 25% of the total habitable floor area of the dwelling;
- (2) No signage is permitted on the exterior of the residence or on the lot indicating the Home Occupation;
- (3) The building shall retain the characteristics of a residence, and the use shall not detract from the residential character of the neighborhood;
- (4) the Home Occupation may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception;
- (5) the Home Occupation may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use;
- (6) only residents of the home may operate the Home Occupation;
- (7) no customer, client, or patient traffic, whether vehicular or pedestrian, is permitted in excess of what is normally associated with residential use;
- (7) the use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances;
- (8) the business may not involve any illegal activity; and
- (9) a Mercantile License will be required.

(z) Hospital: A Hospital shall be permitted by right in the DC and INS zoning districts, subject to the following criteria:

- (1) A hospital may include any of the following additional principal or accessory uses:
 - (A) medical research facilities and training/education facilities for health care professions,
 - (B) management and administrative offices for health care organizations,
 - (C) hospice facilities,
 - (D) medical testing facilities,
 - (E) medical and dental offices and clinics for treatment,
 - (F) a nursing home or personal care center, and/or
 - (G) ambulatory surgery center.
- (2) A hospital may also include treatment for substance abuse as a clearly accessory use, provided that the use is integrated completely within a general medical hospital building;

(aa) Junk Yard (includes automobile salvage yard): A Junk Yard shall be permitted in the IND zoning district by Special Exception, subject to the following criteria:

- (1) storage of garbage or biodegradable waste is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up;
- (2) outdoor storage of junk shall be a minimum of:
 - (A) one hundred (100) feet from any residential lot line for any junkyard or portion thereof, and

- (B) thirty (30) feet from any other lot line or from the existing right-of-way of any public street.
- (3) the site shall contain a minimum of two (2) exterior points of access, each of which is not less than twenty (20) feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate designated off-street parking spaces shall be provided for customers;
- (4) outdoor storage shall be completely enclosed (except at approved driveway entrances) by a twenty (20) feet wide buffer yard which complies with Section 7-305, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six (6) feet;
- (5) Fencing:
 - (A) secure weather-treated wood, plastic-coated chain link, or chain link metal fencing with a minimum height of eight (8) feet shall be provided and well-maintained around all outdoor storage areas of a junkyard, to the rear of any buffer. Fences shall not be constructed of solid metal, vehicles, or "junk." Fences shall be constructed of uniform materials and generally be of uniform height,
 - (B) fencing shall be placed inside of any evergreen screening, and
 - (C) sufficient gates shall be provided in the fence only for necessary vehicle entry and exit and for emergency access. All such gates shall be kept securely closed when the junkyard is not open for business.
- (6) burning or incineration of vehicles or junk is prohibited. The use shall not include the bulk storage of explosive or flammable materials. The use shall fully comply with the City Fire Protection Code;
- (7) the use shall comply with the performance standards of Chapter 7-331, Environmental Performance Standards, especially regarding noise, dust, and odor regulations;
- (8) all gasoline, coolant, and oil shall be drained from all vehicles and properly disposed of. All such substances shall not be stored on-site for more than ninety (90) days and shall be properly labeled. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface;
- (9) lot area: two (2) acres minimum; twenty (20) acres maximum;
- (10) any material stored on-site that may attract rodents or insects or noxious odors or create fire hazards shall be stored within enclosed containers and be removed from the site and properly disposed of within ninety (90) days;
- (11) no materials to be stacked or stored in such a way that it results in a height greater than thirty-five (35) feet above the surrounding ground level;
- (12) repair activities, storage, and vehicle loading/unloading shall be prohibited on public streets and alleys; and
- (13) off-street parking shall be provided for all company vehicles and equipment.

(bb) Manufactured (Mobile) Home: A Manufactured Home shall be permitted by right on an individual lot in the RL, RM, and CN zoning districts, subject to the following criteria:

- (1) be constructed in accordance with the Safety and Construction Standards of the US Department of Housing and Urban Development;

- (2) have a site graded to provide a stable and well-drained area and be installed on a permanent foundation and converted to real property; and
- (3) be located with a front door facing onto a public street.

(cc) Mineral Extraction: Mineral Extraction shall be permitted by special exception permit in the IND zoning district, subject to the following criteria:

- (1) the activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents and shall comply with Chapter 7-331, Environmental Performance Standards;
- (2) after areas are used for mineral extraction, they shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some economically productive future use. A detailed land reclamation plan shall be submitted;
- (3) a seventy-five (75) feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within two hundred fifty (250) feet of an area of excavation or within two hundred fifty (250) feet of machinery that is greater than thirty-five (35) feet in height;
- (4) the following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:
 - (A) one hundred (100) feet from a residential lot line, and
 - (B) fifty (50) feet from any other lot line or from the existing right-of-way of any public street.
- (5) other setbacks which apply:
 - (A) the excavated area of a mineral extraction use shall be set back one hundred fifty (150) feet from the centerline of a perennial stream, and
 - (B) any rock crushing or other processing machinery shall be set back a minimum of five hundred (500) feet from any dwelling.
- (6) any area of excavation that creates slopes of greater than thirty percent (30%) shall be surrounded by secure fencing with a minimum height of eight (8) feet.

(dd) Night Club or Dance Hall: A Night Club or Dance Hall is permitted by Special Exception in the DC zoning district and is permitted by right in the CG and IND zoning districts, subject to the following criteria:

- (1) no Night Club or Dance Hall is permitted within five hundred (500) feet of any dwelling unit; and
- (2) noise levels shall comply with the provisions of Chapter 3-343 of the City Code, Noise Control, and Abatement.

(ee) Race Track: A Race Track shall be permitted by Special Exception in the IND zoning district, subject to the following criteria:

- (1) a Race Track shall not be permitted within five hundred (500) feet of a dwelling unit;
- (2) access shall be by a paved road and must be connected to an arterial road; and
- (3) the hours of operation shall be between 10:00 a.m. and 10:00 p.m.

(ff) Recreation, Outdoor: Recreation, Outdoor shall be permitted by right in the OSR, CN, CG, and IND zoning districts and by Special Exception Permit in the RM zoning district, subject to the following criteria:

- (1) for golf ranges, the range shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the driving range;
- (2) a clubhouse, retail sales of golf supplies, non-household swimming pool, and/or restaurant may be permitted as an accessory use. Any principal building or accessory swimming pool shall be located a minimum of eighty (80) feet from any residential lot line, unless the owner of such lot grants a waiver in writing from such setback; and
- (3) light and glare standards as required in Chapter 7-331.

(gg) Recycling and Bulk Collection Center: A Recycling Collection Center shall be permitted by right as a principal or as an accessory use in the IND zoning districts, subject to the following criteria:

- (1) this use shall not be bound by the requirements of a Solid Waste Disposal Facility;
- (2) all materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards;
- (3) adequate provision shall be made for movement of trucks if needed and for off-street parking;
- (4) materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site; and
- (5) the use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning, and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.

(hh) Rooming House: A Rooming House shall be permitted as an accessory use by Special Exception Permit in the RM, CN, DC, and RF zoning districts, subject to the following criteria:

- (1) the rooming house is permitted as an accessory use to a principal residential unit;
- (2) the principal residence must be owner-occupied and must remain as a single dwelling;
- (3) the rooms must be contained within the principal residence;
- (4) occupancy standards shall comply with the International Property Maintenance Code and/or Uniform Construction Code but in no event shall the maximum occupancy exceed eight (8) residents in addition to the owner's household;
- (5) the building shall be accessible and include one (1) accessible sleeping room and one (1) accessible bathroom;
- (6) rooms shall be rented for a minimum period of seven (7) consecutive days;

- (7) a minimum of one (1) full bathroom shall be provided for every four (4) rental units; and
- (8) an annual inspection is required.

(ii) Scrap Metal Processor: A Scrap Metal Processor is permitted by Special Exception in the IND zoning district, subject to the following criteria:

- (1) storage of biodegradable waste is prohibited, other than what is customarily generated on-site and routinely awaiting disposal;
- (2) no materials shall be stacked or stored in such a way that it results in a height greater than thirty-five (35) feet above the surrounding ground level;
- (3) fencing:
 - (A) fencing with a height between eight and ten feet shall be provided around any visible portion of the perimeter of the facility that fronts on any street, fences shall be constructed of secure weather-treated wood, plastic-coated chain link or chain link metal fencing, masonry, or other flat surface material and shall be of uniform material and generally be of uniform height. Whole tanks and bundles or bales of scrap shall not be appropriate fencing materials,
 - (B) fencing shall be placed inside of any evergreen screening. When fencing is replaced, provisions are to be made to install an evergreen buffer with a minimum height of six feet at the time of planting, and
 - (C) gates shall be provided in a fence only as necessary for vehicle and pedestrian entry and exit and for emergency access. All gates shall be kept securely closed and locked when the facility is not open for business.
- (4) the use shall comply with all of the environmental performance standards of Chapter 7-331;
- (5) the facility shall be located on a lot with a minimum area of five (5) acres and may not be located within one mile of another such facility. This requirement will not prohibit the expansion of a facility existing at the time this ordinance was adopted;
- (6) repair activities, storage, and vehicle loading/unloading shall be prohibited on public streets and alleys;
- (7) off-street parking shall be provided for all company vehicles and equipment; and
- (8) scales with sufficient queuing lanes shall be located on-site so that stacking of vehicles awaiting weighing or loading/unloading shall not occur on public streets or alleys.

(jj) Self-Storage Facility: A Self-Storage Facility is permitted by right in the CG, and IND zoning districts, subject to the following criteria:

- (1) outdoor storage shall be limited to recreational vehicles, boats, and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling;
- (2) trash, highly toxic substances, explosives, flammable materials, or similar items shall not be stored;
- (3) nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas, or driveways;

- (4) adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses;
- (5) maximum building length: two hundred fifty (250) feet;
- (6) minimum separation between buildings: twenty (20) feet; and
- (7) the use may include one (1) accessory dwelling unit for a full-time caretaker.

(kk) Solid Waste Facility: A Solid Waste Facility is permitted by Special Exception Permit in the IND zoning district, subject to the following criteria:

- (1) The following standards shall apply to any new such solid waste facility approved after the adoption of this Code, except a State-approved demolition materials landfill:
 - (A) all solid waste storage, disposal, and incineration shall be at least two hundred (200) feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body, or wetland of more than two (2) acres in area,
 - (B) all areas to be used for the storage, disposal, or incineration of solid waste shall be a minimum of three hundred (300) feet from any "residential lot line" or publicly-owned recreation area or the banks of any perennial creek or river,
 - (C) the use shall be served by a minimum of two paved access roads, each with a minimum cartway width of twenty-four (24) feet. One of these roads may be restricted to use by emergency vehicles,
 - (D) any solid waste that is to be stored for more than three hours shall be stored in an enclosed structure,
 - (E) the operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the City. Violations of this condition shall also be considered to be violations of this Code,
 - (F) open dumps and open burning of refuse are prohibited. Incineration of solid waste shall be prohibited unless approved as a "waste to energy" facility,
 - (G) the applicant shall prove to the satisfaction of the Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas,
 - (H) the applicant shall prove to the satisfaction of the Board that the use would not routinely create noxious odors off of the site,
 - (I) a chain link or other approved fence with a minimum height of six (6) feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent operations from being visible from any public street or dwellings,
 - (J) a minimum total lot area of ten (10) acres (which may include land in an adjoining municipality) is required,

- (K) any facility shall be operated in such a manner to prevent the attraction, harborage, or breeding of insects, rodents, or other vectors,
- (L) tire shall comply with "Outdoor Storage and Display" in Section 7-331,
- (M) no radioactive, toxic, chemotherapeutic, or infectious materials or substances may be stored or processed in any way,
- (N) for any solid waste facility other than a sanitary landfill, all loading and unloading of solid waste shall only occur within an enclosed building and over an impervious surface which drains into a holding tank that is then adequately treated, and this Section regulating solid waste facilities is not intended to regulate facilities owned by the City of Harrisburg or authorities created by the City of Harrisburg.

(ll) Special Occasion Home: A Special Occasion Home shall be permitted by right as an accessory use in the CN and RF zoning districts and by Special Exception in the RL and RM zoning districts, subject to the following criteria:

- (1) the special occasion home is a detached dwelling with a minimum of 2,500 square feet and must meet all applicable building, fire, and safety codes;
- (2) functions may be conducted on the grounds surrounding the home and in buildings accessory to the principal dwelling;
- (3) the functions are only permitted as accessory uses to a principal residential dwelling on the same property and are carried out by the owner of the property; and
- (4) the Special Occasion Home may also function as a Bed and Breakfast.

(mm) Supportive Housing - Emergency: Supportive Housing - Emergency is permitted by Special Exception Permit in the CN, CG, and DC zoning districts, subject to the following criteria:

- (1) the applicant shall have the full burden of proof to show capacity to operate emergency supportive housing and must demonstrate that such supportive housing demonstrates consistency with *Home Run: The Capitol Area's Ten-Year Plan to End Chronic Homelessness in the County of Dauphin and City of Harrisburg* (2007);
- (2) any new emergency supportive housing shall be located a minimum of one thousand (1,000) feet in all directions from any existing emergency supportive housing;
- (3) maximum number of residents shall be based on the International Property Maintenance Code but in no event shall the maximum number of residents exceed 40 persons;
- (4) the building shall be accessible; and
- (5) there shall be an on-site manager during all hours when the use is in operation.

(nn) Supportive Housing – Facility: Supportive Housing – Facility is permitted by right in the CN, DC, and INS zoning districts, and by Special Exception in the RF zoning district, subject to the following criteria:

- (1) the facility shall be licensed or certified under any applicable Federal, State, or County regulations. A copy of such license or certification shall be required to be shown to the Zoning Officer at all times requested.

(oo) Supportive Housing – Family: Supportive Housing - Family is permitted by right in the RL, RM, CN, DC, and RF zoning districts subject to the following criteria:

- (1) Supportive Housing shall be licensed or certified under any applicable Federal, State, or County regulations. A copy of any such license or certification shall be required to be shown to the Zoning Officer at all times requested;
- (2) the residents will live as a functional household and there shall be adequate supervision as needed by an approximate number of person(s) trained in the field;
- (3) any medical or counseling services provided on the premises shall be limited to residents;
- (4) the building shall be accessible; and
- (5) the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition, and character to the other residential structures in the area.

(pp) Swimming Pool - Non-Household: A Swimming Pool – Non Household is permitted by right in the CN, CG, DC, RF, and INS zoning districts, subject to the following criteria:

- (1) the water surface shall be set back at least twenty-five (25) feet from any "residential lot line;" and
- (2) the pool is in compliance with the Uniform Construction Code, as adopted and amended.

(qq) Target Range: A Target Range is permitted by special exception permit in the INS and IND zoning districts, subject to the following criteria:

- (1) all target ranges shall have a barrier behind and around the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range;
- (2) an outdoor firearms target range shall comply with National Rifle Association standards and other applicable Federal, State, and local regulations;
- (3) an outdoor firearms target range shall be located a minimum of two hundred fifty (250) feet from a residential lot line;
- (4) an outdoor firearms target range shall be fenced and be properly posted;
- (5) the applicant shall show that the noise limits of the City Noise Ordinance will be met; and
- (6) an indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

(rr) Treatment Center: A Treatment Center is permitted by right in the CG, DC, and IND zoning districts, subject to the following criteria:

- (1) the applicant shall provide a written description of all types of patients the use is intended to include over the life of the permit and the training and licensing of the staff. Any future additions or modifications to this list shall require approval of the Zoning Officer; and

- (2) the applicant shall prove to the satisfaction of the Zoning Officer, with the burden-of-proof being upon the applicant, that the use will involve adequate supervision and security measures to protect public safety.

(ss) Wind or Solar Energy Facility: A commercial or public Wind or Solar Energy Facility is permitted by Special Exception in the OSR zoning district, and is permitted by right in the IND zoning district, subject to the following criteria:

- (1) A site plan shall be submitted showing the number and height of structures, fencing, screening, and parking;
- (2) sound levels shall comply with Chapter 3-343 of the City Code, Noise Control, and Abatement; and
- (3) security arrangements, including a six (6) foot high fence with a locking gate, shall be required.

7-309.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-313
AIRPORT ZONING OVERLAY DISTRICT

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7-313.1 APPLICATION

The regulations and standards contained in this Part shall apply to all applications to:

1. erect a new structure
2. add to or increase the height of an existing structure; and
3. establish, erect, and/or maintain any use, structure, or object (natural or manmade), within the Airport Zoning Overlay District of the City of Harrisburg, Dauphin County, PA.

7-313.2 PURPOSE AND INTENT

The purpose and intent of the Airport Zoning Overlay District is to:

1. create an overlay district that considers safety issues around the Capital City Airport (CXY) and Harrisburg International Airport (MDT);
2. regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
3. create a permitting process for certain uses, structures, and objects within said related zones.

7-313.3 RELATION TO OTHER ZONING DISTRICTS

The Airport Zoning Overlay District shall not modify the boundaries of any other overlay zoning district. Where identified, the Airport Zoning Overlay District shall impose certain requirements on land use, construction and development in addition to those contained in the applicable underlying zoning district and/or applicable overlay zoning district for the same area.

7-313.4 DEFINITIONS

For purposes of this Chapter, the terms that follow shall have the definitions indicated:

AIRPORT(S) – HARRISBURG INTERNATIONAL AIRPORT (MDT) AND CAPITAL CITY AIRPORT (CXY) – Any area of land or water which is used, or intended to be use, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term “Airport” includes public airports, but excludes private airports and heliports. Public and private airports are defined separately in this section.

AIRPORT ELEVATION – The highest point of an airport’s useable landing area measured in feet above sea level. The Airport elevation for Harrisburg International Airport is three hundred ten (310) feet; the Airport Elevation for Capital City Airport is three hundred forty-seven (347) feet.

AIRPORT HAZARD – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.C.S.A. § 5102.

AIRPORT HAZARD AREA – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984

APPROACH SURFACE (ZONE) – An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

CONICAL SURFACE (ZONE) – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of four thousand (4,000) feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

DEPARTMENT – Pennsylvania Department of Transportation.

FAA – Federal Aviation Administration of the United States Department of Transportation.

HEIGHT – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE (ZONE) – An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

LARGER THAN UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NON-CONFORMING USE – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

NON-PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE (ZONE) – An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

RUNWAY – A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACE (ZONE) – An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

TREE – Any object of natural growth.

UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

7-313.5 CONFLICT

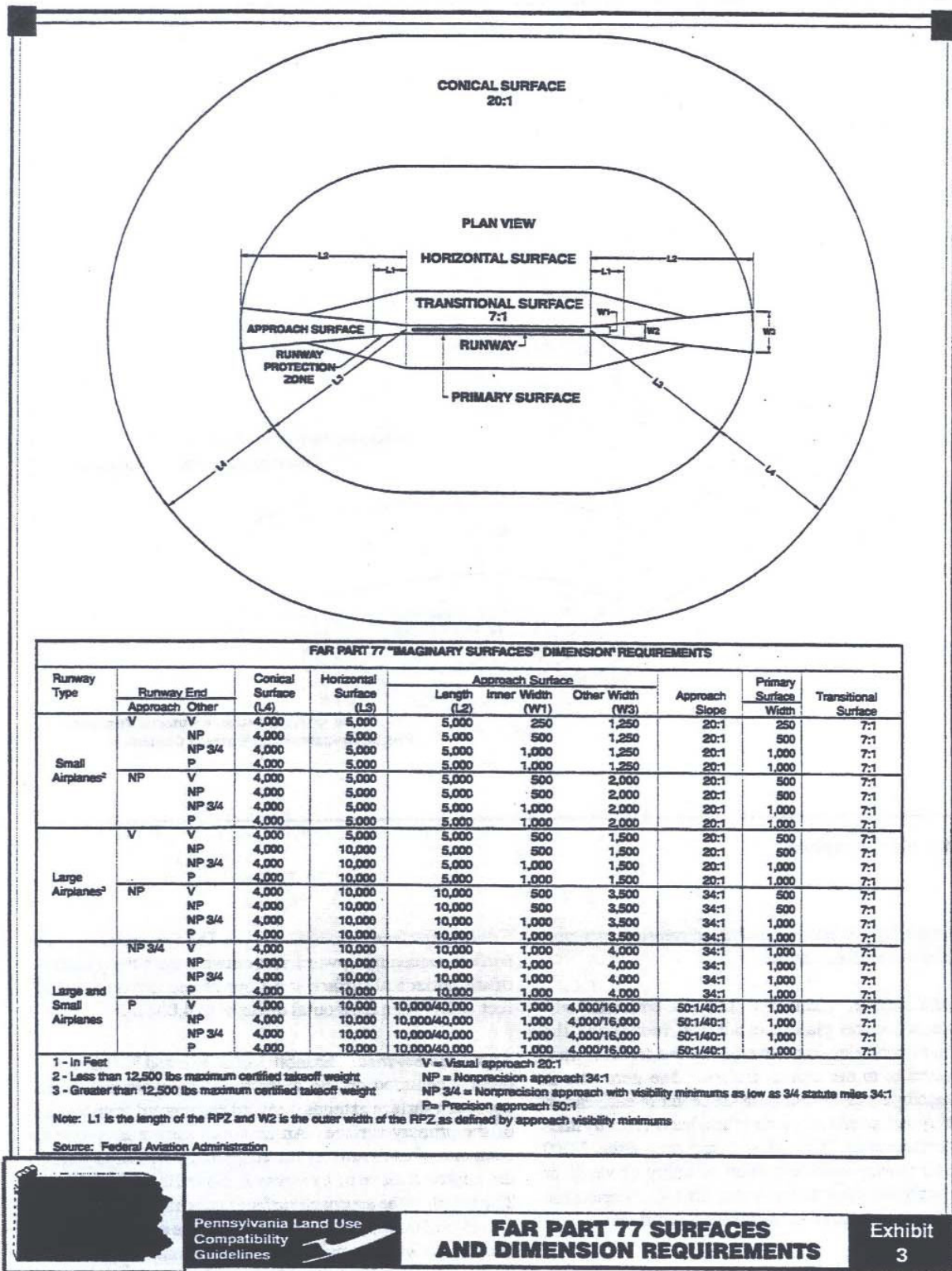
Wherever and whenever the requirements of this Chapter are at variance with the requirements of any other Chapter and/or Section of this Zoning Code, the most restrictive, or that imposing the higher standards shall govern.

7-313.6 ESTABLISHMENT OF AIRPORT ZONES

There are hereby created and established certain zones within the Airport Zoning Overlay District, depicted on Figure 1 and illustrated on the “City of Harrisburg, Dauphin County, PA: Airport Zoning Overlay District Map” as follows:

1. Approach Surface Zone.
2. Conical Surface Zone.
3. Horizontal Surface Zone.
4. Primary Surface Zone.
5. Transitional Surface Zone.

FIGURE 1: PART 77 SURFACE AREAS



7-313.7 PERMIT APPLICATIONS

- A. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(2) (as amended or replaced), applicants for a permit in the Airport Zoning Overlay District to:
1. erect a new structure whose height surpasses that of surrounding structures;
 2. add to or increase the height of an existing structure; or
 3. establish, erect, and/or maintain any use, structure, or object (natural or manmade), in the Airport Zoning Overlay District:

shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 7-337.8.

- B. Exceptions – In the following circumstances notification of a permit and submission of Form AV-57 to PennDOT's Bureau of Aviation (BOA) shall not be required:
1. In areas lying within the overlay zone for the Harrisburg International Airport, as depicted on the Airport Zoning Overlay District Map, no approval shall be required for any tree or structure less than two-hundred (200) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
 2. In areas lying within the overlay zone for the Capital City Airport, as depicted on the Airport Zoning Overlay District Map, no approval shall be required for any tree or structure less than one-hundred (100) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
 3. Applications to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure

7-313.8 VARIANCES

- A. In addition to the provisions set forth in the Zoning Code relating to variances, any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 7-337.11 - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

B. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

7-313.9 USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport Zoning Overlay District in such a manner as to:

1. create electrical interference with navigational signals or radio communications between the airport and aircraft;
2. make it difficult for pilots to distinguish between airport lights and others;
3. impair visibility in the vicinity of the airport;
4. create bird strike hazards; or
5. otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s)

7-313.10 PRE-EXISTING NON-CONFORMING USES

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once reverted to a conforming use, subject to the provisions of § 7-303.2 of the Zoning Code, may only be reestablished consistent with the provisions herein.

7-313.11 OBSTRUCTION MARKING AND LIGHTING

Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 7-337.8 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

7-313.99 PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this Chapter shall be subject to the Enforcement and Penalty provisions of Chapter 7-701 of Planning and Zoning Code.

CHAPTER 7-315
FLOODPLAIN OVERLAY DISTRICT

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CROSS REFERENCES

Floodplain Management: See Pennsylvania Flood Plain Management Act of 1978, 32 P.S. § 679.101, et. seq.

Construction flood proofing: See City of Harrisburg Building Code

Subdivision Floodplain provisions: See Chapter 7-509 in Subdivision and Land Development Code

7-315.1 PURPOSE

The City of Harrisburg is subject to periodic flooding which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and

extraordinary public expenditures for flood protection and relief. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. The purpose of this Chapter is to:

- (a) promote the general health, safety, and welfare of the community;
- (b) encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (c) minimize danger to public health by protecting water supply and natural drainage;
- (d) reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding; and
- (e) comply with federal and state floodplain management requirements.

7-315.2 APPLICABILITY

This Chapter shall apply to all lands shown on the City of Harrisburg Floodplain Map which is adopted as part of the City of Harrisburg Zoning Code, as further described under Section 7-315.8, Identification of Floodplain Areas, referred to otherwise as the “Floodplain Overlay District.” The “Floodplain Overlay District” overlays the underlying zoning districts, and this Chapter supplements the regulations found elsewhere in the Zoning Code applicable to the underlying districts. It shall be unlawful for any persons, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere in the City of Harrisburg unless a Zoning Permit has been obtained from the Zoning Officer/Floodplain Administrator.

7-315.3 DEFINITIONS

For purposes of this Chapter, the terms that follow shall have the definitions indicated:

ACCESSORY USE OR STRUCTURE – means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD – means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

BASE FLOOD ELEVATION (BFE) – means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT – means any area of the building having its floor below ground level on all sides.

BUILDING – means a combination of materials to form a permanent structure having walls

and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT – means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD – means a temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING – means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing

maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - I. By an approved state program as determined by the Secretary of the Interior or
 - II. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR – means the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME – means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR – means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION – means structures for which the start of construction commenced on or after April 26, 1977 (date on which City's first floodplain management ordinance was adopted), and includes any subsequent improvements thereto. Any construction started after April 26, 1977 and before August 2, 2012 is subject to the ordinance in effect at the time the

permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON – means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

RECREATIONAL VEHICLE – means a vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION – means the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.

REPETITIVE LOSS – means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

SPECIAL EXCEPTION PERMIT – means a special approval which is required for hospitals, when such development is located in all, or a designated portion of a floodplain.

SPECIAL FLOOD HAZARD AREA (SFHA) - means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, or, AH.

START OF CONSTRUCTION- Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

STRUCTURE – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION – means the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE – means damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation *that would constitute a substantial improvement as defined in this ordinance*, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

UNIFORM CONSTRUCTION CODE (UCC) – means the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For

coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

7-315.4 COMPLIANCE

The use of any structure or land shall hereafter not be changed and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations, including State and Federal requirements, which would apply to uses within the jurisdiction of this Chapter.

7-315.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate, or impair the other chapters of the Zoning Code. However, where this Chapter imposes greater restrictions, provisions of this Chapter shall prevail. All other provisions of the Zoning Code, not inconsistent herewith, shall remain in full force and effect. This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Zoning Code provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.

7-315.6 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

7-315.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted or land uses permitted within the Floodplain Overlay Zoning District will be free from flooding or flood damage. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made there under.

7-315.8 IDENTIFICATION OF FLOODPLAIN AREAS

The identified floodplain areas shall be any areas of the City of Harrisburg, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated August 2, 2012, and issued by the Federal Emergency

Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the City of Harrisburg and declared to be part of this Zoning Code. Furthermore, any future regulations developed by FEMA and required for compliance with federal and/or State legislation are hereby adopted by the City of Harrisburg and declared to be part of this Zoning Code.

7-315.9 DESCRIPTION OF FLOODPLAIN AREAS

(a) Floodway Area:

- (1) Description. The Floodway Area is the area identified in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
- (2) Special Requirements. Any encroachment that would cause any increase in flood heights shall be prohibited. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(b) Special Floodplain Area:

- (1) Description. The Special Floodplain Area is the area identified as Zones AE and A1-30 in the FIS which is subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods and where base flood elevations (BFEs) are shown.
- (2) Special Requirements. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (3) In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

(c) Approximate Floodplain Area:

- (1) Description. The Approximate Floodplain Area is the area identified as Zone A in the FIS which is subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
- (2) Special Requirements. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

(d) Shallow Flooding Area

- (1) Description. The Shallow Flooding Area is identified as Zones AO and AH in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet.
- (2) Special Requirements: Drainage paths must be established to guide floodwaters around and away from structures on slopes.

7-315.10 CHANGES IN IDENTIFICATION OF AREA

The identified floodplain area may be revised or modified by the City Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

7-315.11 BOUNDARY DISPUTES

The boundaries of the Floodplain Overlay Zoning District shall be determined by the City of Harrisburg Floodplain Map and any additional floodplain areas identified in section 7-315.8, which is part of the Official Zoning Map. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator. Any applicant may appeal the decision or determination of the Floodplain Administrator to the Zoning Hearing Board. The burden of proof shall be on the applicant.

7-315.12 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Officer shall administer and enforce this chapter in the same manner as any other provision of this Zoning Code. All permits and approvals under this chapter are issued on the condition that the activities comply with the plans and applications that were submitted. For purposes of this Chapter, the Zoning Officer is referred to herein as the Floodplain Administrator.

7-315.13 DUTIES OF FLOODPLAIN ADMINISTRATOR

(a) The Floodplain Administrator shall issue a Zoning Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(b) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

(c) In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

(d) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

(e) In the discharge of duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

(f) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit.

(g) The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.

(h) The Floodplain Administrator is the official responsible for submitting an annual report to the FEMA concerning the community participation in the National Flood Insurance Program.

(i) The responsibilities and duties of this position can be delegated from the person identified as Floodplain Administrator. However, the ultimate responsibility lies with the person/position identified in this Ordinance as the floodplain administrator/manager.

(j) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

7-315.14 ZONING PERMIT

(a) A Zoning Permit shall be required before any construction or development is undertaken within any Floodplain Area.

(b) Application for a Zoning Permit shall be made, in writing, to the Floodplain Administrator on forms furnished by the City and shall include the following where applicable:

- (1) Name and address of applicant.
- (2) Name and address of owner of land on which proposed construction is to occur.
- (3) Name and address of contractor.
- (4) Site location including address.
- (5) Listing of other permits required.
- (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(c) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

- (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
- (3) adequate drainage is provided so as to reduce exposure to flood hazards;
- (4) structures will be anchored to prevent floatation, collapse, or lateral movement;
- (5) building materials are flood-resistant;
- (6) appropriate practices that minimize flood damage have been used; and
- (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

(d) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

- (1) A completed Permit Application Form.
- (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (A) north arrow, scale, and date;
 - (B) topographic contour lines, if available;
 - (C) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (D) the location of all existing streets, drives, and other access ways; and the location of any existing bodies of water or watercourses, identified

- floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (A) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (B) the elevation of the base flood;
 - (C) supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
 - (4) The following data and documentation:
 - (A) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;
 - (B) detailed information concerning any proposed floodproofing measures and corresponding elevations;
 - (C) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Special Floodplain Area when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point;
 - (D) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood; such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development;
 - (E) detailed information needed to determine compliance with Section 7-315.24 (f), Storage, and Section 7-315.25, Development Which May Endanger Human Life, including:
 - (1) the amount, location and purpose of any materials or substances referred to in Sections 7-315.24(f) and 7-315.25 which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 7-315.25 during a base flood.
 - (F) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;" and
 - (G) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
 - (5) Applications for Permits shall be submitted contemporaneously with the application for building permits and are subject to a combined fee payable to the City of Harrisburg, based upon the estimated cost of the proposed construction as set forth in section 8-101.4 of the Codified Ordinances.

7-315.15 REVIEW BY COUNTY CONSERVATION DISTRICT

A copy of all applications for any proposed construction or development in any identified floodplain area to be considered for approval by the Floodplain Administrator shall be submitted to the Dauphin County Conservation District, if applicable, for review and comment prior to the

issuance of any Zoning Permit. The recommendations of the Dauphin County Conservation District, if applicable, shall be included in the staff report for the Harrisburg Planning Commission and forwarded to the Floodplain Administrator for a decision.

7-315.16 REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate City officials, agencies and/or other individuals for review and comment.

7-315.17 CHANGES

After the issuance of a Zoning Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

7-315.18 PLACARDS

In addition to the Permit, the Codes Administrator, or his designee, shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Codes Administrator or his designee.

7-315.19 START OF CONSTRUCTION

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request

7-315.20 ENFORCEMENT

(a) Notices. Whenever the Floodplain Administrator, Codes Administrator, or other authorized City official determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as herein after provided. Such notices shall:

- (1) be in writing;
- (2) include the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance;
- (3) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
- (4) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to be have been properly served upon such owner or agent when a copy thereof has been served with such notice by a method authorized or required by the laws of this State;
- (5) contain an outline of remedial action, which, if taken, will affect compliance with the provisions of this Chapter;
- (6) include the name of the owner of record and any other person against whom the municipality intends to take action;
- (7) include the location of the violation;
- (8) include the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
- (9) include 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 the procedures set forth in the Zoning Code and the Pennsylvania Municipalities Planning Code; and
- (10) include that the failure to comply with the notice within the time specified, unless extended by an appeal to the municipal Zoning Hearing Board, constitutes a violation, with sanctions clearly described

7-315.21 VARIANCES

If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon application, grant relief from the strict application of the requirements of this Chapter. The Zoning Hearing Board of the City of Harrisburg shall have exclusive jurisdiction to hear and render decisions on requests for variances as provided below:

(a) If a Variance is requested, the provisions of Chapter 7-323 shall apply. The Zoning Hearing Board shall review variance applications following review and comment from the Harrisburg Planning Commission.

(b) No variance shall be granted for any activity prohibited by Section 7-315.27 (a)

(c) In addition to the provisions for a variance provided elsewhere in the Zoning Code, the Zoning Hearing Board may authorize a variance for new construction, substantial improvements, or alteration of uses in the Special Floodplain Area, Approximate Floodplain Area or any Floodway Area based on the following criteria:

- (1) No variance shall be granted for any construction, development, use or activity within any Floodway Area that would cause any increase in BFE;
- (2) No variance shall be granted for any construction, development, or activity within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Section, 7-315.25, Development Which May Endanger Human Life.
- (4) If granted, a variance shall involve only the least modification necessary to provide relief.
- (5) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- (6) Whenever a variance is granted, the Floodplain Administrator shall notify the applicant in writing that:
 - (A) The granting of the variance may result in increased premium rates for flood insurance.
 - (B) Such variances may increase the risks to life and property.
- (7) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - (A) That there is good and sufficient cause.
 - (B) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (C) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (8) A complete record of all variance requests and related actions shall be maintained by the City of Harrisburg. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- (9) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

7-315.22 APPEALS

(a) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of the Chapter, may appeal the decision to the Zoning Hearing Board within thirty (30) days after the decision, determination, or action of the Floodplain Administrator.

(b) Upon receipt of such appeal, the Zoning Hearing Board shall set a time and place, within not less than ten (10) or more than thirty (30) days, for the purpose of considering an appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

(c) Any person aggrieved by a decision of the Zoning Hearing Board may file a land use appeal with the Dauphin County Court of Common Pleas.

7-315.23 TECHNICAL PROVISIONS

The following general provisions for elevation and floodproofing shall be apply to all new construction and substantial improvements within the Floodplain Overlay District. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

(a) General Provisions

(1) Alteration or Relocation of Watercourse.

(A) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

(B) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(C) FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

(2) Letter of Map Revisions.

(A) Property owners must submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the Base Flood Elevation.

(3) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances, and regulations.

(b) Elevation and Floodproofing Requirements for Residential Structures

(1) In AE, A1-30, and AH Zones any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation in accordance with Section 7-315.9 (c)(2)

(3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

(4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized

- (c) Elevation and Floodproofing Requirements for Non-residential Structures
- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (A) is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water, and
 - (B) has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation in accordance with Subsection 7-315.9 c (2) of this Chapter.
 - (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
 - (4) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - (5) The design and construction standards and specifications contained in the 2009 International Business Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
- (d) Space below the lowest floor
- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (A) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (B) the bottom of all openings shall be no higher than one (1) foot above grade.
 - (C) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(e) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (1) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- (2) floor area shall not exceed 100 square feet.
- (3) The structure will have a low damage potential.
- (4) the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- (5) power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- (6) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (7) sanitary facilities are prohibited.
- (8) the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (A) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (B) the bottom of all openings shall be no higher than one (1) foot above grade.
 - (C) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters

7-315.24 DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- (a) Fill. If fill is used, it shall:
 - (1) extend laterally at least fifteen (15) feet beyond the building line from all points;
 - (2) consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - (5) be used to the extent to which it does not adversely affect adjacent properties.
- (b) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage

along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Water and Sanitary Sewer Facilities and Systems

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

(d) Other Utilities

- (1) All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(e) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and are not listed in Section 7-315-25, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

(g) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(h) Anchoring

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(i) Floors, Walls and Ceilings

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

(j) Paints and Adhesives

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components

- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

(m) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(n) Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

- (1) International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

7-315.25 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

(a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (1) will be used for the production or storage of any of the following dangerous materials or substances; or,

- (2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- (3) will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Within any Floodway Area, any structure of the kind described in Subsection (a) above, shall be prohibited.

(c) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection (a) above, shall be:

- (1) elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation;
- (2) designed to prevent pollution from the structure or activity during the course of a base flood elevation; and
- (3) Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(d) Within any floodplain area, any new or substantially improved structure of the kind described in Subsection (a), above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

7-315.26 SPECIAL REQUIREMENTS FOR SUBDIVISIONS

All subdivision and land development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

7-315.27 PROHIBITED USES

(a) The following uses, including enlargement or expansion of existing uses, are prohibited in the Floodway Area, Special Floodplain Area, Approximate Floodplain Area, or Shallow Flooding Area:

- (1) Recreational Vehicles;
- (2) Manufactured Homes, or any improvements thereto, Subdivisions and Parks;
- (3) Supportive Housing Facilities, including nursing homes; and
- (4) Correctional or Community Correctional Facilities, including jails and prisons.

(b) The commencement of construction, enlargement, or expansion of any hospital within the Floodway Area, Special Floodplain Area, Approximate Floodplain Area, or Shallow Flooding Area shall be prohibited unless a special exception is approved by the Harrisburg Planning Commission and the Zoning Hearing Board.

7-315.28 APPLICATION REQUIREMENTS FOR SPECIAL EXCEPTIONS

(a) In addition to the requirements for special exceptions found elsewhere in the City Of Harrisburg Zoning Code, applicants for special exceptions in the Floodway Area, Special Floodplain Area, Approximate Floodplain area or Shallow Flooding area shall provide five (5) copies of each of the following items:

- (1) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (A). north arrow, scale and date;
 - (B). topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - (C). all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (D). the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (E). the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - (F). the location of the floodplain boundary line, information and spot elevations concerning the base flood elevations, and information

- concerning the flow of water including direction and velocities;
 - (G). the location of all proposed buildings, structures, utilities, and any other improvements; and
 - (H). any other information which the municipality considers necessary for adequate review of the application.
- (2) Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (A). sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - (B). for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (C). complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - (D). detailed information concerning any proposed floodproofing measures;
 - (E). cross section drawings of all proposed streets, drives, other accessways, and parking areas, showing all rights-of-ways and pavement widths;
 - (F). profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - (G). plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (3) The following data and documentation:
- (A). certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - (B). certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
 - (C). a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;
 - (D). a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows;
 - (E). a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevations and flows;
 - (F). the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

- (G). where any excavation or grading is proposed, a plan meeting the requirements of Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- (H). any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166 and;
- (I). an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

(b) Upon receipt of an application for a special exception by the City, the following procedures shall apply in addition to those of Sections 7-315.12 – 7-315.20:

- (1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the City Planning Commission and City Engineer for review and comment.
- (2) If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respect the application is deficient.
- (3) If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (5) Before issuing the special exception, the City shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the City.
- (6) If the City does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a special exception to the applicant.
- (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the special exception.

(c) In addition to the requirements of Section 7-315.23 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special exception. If there is any conflict between any of the following requirements and those in Section 7-315.23 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

- (1) No application for a special exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
- (2) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located,

and constructed so that:

- (A) the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - (B) the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
 - (C) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
- (3) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(d) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City and the Department of Community and Economic Development

7-315.29 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

(a) The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this Section shall apply. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified Floodplain Area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any Floodplain Area that would cause any increase in the elevation of the base flood elevation.
- (2) No expansion or enlargement of an existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
- (4) The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- (5) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (6) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.

7-315.30 FLOODPLAIN NOTIFICATION/CERTIFICATION

(a) No Agent or, if none, no Owner shall sell property or any interest therein, unless such Agent Owner, as applicable, first delivers to the Purchaser or Transferee the Certificate described in Sections 8-305 and 8-307 of the Codified Ordinances. Such Certificate shall be delivered a minimum of ten days prior to the execution of any agreement of sale or not less than ten days prior to the transfer of title in the event that no agreement of sale is utilized. An Agent's or Owner's failure to deliver said Certificate in the required time frame shall be deemed a breach of that Agent's or Owner's duty of disclosure to the Purchaser or Transferee. Such a breach shall render the agreement of sale or other such land contract voidable.

(b) The Purchaser or Transferee shall execute a receipt for the Certificate, as furnished by the City, and such receipt shall be delivered by the Agent or if none, the Owner to the Codes Administrator as evidence of compliance with the provisions of this Section. The Certificate described in this Section in no way implies evidence of compliance with any requirements other than this Section.

(c) No Agent shall aid any Owner in the sale or transfer of property unless the Agent first complies with the requirements of this Section 7-315.30.

7-315.99 PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the City of Harrisburg shall be guilty of a Summary Offense and, upon conviction, shall pay a fine to the City of Harrisburg of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Floodplain Administrator to be a public nuisance and abatable as such.

CHAPTER 7-317

HISTORIC OVERLAY DISTRICTS

Section	7-317.1	Purpose
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Section	7-317.15	Enforcement
Section	7-317.99	Penalties

CROSS REFERENCES

Historic districts: See 53 P.S. §8001 et seq.

7-317.1 PURPOSE

The purpose of this Chapter is to establish an Historic Overlay District which recognizes existing municipal historic districts within the City of Harrisburg and provides for the establishment of new municipal historic districts, in accordance with State Act of 167 of 1961, P.L. 282, as amended. The Historic Overlay District has been created to:

- (1) Protect the portions of the City which recall the rich architectural and cultural heritage of Harrisburg and the State;
- (2) Increase interest in the City's history and promote the general welfare, education, and culture of the City;
- (3) Strengthen the City's economy by improving property values and economic activity; and
- (4) Provide for new buildings and alterations that will be harmonious with existing historically and architecturally significant buildings.

7-317.2 APPLICABILITY

This Chapter applies to all properties located within the Historic Overlay District as further described below:

(a) The Historic Overlay District is hereby delineated as those municipal historic districts shown on the Historic Overlay District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

(b) The Historic Overlay District shall function as an overlay zoning district to the existing zoning districts. All of the provisions of the underlying zoning district shall remain in full effect, except that the additional procedures and requirements of this Chapter shall also apply.

(c) If, in accordance with the provisions of this Chapter, changes are made in the district boundaries or other matters portrayed on the Historic Overlay District Map, such changes shall be entered on such Map promptly after the amendment has been approved by City Council and certified by the Pennsylvania Historical and Museum Commission.

(d) No changes of any nature shall be made on the Historic Overlay District Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and shall be ineffective.

(e) While copies of the Historic Overlay District Map may from time to time be made or published, the Historic Overlay District Map shall be located in the Planning Bureau in the Department of Building and Housing Development, or its successor agency.

(f) Where uncertainty exists as to the boundaries of municipal historic districts as shown on the Historic Overlay District Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as parallel to or extensions of features indicated in the above shall be so construed. Distances not specifically indicated on the Historic Overlay District Map shall be determined by the scale of the map.

7-317.3 CERTIFICATION BY STATE

Changes to the boundaries of a Municipal Historic District or proposed boundaries of a new Historic District shall be submitted by the City Clerk for certification by Resolution of the Pennsylvania Historical and Museum Commission concerning the historic significance of the area within the limits of such Historic District. The City Clerk shall maintain records of such certification.

7-317.4 HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)

(a) The City of Harrisburg Historical Architectural Review Board (identified in this Code as the "HARB"), is hereby continued in effect and shall be composed of seven (7) members, appointed by the Mayor with the advice and consent of City Council. One member shall be a registered architect, one a licensed real estate broker, and one member who functions as a Building Inspector of the City. Four (4) additional persons with a knowledge of and interest in preservation of the Historic Overlay District, and who reside therein, shall be appointed.

(b) The Deputy Director for Planning or his/her representative shall provide staff services to the HARB.

(c) The existing terms of office are hereby continued. Each member shall be appointed to terms of three years. An appointment to fill a vacancy shall be only for the unexpired portion of the term so vacated.

(d) HARB members failing to attend three (3) consecutive meetings shall forfeit their membership, unless the Chairperson of the HARB receives written notification from the member involved that the absence was due to personal illness or the death or illness of an immediate family member. Should any HARB member fail to attend three consecutive meetings without providing the notification set forth above, the Chairperson of the HARB, or the City representative (if the absent member is the Chairperson), shall notify the Mayor and City Council of a vacancy on the HARB by virtue of said member's unauthorized absences. The disqualification of any member of the HARB as herein set forth during his/her term of membership shall immediately create a vacancy on the HARB.

7-317.5 DUTIES OF HARB AND HARB SECRETARY

(a) The HARB may provide advice concerning the limits of Historic Districts. The HARB may provide information to property owners within the district relating to legal and historic architectural techniques with respect to Historic District preservation or assist owners in finding such information. The HARB may advise other agencies within the City Government on matters relating to the Historic Districts, although those agencies shall not be obligated to follow such advice.

(b) The HARB shall advise the City Council regarding the issuance of Certificates of Appropriateness pursuant to this Chapter. Such advice shall be consistent with the provisions of this Zoning Code. The HARB may adopt and amend rules and regulations for its own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the HARB shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of the majority in attendance.

(c) The members of the HARB shall serve without compensation and should make an annual report of their transactions to the Mayor and City Council. The HARB may, pursuant to appropriations by City Council, employ and compensate staff and incur other necessary expenses.

(d) The Executive Secretary to the HARB is the Deputy Director for Planning who shall provide staff assistance to the HARB, provide advice to applicants, process applications, approve applications when directed, and accomplish other responsibilities as stated in this Chapter.

(e) Determinations by the Executive Secretary may be appealed to the HARB by a party with proper standing within 30 days after such determination is made.

(f) The HARB shall hear appeals of decisions made under Chapter 7-319, Architectural Conservation Overlay District.

7-317.6 APPLICATION WITHIN HISTORIC OVERLAY DISTRICT

(a) Any of the following activities proposed within the boundaries of the Historic Overlay District which would be visible or intended to be visible from a public street or public alley or an adjacent sidewalk shall fully comply with this Chapter:

- (1) The erection or construction of a proposed building;
- (2) The extension, exterior reconstruction, exterior alteration, exterior restoration, the tint of glazing or otherwise coating glazing of windows and doors, and the color of new exterior features that are not to be painted;
- (3) Demolition or razing of all or a part of an existing building;
- (4) The placement or extension of a sign on a structure or land that is visible from a public street and that is required to have a permit under this Zoning Code; and
- (5) The installation of structures, including artwork, statutes, and memorials, within that portion of Riverfront Park that is included within the Historic Overlay District; and

(b) This chapter shall not by itself regulate features that are not visible from a public street or alley, and shall not regulate interiors.

(c) Features that are only visible from a private alley shall not be regulated by this Chapter.

(d) The HARB and City Council shall not regulate colors. The HARB may require an applicant to provide information on proposed colors, and may provide advice in such matters.

(e) The following types of minor repairs and minor restorations shall not by themselves be regulated by this Chapter, provided they are in accordance with Section 3-317.10:

- (1) Re-painting of previously painted surfaces;
- (2) Addition or replacement of storm windows or storm doors; and
- (3) Other work that does not change the exterior historic appearance of the building as viewed from a public street.

(f) An application which consists solely of repair and/or in-kind replacement shall be referred by the Zoning Officer to the Executive Secretary of the HARB, who shall issue a Certificate of Appropriateness if such work complies with Section 7-317.10:

- (1) Repair and/or in-kind replacement shall be limited to work to be completed with materials, design, dimensions, and configurations that are identical in appearance as viewed from a public sidewalk to architectural features that currently exist on the building.
- (2) Additional types of changes that may be reviewed and approved by the Executive Secretary of the HARB include:

- (A) Installation, removal, or alteration of storm doors, drain pipes, and gutters,
 - (B) Re-pointing, chemical or abrasive cleaning, and repair of brick or stone,
 - (C) Revealing historic features that have been encapsulated in modern materials and the repair and in-kind replacement of such previously obscured historic features, and
 - (D) Removal or installation of fencing.
- (3) Based upon the advice of the HARB, City Council may, by written resolution, establish additional standards specifying categories of additional types of changes that, because they are minimal in nature and do not affect historic or architectural significance, shall not be required to be reviewed by the HARB and approved by City Council and instead may be approved by the Executive Secretary of the HARB.

7-317.7 HISTORIC OVERLAY DISTRICT PROCEDURES

(a) Any application for a building/zoning permit for any exterior work proposed within the Historic Overlay District shall be forwarded to the Executive Secretary to the HARB.

(b) The Executive Secretary to the HARB shall require the submission of a completed Certificate of Appropriateness application and maintain a record of all such applications and of the handling and final disposition of the same, which should be cross-referenced with other zoning records.

(c) The Executive Secretary to the HARB shall require the applicant to submit ten copies of submitted materials for proper review by the City. The applicant shall be required to submit sufficient information to the City Staff to determine compliance with this Chapter.

(d) All applications submitted to the HARB shall be reviewed for compliance with the standards of Section 7-317.10.

(e) The HARB shall only recommend disapproval of an application and City Council shall only disapprove an application based upon factors and criteria stated in Section 7-317.10 of this Chapter.

(f) The HARB shall forward applications to City Council with a recommendation for approval or denial of a Certificate of Appropriateness, in accordance with Section 7-317.11 and 7-317.12.

(g) Upon notice that a Certificate of Appropriateness has been approved, the Zoning Officer and Codes Administrator shall consider the application for compliance with other City ordinances. This shall not prohibit such review prior to issuance of a Certificate of Appropriateness and the concurrent submission of the application to other boards for appropriate review and action.

(h) If a building permit is not required for work regulated by this Chapter (such as repairs under \$1,000 dollars subject to Ordinance 17-1994), then a Certificate of Appropriateness application for such work shall be submitted to the Executive Secretary to the HARB.

- (1) Such application shall be reviewed and approved in the same manner as any standard application under this Chapter, and
- (2) If denied, the applicant will be informed of the reasons of the disapproval in the same manner as any other disapproval.

(i) A Certificate of Appropriateness application filed after work has been performed by the applicant will pay a fee of \$500.00.

7-317.8 PERMITS

The Codes Administrator and the Zoning Officer shall not issue a permit for activity regulated by this chapter unless a Certificate of Appropriateness has been issued as specified in this Chapter.

7-317.9 MEETINGS OF HARB AND CONSIDERATION OF APPLICATIONS

(a) The HARB shall meet regularly and may hold special meetings for cause at the call of the Chairperson of the HARB or upon the request of a majority of the members.

(b) Any application for a permit regulated by this Chapter and submitted by the published deadline shall be considered by the HARB at its next regularly scheduled meeting.

(c) The applicant shall receive written notice of the time and place of said meeting. The HARB may invite such other person or persons as it desires to attend the meeting.

7-317.10 CRITERIA FOR APPROVAL

(a) In determining the recommendations to be made to City Council concerning the issuance of a Certificate of Appropriateness for work regulated by this Chapter, the HARB shall consider the following matters:

- (1) The effect of the proposed change upon the general historic and architectural nature of the subject building and district;
- (2) The appropriateness of exterior architectural features which can be seen from a public street; and
- (3) The general design, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings or structures in the district.

(b) The HARB and the Executive Secretary to the HARB should also consider the following design guidelines and criteria, as applicable:

- (1) The "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," as amended, which are hereby incorporated by reference;
- (2) National Park Service Preservation Briefs, explanatory guidelines, and reports as applicable;
- (3) The Historic District Design and Preservation Guide for the City of Harrisburg and subsequent amendments;
- (4) HARB Guidelines for the Use of Alternative Materials in Replacing Historic Features; and

(5) HARB Demolition Criteria.

(c) To ensure that valuable historic resources are not destroyed when there may be reasonable alternatives available, the Demolition Criteria established by the HARB and contained within the Historic District Design and Preservation Guide shall apply to any application to demolish an existing principal building or portion of an existing principal building within the Historic Overlay District.

7-317.11 RECOMMENDATION OF HARB

(a) Within seven (7) days following the meeting of the HARB at which an application is considered, the recommendation shall be submitted in writing to City Council.

(b) The HARB recommendation concerning each application regulated by this Chapter shall set out the following matters:

- (1) The exact location of the area in which the work is to be done;
- (2) The exterior changes to be made or the exterior character of the structure to be erected;
- (3) A list of the surrounding structures with their general exterior characteristics;
- (4) The effect of the proposed change upon the general historic and architectural nature of the subject building and district;
- (5) The appropriateness of exterior architectural features which can be seen from a public street;
- (6) The general design, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings or structures in the district;
- (7) A sketch or drawing showing the building or structure with its changes, and including at least the two structures on either side showing the effects of those changes within the district;
- (8) The opinion of the HARB (including any dissent) as to the appropriateness of the work proposed in relation to the preservation or destruction of the historic or architectural aspects of the building and of the district; and
- (9) The specific recommendation of the HARB regarding the issuance or denial of a Certificate of Appropriateness.

7-317.12 ACTION BY CITY COUNCIL

(a) The recommendation of the HARB shall be submitted to the Chairperson of the Building and Housing Committee of City Council for review.

(b) The following procedures shall apply if the HARB recommends approval of an application:

- (1) Unless the Chairperson of the applicable Committee of City Council determines that the application should be submitted for review by the full City Council, the HARB's decision shall be deemed to have been approved by City Council, and a Certificate of Appropriateness shall be issued within

ten (10) days after such Chairperson's receipt of the HARB recommendation.

- (2) The Chairperson of the applicable Committee of City Council may at his/her discretion submit the application to Council, at a regular or special meeting, to consider the question of issuing a Certificate of Appropriateness authorizing a permit for the work covered by the application.
 - (A) The applicant shall be advised by the City Staff of the time and the place of the meeting at which such application will be considered, and the applicant shall have the right to attend and be heard in support of the application.
 - (B) In determining whether or not to issue a Certificate of Appropriateness for activity regulated by this Chapter, City Council shall consider the factors and guidance documents provided in Section 7-317.10 and the report of the HARB.
 - (C) If Council approves the application, it shall approve the Certificate of Appropriateness in writing.
 - (D) If City Council disapproves the application, it shall do so in writing, and copies thereof shall be delivered to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate the reasons for such action and what changes in the plans and specifications would meet the conditions for protecting the distinctive historical and architectural character of the district.
 - (E) In any event, City Council shall render its decision no later than 45 days after the HARB's last meeting date on the matter, unless a written extension is granted by the applicant, and, upon failure of the Council to act within such period of time, the recommendation of the HARB shall be deemed to be the action of Council, unless by resolution Council specifically defers such action for a period not to exceed 30 days from the date of the resolution deferring such action.

(c) In the event the HARB recommends denial of an application, City Council shall follow the procedure set in Section 7-317.12(b)(2) for full Council review. The applicant may reapply with revisions made to the application or may appeal the disapproval as provided by law and City ordinance.

7-317.13 ACTION BY CODES ADMINISTRATOR

Upon receipt of the written disapproval of the Council, the Codes Administrator shall not approve the application for the building permit.

7-317.14 DEMOLITION AS PART OF A DEVELOPMENT PROJECT

(a) Intent and Purpose. It is recognized that historic district buildings have intrinsic value to the streetscape and character of historic districts, as do in-fill developments. Each type of building adds to the effect experienced in traveling along the block on which the building is located. The lack of a building without a definable and intended open space, as in a park or garden, detracts from this element of place found within the historic district. To that end, when the demolition of an existing building, found by HARB and City Council to be a structurally sound building that contributes to the character of the historic district, is part of a development

project resulting in the construction of a new building in place of the existing building, then the existing building will be preserved until such time that:

- (1) Final construction plans are approved for the issuance of a building permit for the construction of the new building;
- (2) Schematic documentation is submitted for the building(s) to be razed, including, but not limited to sketches, pictures, and shop drawings for distinctive features. Documents shall be provided in paper and an electronic fixed-layout format of an open standard independent of application software, hardware, and operating system; and
- (3) A guarantee is provided by the applicant to the City of Harrisburg in an amount equal to the replacement construction value of the existing building(s) to be removed.

(b) The following are acceptable forms of guarantee. All others forms of guarantee must be individually approved by the City Solicitor of the City of Harrisburg:

- (1) "SURETY PERFORMANCE BOND" means a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the City of Harrisburg.
- (2) "ESCROW ACCOUNT" means a deposit of cash either with the City or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the City Solicitor. In the case of an escrow account with a financial institution, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
 - (A) The funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period; and
 - (B) In the case of a failure on the part of the developer to maintain current building permits or complete said development within 36 months of the demolition of the existing building, then the financial institution shall immediately make the funds in said account available to the City of Harrisburg.
- (3) "LETTER OF CREDIT" means a letter of credit provided by the developer from a financial institution or other reputable institution subject to the approval of the City. This letter shall be deposited with the City and shall certify the following:
 - (A) The amount of credit;
 - (B) In the case of a failure on the part of the developer to maintain current building permits or complete said development within 36 months of the demolition of the existing building, the creditor shall pay to the City of Harrisburg immediately, and without further action, funds equal to the amount of the letter of credit; and
 - (C) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released by the City of Harrisburg.

(c) The amount of the guarantee shall be calculated as the mean average of the following three conventional methods in determining replacement value:

- (1) The current property tax assessment of the property as set by the Dauphin County Tax Assessor at the time of the application submission, multiplied by a factor of 2.5.
- (2) A signed replacement cost quote from an independent insurance broker who represents insurers specializing in providing property and casualty insurance coverage for residential and commercial buildings.
- (3) A construction cost estimate sealed by a Registered Architect or Professional Engineer using industry standard estimating guides or software, compared with recent cost experience in the local market. The method for calculating shall be based upon a cost per square foot derived from project classification (occupancy), construction type, building height, total square feet of occupied space, and a location multiplier, and shall include all requisite architecture and engineering necessary for occupancy. A separate cost per square foot shall be calculated for unoccupied space, including but not limited to basements, parking decks, and mechanical spaces. Specialty items, such as, custom millwork, carved stone, and decorative metals shall be calculated as a lump sum separate line item. The three values shall then be added to establish a total construction cost.

(d) The guarantee shall be enforced and the money provided to the City of Harrisburg at the time the developer fails either to maintain current building permits, commence new construction within ninety (90) days of demolition completion, or complete said development within thirty-six (36) months of the demolition of the existing building. An alternate schedule for a longer period of time may be considered at the time of land development plan approval by City Council, provided the developer provides documentation indicating timing or material situations that may impact the construction period. The developer may seek up to two (2) extensions to the schedule, not to exceed an aggregate total of twenty-four (24) months, through City Council following land development plan approval, with recommendation provided by the Director of the Department of Building & Housing Development. Under no circumstances shall a third extension be granted.

(e) The guarantee's funds, with City Council's approval, will be used to enhance the City's neighborhoods through urban renewal programs or historic preservation methods. When received, the funds will be deposited into the Demolition Renewal Escrow Account in the City's General Fund.

(f) Upon issuance of a Certificate of Occupancy for the newly constructed building, the developer shall notify the Director of the Department of Building and Housing Development in writing, by certified or registered mail, requesting release of the guarantee's funds. The Director shall within ten (10) days after receipt of such notice, direct the release of funds by the City.

7-317.15 ENFORCEMENT

The Zoning Officer shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Chapter in the same manner as in the enforcement of the Zoning Code of the City of Harrisburg, as presently enacted and as the same may from time to time be amended.

7-317.99 PENALTIES Chapters 7-701, 7-301.99 and 1-305 shall apply.

CHAPTER 7-319
ARCHITECTURAL CONSERVATION OVERLAY DISTRICT

Section 7-319.1	Purpose
Section 7-319.2	Applicability
Section 7-319.3	Establishment of an ACOD
Section 7-319.4	Approval Procedures within an ACOD
Section 7-319.5	Design Guidelines
Section 7-319.99	Penalties

7-319.1 PURPOSE

(a) The purpose of this Chapter is to establish the Architectural Conservation Overlay District ("ACOD"), which is intended to serve the following major objectives, in addition to the overall community development objectives of this Zoning Code:

- (1) to protect the existing physical character of neighborhoods which have their own historic streetscape identity;
- (2) to avoid a level of regulation that might discourage the proper repair and improvement of buildings, considering the economic market within the area;
- (3) to address areas where there exists a sense of place and identity in a neighborhood that is fostered by the physical character of its streetscape;
- (4) to address areas where there is not grass-roots support for a formal Municipal Historic District or where the criteria to be designated a Municipal Historic District cannot be met.

7-319.2 APPLICABILITY

An ACOD may be established as an "overlay" district to any conventional underlying zoning districts. Where such overlay district is established, in each matter, whichever provision of the ACOD or the underlying district is most restrictive upon the structure or use shall apply. All of the use, yard, bulk, and other requirements of the underlying zoning district shall apply, except that within an ACOD, any activity regulated by this Chapter that is visible from a public street shall also comply with this Chapter.

7-319.3 ESTABLISHMENT OF ACOD DISTRICT

(a) An ACOD may be established by City Council by an official amendment to the Zoning Code to revise the Official Zoning Map.

(b) An ACOD shall not be established within a certain area unless a petition expressing support for the establishment of the District is presented to the Deputy Director for Planning. Such petition shall contain the signatures of "representatives" of:

- (1) a minimum of sixty percent (60%) of all dwelling units located within the proposed ACOD district boundaries;
- (2) a minimum of fifty-one percent (51%) of all owner-occupied housing units located within the proposed ACOD district boundaries; and

- (3) for the purposes of this Section, a "representative" of a dwelling unit shall be one adult person living on the premises whose name appears on either the deed or the lease to such premises or a formal agreement of sale.

(c) Such petition shall be submitted together with a list of all City-recognized neighborhood organizations located within the proposed ACOD district, together with the organization's address and name of the presiding officer.

(d) Such petition shall be accompanied by a map which clearly delineates all boundaries within the proposed ACOD district and which shows all public streets within and adjacent to the proposed ACOD district.

(e) Such petition shall be submitted to the City together with a proposed set of Design Guidelines, as described below.

(f) Such petition and a copy of the accompanying Design Guidelines and Map shall be provided to the HARB and the Planning Commission for review. In addition, a meeting shall be held, which residents of the affected area shall be encouraged to attend.

(g) After an official public hearing, City Council shall approve or deny the proposed ACOD district designation. City Council shall have the authority to revise the proposed Design Guidelines and/or to reduce the boundaries of the proposed ACOD district prior to or as part of such vote.

(h) If an ACOD district is established, the Deputy Director of Planning shall send written notice to an owner of record of each lot within the district and to each City-recognized neighborhood organization that serves such area. Such notice, at a minimum, shall describe the types of activities that are regulated and the method to obtain approval for such activities.

(i) Any ACOD district shall include a minimum of twelve (12) blocks.

(j) A minimum of eighty percent (80%) of the residential buildings within an ACOD district shall be a minimum of eighty (80) years old.

(k) A minimum of seventy-five percent (75%) of the residential buildings within an ACOD district shall be occupied.

7-319.4 APPROVAL PROCEDURES WITHIN AN ACOD DISTRICT

(a) The Deputy Director for Planning or his/her designee shall act as an Examiner to administer each ACOD district's regulations.

(b) The exterior of an existing principal building shall not be altered in a manner that is visible from a public street, and a principal building shall not be newly constructed or demolished within an ACOD district unless an application has been submitted and approved under this Chapter.

(c) At the time an applicant applies for a building permit for activity regulated by this Chapter, the following additional information shall be submitted to the Examiner:

- (1) a narrative describing the proposed work;
- (2) photographs of existing conditions;
- (3) plans and illustrations of the proposed work;
- (4) plans and specifications for any construction proposed after demolition, if applicable; and
- (5) such other information as the Examiner may reasonably require as is necessary to determine compliance with the adopted Design Guidelines.

(d) The Examiner shall consider the following factors to determine the compliance of the proposed exterior alterations, demolition, or construction with this Chapter:

- (1) conformance with the purposes of this Chapter;
- (2) conformance with the adopted Design Guidelines; and
- (3) the effect of the proposed work on the historic architecture and scale of the subject building or lot and the relationship with neighboring buildings.

(e) Within ten (10) days after receipt of a complete application, the Examiner shall act to approve, approve with conditions, or deny the application. Written notice shall be provided to the applicant.

(f) If a City-recognized neighborhood organization serves the affected area, then the Examiner shall also mail notice to such organization:

- (1) at the time of the filing, allowing seven (7) days for the organization to review said documents and respond with concerns prior to action; and
- (2) of the decision.

(g) The decision of the Examiner may be appealed by the applicant to the HARB, provided such appeal is filed within a maximum of fourteen (14) days after such decision is provided to the applicant. A decision under this Chapter shall only be subject to appeal by the applicant or his/her designee.

- (1) If the HARB recommends approval of the application, and any conditions are acceptable to the applicant, such decision shall be considered the final action of the City on the application.
- (2) If the HARB recommends denial or the applicant does not wish to accept the proposed conditions, then the application shall be forwarded to City Council for final approval, approval with condition, or denial.

7-319.5 DESIGN GUIDELINES

(a) Design Guidelines shall be adopted as part of each ACOD district. Such Design Guidelines shall be a set of standards and specifications which define the parameters to be followed in site and building design within the ACOD district.

(b) The Design Guidelines shall address the following:

- (1) alterations to architectural features of existing principal buildings;
- (2) the new construction and expansion of a principal building, which shall be controlled to ensure that the new building will be compatible with existing patterns of development in the neighborhood and the massing, proportions, and fenestration patterns of existing buildings; and
- (3) the demolition of an existing principal building.

(c) This Chapter 7-319 shall only control the exterior appearance of the "primary facade" and side walls of principal buildings facing a City street having a right-of-way of twenty (20) feet or greater. The "Primary Facade" of the building shall be defined as the exterior wall of a building which faces a street and contains the principal entrance to the building.

7-319.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-321
NONCONFORMING USES, STRUCTURES, AND LOTS

Section	7-321.1	Purpose
Section	7-321.2	Applicability
Section	7-321.3	Certification
Section	7-321.4	Existing Nonconforming Uses and Buildings
Section	7-321.5	Change of Use
Section	7-321.6	Existing Nonconforming Lots
Section	7-321.7	Abandonment and Discontinuance
Section	7-321.99	Penalties

CROSS REFERENCES

Special Exceptions and Variances: See Chapter 7-323

Nonconforming Signs: See Chapter 7-325

7-321.1 PURPOSE

(a) The purpose of this Chapter is to establish procedures for uses, structures, and lots which are nonconforming with the Zoning Code on the effective date of this Code, in order to achieve the following objectives:

- (1) to encourage greater separation of less compatible uses;
- (2) to prohibit nonconforming uses from expanding significantly in intensity;
- (3) to terminate nonconforming uses which have been abandoned and to bring uses into compliances with the Zoning Code; and
- (4) to establish reasonable limits on the expansion and change of nonconforming uses or structures, while allowing their continuation, sale and modification within certain limits.

7-321.2 APPLICABILITY

This Chapter applies to all uses, structures, and lots which are not in compliances with the uses and development standards in specific zoning districts as reflected on the City of Harrisburg Zoning Map. All lawful uses of land buildings, signs, or other structures existing on the effective date of the Planning and Zoning Code may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of the Chapter.

7-321.3 CERTIFICATION

It shall be the responsibility of a party asserting a nonconforming use, structure, or lot to document that it is lawful. A property owner may request a written statement confirming the nonconforming status of a use, structure, or lot from the Zoning Officer after providing sufficient evidence. The Zoning Officer, upon proof of a legal nonconformity, may certify the existence of the nonconforming use, structure, or lot.

7-321.4 EXISTING NONCONFORMING USES AND BUILDINGS

(a) For alterations and reconstruction of nonconforming uses and building, the following shall apply:

- (1) Repairs and structural alterations not constituting extensions, expansions, or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use; and
- (2) A nonconforming building which is damaged by fire, an explosion, or a natural disaster, may be rebuilt and used for the same purposes, provided that the reconstruction of the building is commenced within 18 months from the date of the destruction and is carried to completion without undue delay, and the reconstructed building does not exceed in height, area, and volume, the building destroyed.

(b) Any extension, expansion, or enlargement of a nonconforming building or use shall require a Special Exception Permit from the Zoning Hearing Board as regulated under Chapter 7-323 and shall include the following criteria:

- (1) Any extension, expansion, or enlargement shall conform to the development standards of the zoning district in which it is located, as found in Chapter 7-307.
- (2) All required loading and/ or parking spaces for any expansion or enlargement shall comply with the requirements of Chapter 7-327.
- (3) The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc.) shall not be increased.

7-321.5. CHANGE OF USE

(a) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(b) Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Section.

(c) A nonconforming use may be changed to another nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board as regulated under Chapter 7-323. Where a Special Exception is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or have less impact in external effects than the pre-existing nonconforming use with regard to:

- (1) Traffic safety and generation (especially truck traffic);
- (2) Noise, dust, fumes, vapors, gases, odors, glare, vibration, combustibility, hazardous substances and explosive hazards;
- (3) Amount and character of outdoor storage;
- (4) Late night and early morning hours of operation if the new use would be adjacent to dwellings; and
- (5) Compatibility with the character of surrounding uses.

7-321.6 EXISTING NONCONFORMING LOTS

Any nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Zoning Code or created by an amendment to this Zoning Code may be continued although such lot does not conform to the lot requirements for the district in which it is located based on the following development requirements:

- (a) All the requirements of this Code shall be met with the exception of the lot area and lot width; and
- (b) Where applicants own contiguous nonconforming parcels, lots should be combined to create conforming lots.

7-321.7 ABANDONMENT AND DISCONTINUANCE

Any nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Code. A nonconforming use or building, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The Zoning Officer may require evidence of active marketing to determine that the nonconformity was not abandoned. A nonconforming structure which has been condemned by the City is considered abandoned under this Chapter.

7-321.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-323
SPECIAL EXCEPTIONS AND VARIANCES

Section	7-323.1	Purpose
Section	7-323.2	Applicability
Section	7-323.3	Zoning Hearing Board
Section	7-323.4	Membership of Zoning Hearing Board
Section	7-323.5	Hearings and Decisions
Section	7-323.6	Special Exceptions
Section	7-323.7	Variances
Section	7-323.8	Appeals
Section	7-323.9	Planning Commission Review of Special Exception and Variance
		Permits
Section	7-323.99	Penalties

CROSS REFERENCES

Notice: see Pennsylvania Municipalities Planning Code §908, 53 P.S. §10908
Special Exceptions: see Pennsylvania Municipalities Planning Code § 912.1
Variances: see Pennsylvania Municipalities Planning Code §910.2
Land Use Appeals: see Pennsylvania Municipalities Planning Code § 1001-A
Zoning Hearing Board: see Pennsylvania Municipalities Planning Code §901 et seq., 53 P.S. §10901 et seq.

7-323.1 PURPOSE

The purpose of this Chapter is to establish procedures for Special Exceptions and Variances, and to explain the duties of the Zoning Hearing Board. In addition to making decisions on Special Exception and Variances, the Zoning Hearing Board also functions to hear any appeals of decisions made by the Zoning Officer in the administration of this Zoning Code.

7-323.2 APPLICABILITY

(a) All applications for Special Exceptions and Variances require review and final action by the Zoning Hearing Board. Special Exceptions are required for specific land uses in specific Zoning Districts, further described in Chapter 7-305. Special Exceptions also include Floodplain Special Exceptions, as described in Chapter 7-315. Variances are required for any request for relief of the development standards described in Chapter 7-307.

7-323.3 ZONING HEARING BOARD

The existing Zoning Hearing Board of the City of Harrisburg is hereby continued and shall perform all of the functions authorized by the Pennsylvania Municipalities Planning Code, as amended.

7-323.4 MEMBERSHIP OF ZONING HEARING BOARD

The Zoning Hearing Board shall consist of three (3) regular members appointed by the City Council. The membership of the Zoning Hearing Board shall consist of residents of the City of Harrisburg. The terms of office shall be three years and shall be fixed so that the term of office of one member shall expire each year. The City Council may also appoint alternate members to serve as authorized by the Pennsylvania Municipalities Planning Code, as amended.

7-323.5 HEARINGS AND DECISIONS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

(a) Public notice shall be published as required by the Pennsylvania Municipalities Planning Code and shall state the time and place of the hearing and the particular nature of the matter to be considered;

(b) Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until the hearing;

(c) Public notice will be mailed by the applicant by first class letter to all property owners within a 100-foot radius of the boundary of the subject property;

(d) The City shall provide written notice to the applicant of the time and place of the hearing. Such notice also shall be given to any other person or group, including civic or community organizations, who has made a written timely request for such notice;

(e) Any such notices should be mailed or delivered to the last known address, or sent through electronic mail services;

(f) The Board shall hear and decide any application under the procedures of the Pennsylvania Municipalities Planning Code, as amended. The Board shall schedule the first hearing within 60 days of submittal of a proper application and issue a decision within 45 days after the conclusion of the final hearing on the matter. The Board shall render a written decision, or make written findings when no decision is called for, within the time limits of the Pennsylvania Municipalities Planning Code, unless a written time extension is provided by the applicant. In other circumstances:

- (1) where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions; and,
- (2) any conclusion based on any provision of the Pennsylvania Municipalities Planning Code or of this Zoning Code shall contain a reference to the provision relied upon.

(g) A copy of the final decision or a copy of the findings (when no decision is called for), shall be communicated to the applicant or his/her representative or mailed to their last known address not later than the time limit established by the Pennsylvania Municipalities Planning Code, as amended;

(h) The approval of a Special Exception or Variance shall be automatically revoked within one (1) year of the notice of decision if a complete building/zoning permit or land development application is not submitted to the City. For good cause, the Zoning Hearing Board may extend this time upon receiving a new application. The one-year period may be extended only with approval of the Zoning Hearing Board. Approval shall also be automatically revoked if no work has been done on-site within one year of the notice of decision, unless an alternative schedule is submitted to and approved as part of the permit process. The permit may also be revoked if the Codes Administrator revokes the building permit and a new permit application addressing the revocation's concerns is not resubmitted within one month of the revocation.

7-323.6 SPECIAL EXCEPTIONS

(a) The Zoning Hearing Board shall hear and render decisions on requests for a Special Exception for a use that is permitted by this Code. Special Exception requests shall be submitted to the Zoning Officer.

(b) The Zoning Hearing Board may grant a Special Exception if the applicant provides evidence to the satisfaction of the Board that the proposed use will comply with all of the following standards:

- (1) such use will not clearly be in conflict with other City Ordinances or State or Federal laws or regulations known to the City;
- (2) such use will include proper traffic ingress and egress to the property, with particular attention paid to vehicle and pedestrian safety, and will involve proper access for emergency vehicles;
- (3) the applicant shall show that the use will not create a significant public safety hazard, including fire, toxic, or explosive hazards;
- (4) such use will not significantly negatively affect the character of an existing residential neighborhood, such as causing substantial amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation;
- (5) such use will involve adequate site design methods, including plant screening, walls, fences, berms, site layout, proper direction and shielding of outdoor lighting to avoid glare, setbacks of refuse areas and loading facilities, and other setbacks as needed to avoid significant negative impacts on adjacent uses;
- (6) the applicant shall show that the use will comply with the environmental performance standards of this Zoning Code, as stated in Chapter 7-331; and
- (7) the applicant shall prove that any demolition or other negative impacts upon any buildings with historically significant architecture on the site have been reasonably minimized. The Zoning Hearing Board may request an advisory review by the Harrisburg Architectural Review Board or its Executive Secretary on this matter.

(c) In granting a Special Exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Zoning Code) as it determines is necessary to implement the purposes of this Zoning Code. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the zoning and building permits issued pursuant thereto,

and any failure to comply with said conditions shall be a violation of this Zoning Code. Such additional conditions may include, but are not limited to, the following:

- (1) limitations on hours of operation;
- (2) imposition of operational controls or performance guarantees;
- (3) screening and other buffering requirements; and
- (4) limitations on future enlargement, modification, or change of use.

(d) In establishing the existence of facts or conditions relative to the possible granting of any Special Exception, the burden of proof shall be on the applicant.

7-323.7 VARIANCES

(a) The Zoning Hearing Board shall hear and render a decision on requests for a Variance where an applicant states that the provisions of this Code inflict unnecessary hardship. Applications for Variances shall be submitted to the Zoning Officer.

(b) The Zoning Hearing Board may grant a Variance provided that all of the following findings are made where relevant in a given case:

- (1) there are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
- (2) because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Code, and a variance is therefore necessary to enable the reasonable use of the property;
- (3) such unnecessary hardship has not been created by the appellant;
- (4) the variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Code. Such conditions may include but are not limited to the standards listed in Section 7-323.6(c).

7-323.8 APPEALS

Any person aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Dauphin County Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the Pennsylvania Municipalities Planning Code, as amended.

7-323.9 PLANNING COMMISSION REVIEW OF SPECIAL EXCEPTIONS AND VARIANCES

(a) The Zoning Hearing Board shall provide an opportunity for the Planning Commission to provide advisory comments on any Special Exception or Variance application prior to the scheduled hearing of the Board.

(b) If the Planning Commission provides comments, the Zoning Officer shall enter such comments as an exhibit on behalf of the City at a hearing of the Zoning Hearing Board on the application for a Special Exception Permit or Variance Permit.

(c) The primary role of the Planning Commission is to provide advisory comments relating to the appropriateness of the Special Exception or Variance request in relation to the relevant zoning district, adopted neighborhood plans, and the City of Harrisburg Comprehensive Plan.

7-323.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-325

SIGNS

Section	7-325.1	Purpose
Section	7-325.2	Applicability
Section	7-325.3	Construction of Signs
Section	7-325.4	Existing Nonconforming Signs
Section	7-325.5	Determination of Sign Area
Section	7-325.6	On-Premise Permanent Signs
Section	7-325.7	Exempt Signs
Section	7-325.8	Criteria for Signs Not Requiring Permits
Section	7-325.9	Signs of Closed Businesses
Section	7-325.10	Location of Signs
Section	7-325.11	Illumination of Signs
Section	7-325.12	Vehicles Functioning as Signs
Section	7-325.13	Prohibited Signs
Section	7-325.14	Off-Premise Signs (Billboards)
Section	7-325.15	Posting of Street Address
Section	7-325.99	Penalties

CROSS REFERENCES

Definitions: see Chapter 7-333

Special Exceptions and Variances: see Chapter 7-323

Nonconforming Uses and Structures: see Chapter 7-321

Historic Overlay District: see Chapter 7-317

Environmental Performance Standards: see Chapter 7-331

7-325.1 PURPOSE

The purpose of this Chapter is to promote and maintain overall community beautification and to establish reasonable time, place, and manner regulations on the exercise of free speech in order to promote communication that does not create nuisances, without regulating content. This Chapter protects property values by ensuring that proposed signage does not negatively impact adjacent land uses, existing neighborhoods, and municipal historic districts. This Chapter promotes traffic safety by avoiding distractions and sight distance obstructions and serves the other objectives of this Code.

7-325.2 APPLICABILITY

(a) A Zoning and Building Permit shall be required before erecting, placing, rebuilding or reconstructing any sign except for signs meeting the requirements of Section 7-325.7 and Section 7-325.8.

(b) A Certificate of Appropriateness shall be required before receiving a building permit to erect a sign located in a municipal historic district that is visible from the public right-of-way.

(c) Only types, sizes and heights of signs that are specifically permitted by this Code within the applicable District shall be allowed.

(d) Each sign permit application shall be accompanied by a plan(s) drawn to scale indicating the proposed dimensions and location of each sign.

(e) Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in message without a new zoning permit provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this Code.

7-325.3 CONSTRUCTION OF SIGNS

(a) Sign construction shall conform in all respects to the City Building Code.

(b) Every permanent sign shall be constructed of durable materials and shall be kept in good condition and repair. No on-premise or off-premise sign (billboard) shall be painted on any wall, fence, or other surface.

(c) Any sign which becomes dilapidated or deemed to be unsafe may be repaired or removed by the City at the expense of the owner or lessee of the property on which it is located, after providing written notice to such owner or lessee.

(d) The Zoning Officer shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.

7-325.4 EXISTING NONCONFORMING SIGNS

(a) Signs lawfully existing at the time of enactment of this Code which do not conform to the requirements of the same shall be considered nonconforming signs. Existing nonconforming signs may continue to be used and may be repaired, repainted and changed in message but shall not be increased in their non-conformity.

(b) An existing lawful nonconforming sign may be replaced with a new nonconforming sign, provided that the replacement sign meets the following standards:

- (1) it is not more nonconforming in any measurement than the previous sign (including but not limited to height and total square feet); and
- (2) it meets the City Building Code.

7-325.5 DETERMINATION OF SIGN AREA

To determine sign area, signs shall be measured as follows:

(a) The sign area shall be computed by multiplying the greatest height by the greatest length.

(b) For double-faced signs, only one side shall be considered when determining sign size when both sides are identical, both sign faces share the same structure and supports; and the sign faces are back to back with an interior angle formed by the two faces which is less than or equal to forty-five (45) degrees.

(c) Structural members not bearing advertising matter and/or not in the form of a symbol or logo shall not be included in the computation of surface area.

(d) Unless otherwise specified, all square footages in regards to signs are maximum sizes.

7-325.6 ON-PREMISE PERMANENT SIGNS

(a) The following table contains the requirements for on-premise signs which are permitted on a lot within the specified districts in addition to signs covered under Section 7-325.7 and Section 7-325.8 and such other signs specifically permitted by other provisions of this Chapter. The location of signs is regulated under Section 7-325.10. Sign definitions are under Chapter 7-333.

ZONING DISTRICT	WINDOW SIGNS	PROJECTING SIGNS	WALL SIGNS	FREE STANDING SIGNS
Open Space Recreation District (OSR)	Maximum Sign Area: 25% of the glass area of the window Minimum Height: Not Applicable Maximum Height: First Story Number: Not Applicable Illumination: Not Permitted	Maximum Sign Area: 6 square feet Minimum Height: 8 feet Maximum Height: First Story Number: 1 per lot if a wall sign is installed Illumination: Not Permitted	Maximum Sign Area: 10 square feet Minimum Height: None Maximum Height: First Story Number: 1 per lot if a projecting sign is not installed Illumination: Not Permitted	Maximum Sign Area: 16 square feet Minimum Height: Not Applicable Maximum Height: 4 feet Number: 1 per lot or maximum of 4 signs not to exceed total sign area of 16 square feet Illumination: Direct or Indirect
Non-Residential Uses in Residential Districts (RL, RM)	Maximum Sign Area: 25% of the glass area of the window Minimum Height: Not Applicable Maximum Height: First Story Number: Not Applicable Illumination: Not Permitted	Maximum Sign Area: 4 square feet Minimum Height: 8 feet Maximum Height: First Story Number: 1 per lot if a wall sign is not installed Illumination: Not Permitted	Maximum Sign Area: 4 square feet Minimum Height: None Maximum Height: First Story Number: 1 per lot if a projecting sign is not installed Illumination: Not Permitted	Not Permitted

ZONING DISTRICT	WINDOW SIGNS	PROJECTING SIGNS	WALL SIGNS	FREE STANDING SIGNS
Commercial Neighborhood District (CN)	Maximum Sign Area: 25% of the glass area of the window Minimum Height: Not Applicable Maximum Height: First Story Number: Not Applicable Illumination: Internal, Direct, or Indirect	Maximum Sign Area: 10 square feet or 50 square feet for awnings and marquees Minimum Height: 8 feet Maximum Height: Second Floor Window Sill Number: 1 per lot or 2 for corner properties Illumination: Internal, Direct, or Indirect	Maximum Sign Area: 25 square feet Minimum Height: None Maximum Height: Second Floor Window Sill Number: 1 per lot or 2 for corner properties Illumination: Internal, Direct, or Indirect	Not Permitted

ZONING DISTRICT	WINDOW SIGNS	PROJECTING SIGNS	WALL SIGNS	FREE STANDING SIGNS
Commercial General and Downtown Center Districts (CG & DC)	Maximum Sign Area: 25% of the glass area of the window Minimum Height: Not Applicable Maximum Height: Less than the total height of the building to which it is attached, not including elevator shafts, parapet walls, and similar extensions. Number: Not Applicable Illumination: Direct, Indirect or Internal Illumination	Maximum Sign Area: 75 square feet Minimum Height: 8 feet Maximum Height: Less than the total height of the building to which it is attached, not including elevator shafts, parapet walls, and similar extensions. Number: 1 per lot Illumination: Direct, Indirect or Internal Illumination	Maximum Sign Area: 75 square feet Minimum Height: Not Applicable Maximum Height: Less than the total height of the building to which it is attached, not including elevator shafts, parapet walls, and similar extensions. Number: 1 per lot or 1 for each building facade for corner properties Illumination: Direct, Indirect or Internal Illumination	Maximum Sign Area: 50 square feet or 150 square feet for a roof sign Minimum Height: Not Applicable Maximum Height: 25 feet except for a roof sign Number: 1 per lot; 2 freestanding signs permitted per corner lot or else 1 freestanding sign and 1 roof sign Illumination: Direct, Indirect or Internal Illumination

ZONING DISTRICT	WINDOW SIGNS	PROJECTING SIGNS	WALL SIGNS	FREE STANDING SIGNS
Special Districts (RF, INS)	Maximum Sign Area: 25% of the glass area of the window Minimum Height: Not Applicable Maximum Height: First Story Number: Not Applicable Illumination: Direct or Indirect	Maximum Sign Area: 6 square feet Minimum Height: 8 feet Maximum Height: Second Floor Window Sill Number: 1 per lot Illumination: Direct or Indirect	Maximum Sign Area: 10 square feet Minimum Height: Not Applicable Maximum Height: Second Floor Window Sill Number: 1 per lot Illumination: Direct or Indirect	Maximum Sign Area: 8 square feet Minimum Height: Not Applicable Maximum Height: 4 feet Number: 1 per lot Illumination: Direct or Indirect
Industrial District (IND)	Maximum Sign Area: 50% of glass area of the window. Minimum Height: Not Applicable Maximum Height: Second Story	Maximum Sign Area: 20 square feet Minimum Height: 8 feet Maximum Height: Less than the total height of the building to which it is attached, not including elevator shafts, parapet walls, and similar extensions. Number: 1 per lot Illumination: Direct, Indirect, or Internal Illumination	Maximum Sign Area: 100 Square Feet Minimum Height: Not Applicable Maximum Height: Less than the total height of the building to which it is attached, not including elevator shafts, parapet walls, and similar extensions. Number: 1 per lot Illumination: Direct, Indirect, or Internal Illumination	Maximum Sign Area: 100 square feet Minimum Height: Not Applicable Maximum Height: 50 feet Number: 1 per lot Illumination: Direct, Indirect, Internal Illumination

7-325.7 EXEMPT SIGNS

- (a) The following signs are exempt from the regulations of this Chapter:
- (1) Official or Government Signs, including but not limited to directional signs, safety signs, and transportation signs which are authorized by the City of Harrisburg, Dauphin County, or the State of Pennsylvania;
 - (2) Street Signs;
 - (3) Historic Signs that commemorate an important historic place, event, or person and that is specifically authorized by the City of Harrisburg, Dauphin County, or the State of Pennsylvania;
 - (4) Non-Commercial Signs;
 - (5) Holiday Decorations;
 - (6) Signs which are not visible from the public right-of-way; and
 - (7) Signs which are carried.

7-325.8 CRITERIA FOR SIGNS NOT REQUIRING PERMITS

(a) The following signs shall be permitted by right within all zoning districts and shall not be required to obtain a zoning permit based on the following criteria. No exceptions are permitted to the criteria. No sign permitted by this Section 7-325.8 shall be internally illuminated, except a "Time and Temperature Sign."

- (1) Christmas Tree Sign – a sign which advertises the seasonal sale of Christmas trees is limited to 2 signs per lot with a maximum sign area of 10 square feet and shall only be posted when such products are offered for sale.
- (2) Charitable Event Sign – a sign which advertises a special event is limited to 2 signs per lot with a maximum sign area of 10 square feet and shall be placed no more than 30 days before the event and shall be removed no later than 10 days after the event.
- (3) Contractor's Sign – a sign which advertises work being performed on a lot is limited to 1 sign per lot with a maximum area of 10 square feet and shall be placed during the period of work and removed no later than 10 days after the completion of the work.
- (4) Directional Sign – a sign which provides information regarding traffic direction, fire lanes, loading or service area, directions to apartment numbers or parking courts in a development.
- (5) Garage/Yard Sale Sign – a sign which advertises a garage or yard sale is limited to 2 signs per lot and shall be installed no sooner than 2 days prior to the sale and shall be removed no later than 1 day after the sale.
- (6) Identification Sign – a sign which identifies the name or title of the resident and or the name, street address, or use of a lot without any advertising shall be limited to 1 sign per lot with a maximum sign area of 2 square feet.
- (7) Open House Sign – a sign which advertises the temporary open house of a property for sale or for rent is limited to 1 sign per lot and shall be placed no sooner than 7 days before the open house and shall be removed at the end of the day of the open house.

- (8) Parking Area Sign – a sign which identifies the persons permitted to use the parking space and the rules of use is limited to 2 signs per lot, not including handicapped signs, and shall be a maximum sign area of 4 square feet.
- (9) Political Sign – a sign which promotes a candidate or an initiative related to an upcoming election shall have a maximum sign area of 10 square feet and shall not be placed on any lot earlier than 60 days prior to the election and shall be removed no later than 7 days after the election. Political Signs shall be installed on private property only with the consent of the property owners and may not be installed on any public right-of-way including sidewalks, medians, and traffic islands.
- (10) Proposed Development or Funding Sign – a sign which announces a proposed development that has received final approval and/or funding from the City is limited to 2 signs per lot with a maximum sign area of 10 square feet and shall be removed after receipt of a certificate of occupancy.
- (11) Real Estate Sign – a sign which advertises that a property is for sale or for rent is limited to 1 sign per street that the lot abuts and shall be placed on the lot only during the period when the property is for sale or for rent and shall be removed no later than 7 days after the property is sold or rented. Real Estate Signs may be window signs, projecting signs, or wall signs. Freestanding real estate signs are permitted only on lots with a front yard setback. All real estate signs are limited to a sign area of 10 square feet.
- (12) Sidewalk or Sandwich Board Sign – a sign which advertises a retail operation located on the same block and which is only placed on the sidewalk near the building and does not obstruct pedestrian traffic. A sidewalk sign must be taken inside when the business is closed and must not exceed 4 feet in height or 4 square feet in sign area on each face of the sign.
- (13) Time and Temperature Sign – a sign which announces the current time and temperature and any nonprofit public service message is limited to 1 sign per lot with a maximum sign area of 10 square feet.
- (14) Trespassing or Warning Sign – a sign which indicates that a road or lot is private or prohibiting certain activities is limited to 2 signs per lot with a maximum sign area of 4 square feet.

7-325.9 SIGNS OF CLOSED BUSINESSES

(a) Following the closing of any business, any and all related exterior signs shall be removed no later than thirty (30) days from the effective closing date. However, a freestanding sign structure or wall sign structure may remain if all of the following conditions are met:

- (1) such sign is of substantial construction and in good condition;
- (2) such sign is clearly appropriate for reuse;
- (3) a principal building of substantial construction suitable for reuse remains on the site;
- (4) the business space is clearly being actively offered for rent or sale for a new use, or is being actively renovated;
- (5) the sign is changed to a blank face or to a "for rent, lease or sale" sign; and
- (6) internal light bulbs inside of the sign are not visible.

7-325.10 LOCATION OF SIGNS

(a) Only the following signs may be located or may be extended into public rights-of-way:

- (1) permitted Official Signs, Nameplate Signs, Public Service Signs, and Directional Signs;
- (2) projecting signs which do not extend more than six feet into the public right-of-way or beyond the public sidewalk;
- (3) an awning or canopy that has received an administrative easement permit from the Zoning Officer may contain a portion or all of the permitted sign area;
- (4) temporary banners for 30 days which have received a permit from the Zoning Officer to advertise a public celebration or charitable event, but not a political campaign, cause or opinion and which are permitted to be attached to utility poles, bridges or other fixtures by the respective owner; and
- (5) wall signs attached to a building located close to the right-of-way, in which case the wall sign may extend a maximum of twenty-four (24) inches into the right-of-way if necessary.

(b) The following requirements cover setbacks for Freestanding Signs:

- (1) unless specifically stated otherwise, a freestanding sign for a non-residential use shall be setback a minimum of five feet from the public right-of-way; and
- (2) an internally illuminated freestanding sign shall not be located within fifteen feet of a "residential lot line."

(c) No sign shall be so located or arranged that it interferes with safe sight distances for streets or driveways. However, the City does not accept responsibility to identify all such hazards.

(d) No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

(e) No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

(f) No sign shall be stapled or nailed to a utility pole, except by an authorized utility or the City.

7-325.11 ILLUMINATION OF SIGNS

(a) See Chapter 7-331 regarding light and glare control.

(b) Permitted signs may include an electronically changing message, except for those signs prohibited by Section 7-325.13 below.

7-325.12 VEHICLES FUNCTIONING AS SIGNS

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign provided it is located on the same lot as the business and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

7-325.13 PROHIBITED SIGNS

- (a) The following signs are prohibited in all zoning districts:
- (1) spinners, pennants or any moving object used to attract attention to a commercial use. Flags and banners of more than twenty (20) square feet per lot that contain a commercial message and that do not meet the requirements for a permitted sign.
 - (2) flashing, blinking, twinkling, animated or moving signs of any type, except for:
 - (A) time and temperature signs, and
 - (B) signs that have a non-flashing electronically changing message. This restriction specifically includes window signs but does not prohibit holiday lighting or displays.
 - (3) signs which emit smoke, visible vapors or particles, sound or odor;
 - (4) signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Code;
 - (5) signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger");
 - (6) signs that use reflective materials to give the appearance of flashing, blinking or twinkling;
 - (7) signs or displays that include words or images visible from any public right-of-way that are obscene or pornographic;
 - (8) balloons of greater than twenty-five cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes.

7-325.14 OFF-PREMISE SIGNS (BILLBOARDS)

- (a) Off-premise signs shall meet all of the following requirements:
- (1) an off-premises sign shall only be permitted in the IND district;
 - (2) an off-premises sign is only permitted within a maximum of two hundred fifty (250) feet of existing right-of-way of an arterial street or expressway;
 - (3) an off-premises sign shall have a maximum sign area of three hundred fifty (350) square feet on each sign face. A maximum of two sign faces may be attached. One off-premises sign face shall only be attached to another off-premises sign face if they are generally back-to-back. V-shaped installations

shall be regarded as one location providing they have a maximum open space of five (5) feet;

- (4) each off-premises sign shall be separated by a minimum of five hundred (500) feet from any other off-premises sign, including existing signs in other municipalities;
- (5) the total height of the sign shall be a maximum of forty (40) feet above the average surrounding ground level.
- (6) an off-premise sign may have direct or indirect lighting but internal illumination and electronically changing signage is prohibited.
- (7) An off-premise sign shall meet the following minimum setback requirements:
 - (A) two hundred fifty (250) feet from a "residential lot line" (as defined by Chapter 7-333),
 - (B) ten (10) feet from any building,
 - (C) fifty (50) feet from an existing hospital building or nursing home building, or ten (10) feet from the existing right-of-way of a public street or any other lot line.

(b) Off-premise signs will be constructed and located to:

- (1) ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industries and offices;
- (2) prevent visual pollution in the City and protect property values, especially in consideration of the fact that most commercial areas of the City are within close proximity to existing residences;
- (3) prevent excessive light and glare on adjacent property and streets;
- (4) protect the open space character of public park corridors;
- (5) avoid the creation of additional visual distractions to motorists, especially along the high-speed expressways and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; and
- (6) carry out the purposes listed in Section 7-325.1.

(c) This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Code.

7-325.15 POSTING OF STREET ADDRESS

(a) The street number address shall be displayed on all principal structures.

(b) Each number shall be not less than two inches in height, but not greater than five inches in height. Each number shall be visible from a street.

(c) Each number is encouraged to be:

- (1) made of an architectural quality of material such as wood or metal; or
- (2) rendered in painted/stained or etched glass in an historically accurate manner on the doorglass or transom above the door.

7-325.99 PENALTIES

Chapters 7-701, and 1-305 shall apply.

CHAPTER 7-327

OFF-STREET PARKING AND LOADING

Section	7-327.1	Purpose
Section	7-327.2	Applicability
Section	7-327.3	General Standards
Section	7-327.4	Expansion and Change of Use
Section	7-327.5	Location of Parking Spaces
Section	7-327.6	Off-Street Parking Requirements
Section	7-327.7	Accessible Off-Street Parking Requirements
Section	7-327.8	Reduction in Off-Street Parking Requirements
Section	7-327.9	Design Standards for Off-Street Parking
Section	7-327.10	Driveway Standards
Section	7-327.11	Drainage Standards
Section	7-327.12	Lighting Standards
Section	7-327.13	Recreational Vehicle Storage
Section	7-327.14	Repairing of Motor Vehicles
Section	7-327.15	Unregistered, Commercial and Junk Vehicles
Section	7-327.16	Off-Street Loading
Section	7-327.99	Penalties

CROSS REFERENCES

Accessible Parking Spaces: Americans with Disabilities Act

Definitions: See Chapter 7-333

Special Exceptions and Variances: See Chapter 7-323

Subdivision and Land Development Code: Title 7, Part 5

7-327.1 PURPOSE

The purpose of this Chapter is to provide standards for the provision of off-street parking for different land uses, including design standards and screening requirements, in specific zoning districts. This Chapter also provides criteria to permit a reduction or waiver of parking requirements in order to encourage alternative transportation modes and the utilization of existing off-street parking spaces.

7-327.2 APPLICABILITY

This Chapter applies to each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments. Reductions or waivers of the required off-street parking spaces are only permitted based on specific provisions of this Chapter. Any requests for a reduction in off-street parking spaces or other requirements of this Chapter require a Special Exception which must be approved by the Zoning Hearing Board. The off-street parking requirements in this Chapter do not apply to uses within the Downtown Center or Commercial Neighborhood zoning districts. This section shall not apply to those Multifamily Dwelling,

Affordable Housing Developments which have received a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification and contain at least 25% Affordable Housing dwelling units.

7-327.3 GENERAL STANDARDS

(a) Parking spaces and driveways shall be laid out to result in safe and orderly use and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

(b) Structures and uses lawfully in existence at the effective date of this Code shall not be required to provide additional new parking spaces to meet the requirements of this chapter, except as provided in subsection (d) below.

(c) When a property contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 7-327.8, Reduction in Off-Street Parking Requirements. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

(d) All parking spaces and off-street loading spaces required by this Code shall be available so long as the use or building which the spaces serve still exists, and such existing spaces shall not be reduced in number below the minimum required by this Code. No required parking area or off-street loading spaces shall be used for any other purpose (such as storage or display of materials) that interferes with the area's availability for parking to serve a use, except that an owner of a parking area may allow use of the spaces for parking by another use during specific times of the day and week when they are clearly not needed for the primary user.

(e) Any new use or expansion of an existing use which is required to provide ten or more off-street parking spaces shall include the following requirements for bicycle parking:

- (1) A bicycle parking rack shall be designed to allow a bicycle to be locked to the frame and wheel utilizing a standard U-lock or similar device, such as a staple rack, or ring and post design.
- (2) Bicycle racks shall be placed in highly visible locations, as conveniently located as the most convenient parking space, to minimize theft and vandalism.
- (3) Bicycle parking and automobile parking shall be located so as to protect bicycles from damage.
- (4) In cases where bicycle parking racks are not visible from the primary street, signage shall be required to direct cyclists safely to bicycle parking areas.
- (5) Bicycle parking areas shall have a four-foot wide access aisle to ensure safe access to spaces.
- (6) Bicycle parking areas shall not result in obstructions to fire exits or handicapped access.

(f) Landscaping requirements for off-street parking shall be regulated by Chapter 7-307, Development Standards.

7-327.4 EXPANSION AND CHANGE OF USE

(a) Any expansion of an existing use will require compliance with the off-street parking requirements of this Chapter, including landscaping and screening requirements in Chapter 7-307, unless reduced or waived by a Special Exception.

(b) Any change of use which results in an increased number of parking spaces will require compliance with the off-street parking requirements of this Chapter, including landscaping and screening requirements in Chapter 7-307, unless reduced or waived by a Special Exception.

7-327.5 LOCATION OF PARKING SPACES

(a) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a legally guaranteed method of providing the spaces is available using parking spaces within 500 feet of walking distance from the principal use being served.

(b) To meet the requirement that the availability of the parking be guaranteed, an applicant may provide a suitable deed restriction for the life of the use. If a lease is used to meet this requirement, then the applicant shall provide written evidence that such lease will remain in effect for the life of the use in order to maintain the validity of the zoning permit.

(c) Within the RL, RM, and RF Districts, no off-street vehicle parking spaces and no off-street loading spaces shall be located within the required minimum front yard as specified in Chapter 7-307, Development Standards.

7-327.6A OFF-STREET PARKING REQUIREMENTS

The following table contains the minimum off-street parking requirements for residential and non-residential land uses. Any proposed uses not specifically listed in the “Table of Parking Requirements” shall comply with the requirements for the most similar use listed in such Table, as determined by the Zoning Officer. Off-street parking requirements for employees are based on the number of employees for the largest shift.

OFF-STREET PARKING REQUIREMENTS	
TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
A. RESIDENTIAL PRINCIPAL USES	
<i>(For Accessory Uses, Refer to Section C)</i>	
Dormitory (7-309)	1 space per 3 students
Dwelling, Attached	1 space per unit
Dwelling, Detached	1 space per unit
Dwelling, Multifamily	1 space per unit and 1 space for each 5 units for guest parking
Dwelling, Manufactured Home	1 space per unit
Dwelling, Semi-Detached	1 space per unit
Supportive Housing-Emergency (7-309)	1 space for every 20 beds and 1 space for each employee
Supportive Housing – Family	1 space per unit
Supportive Housing - Facility (7-309)	1 space for every 4 units and 1 space for each employee

B. NON-RESIDENTIAL PRINCIPAL USES	
<i>(For Accessory Uses, Refer to Section C)</i>	
Adult Day Care (7-309)	1 space for every 5 adults and 1 space for each employee
Adult Establishment (7-309)	1 space for each 30 sq. ft. of floor area and 1 space per employee
Amusement Arcade (7-309)	1 space per 80 sq. ft. of gross floor area
Amusement Park	1 space per 200 square feet of activity area
Animal Hospital/Veterinarian, Kennel (7-309)	1 space for every 15 animals of capacity and 6 spaces per veterinarian
Animal Stables	1 space for every 2 stalls and 1 space for each employee
Assembly or Finishing of Products Using Materials Produced Elsewhere	1 space for each 1,000 square feet of gross floor area
Auction House	1 space for each 1,000 square feet of gross floor area
Automobile Auction or Storage Compound	1 space for each 1,000 square feet of gross floor area
Auto Body Shop and/or Repair Garage (7-309)	2 spaces per service bay and 1 space for each employee
Auto, RV, Boat, or Manufactured Home Sales (7-309)	1 space per 15 vehicles or homes and 1 space for each employee
Bakery	1 space for every 200 feet of gross floor area and 1 space for each employee
Betting Use (7-309)	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Building Supplies and Building Materials, Wholesale Sale of	1 space for every 1000 sq. ft. of gross floor area and 1 space for each employee
Business Services	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee

TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
B.Y.O.B. Club (7-309)	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Car Wash (7-309)	3 spaces for each washing bay
Cemetery (7-309)	1 space per caretaker and 2 spaces for visitors
Child Care Center (7-309) (See also Accessory Uses, Section C)	1 space for every 6 children and 1 space per employee
Coffee Shop/Cafe	1 space for every 200 sq. ft of gross floor area and 1 space for each employee
College or University	2 spaces for every 4 students and 1 space for each employee
Commercial Recreation and Entertainment Facility	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Communication Tower/Antenna (7-309)	1 space for every employee for tower locations
Community Center	1 space for every 300 sq. ft of gross floor area and 1 space for each employee
Conference Center	1 space for every 500 sq. ft. of gross floor area and 1 space for each employee
Convenience Store (7-309)	1 space for every 75 sq. ft. of retail floor area
Convenience Store with Gas Dispensing (7-309)	1 space for every 75 sq. ft. of retail floor area
Correctional Facility (7-309)	1 space for every employee
Correctional Facility, Community (7-309)	1 space for every employee
Crafts or Artisan's Studio	1 space for every 200 sq. ft. of gross floor area
Distillery, Brewery, Pickling Process, or Sugar Refinery	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Distribution including Package Delivery	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Dry Cleaners, Laundries and/or Laundromat (Commercial or Industrial) <i>See also Personal Services</i>	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Emergency Medical Treatment Center	2 spaces for each bed and 1 space for each employee
Essential Services	1 space for every employee
Farmer's Market and/or Flea Market	2 spaces for each vendor
Financial Institution	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Fitness Center	1 space for every 100 sq. ft. of gross floor area and 1 space for each employee
Florist	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Funeral Home (7-309)	1 space for every 4 seats
Greenhouse, Garden Center or Plant Nursery	1 space for every 500 square feet of gross floor area and 1 space for each employee
Grocery Store or Supermarket	1 space for every 150 sq. ft of gross floor area and 1 space per employee
Grocery Store or Supermarket with Gas Dispensing	1 space for every 150 sq. ft of gross floor area and 1 space per employee

TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
Grocery Store or Supermarket with Gas Dispensing	1 space for every 150 sq. ft of gross floor area and 1 space per employee
Home Improvement or Building Supply Store	1 space for every 500 square feet of gross floor area and 1 space for each employee
Hospital (7-315)	1 space for every 2 beds and 1 space for each employee
Hotel or Motel	1 space for every 2 guest rooms and 1 space for each employee and 1 space for every 400 sq. ft. of restaurants and other hotel facilities
Hotel, Extended-Stay	1 space for every 2 guest rooms and 1 space for each employee and 1 space for every 400 sq. ft. of restaurants and other hotel facilities
Industrial Equipment Sales, Repair and Service	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Junk Yard (7-309)	1 space per employee
Library	1 space for every 300 sq. ft. of gross floor area and 1 space for each employee
Liquid Fuel Storage, Bulk or Off-Site Distribution, Retail Propane Distribution	1 space per employee
Liquor Store/Beer Distributor	1 space per 200 sq. ft. of gross floor area and 1 space for each employee
Lumber Yard	1 space for each employee
Manufacturing and/or Assembly	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Marina and/or Boat Rental	1 space for every 3 boat slips
Meat Processing	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Medical or Dental Office, Testing Center, or Laboratory	5 spaces for each doctor and 1 space for each employee
Membership Club	1 space per 300 sq. ft of gross floor area
Mineral Extraction (7-309)	1 space for each employee
Municipal Owned Uses	See requirements for specific land uses
Museum, Cultural or Science Center, or Planetarium	1 space for every 500 sq. ft. of gross floor area and 1 space for each employee
Natural Areas or Wildlife Refuges	1 space for every 300 sq. ft. of gross floor area
Night Club or Dance Hall (7-309)	1 space for every 4 persons based on capacity
Offices	1 space for each 500 sq. ft. of gross floor area
Pawn Shop	1 space per 200 sq. ft. of gross floor area and 1 space for each employee
Personal Services	1 space per 200 sq. ft. of gross floor area and 1 space for each employee
Photo Processing, Bulk	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Place of Worship	1 space for every 4 seats
Post Office	1 space for every 300 sq. ft of gross floor area and 1 space for each employee
Power Generating Facility	1 space for each employee
Printing or Book Binding	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee

TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
Power Generating Facility	1 space for each employee
Printing or Book Binding	1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employee
Public Utility Facility	1 space for each 1,000 sq. ft. or 1 space for each employee
Racetrack	1 space for every 4 seats plus 1 space for each employee
Recording Studio	1 space for every 500 sq. ft. of gross floor area and 1 space for each employee
Recreation, Indoor	1 space for every 4 persons based on capacity and 1 space for each employee
Recreation, Outdoor (7-309)	1 space for every 4 persons based on capacity and 1 space for each employee
Recreation, Public	1 space for every 4 persons based on capacity and 1 space for each employee
Recycling and Bulk Collection Center (7-309)	1 space for each employee
Research, Engineering or Testing Facility or Laboratory	1 space for every 500 sq. ft. of gross floor area and 1 space for each employee
Restaurant <i>See also Drive-Thru Facilities under Section C.</i>	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Retail Store	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Sawmill	1 space for every 1000 sq. ft. or 1 space for each employee
School, Public or Private, Primary or Secondary (7-309)	1 space for every 4 students and 1 space for every student 16 years and older and 1 space for each school employee
Scrap Metal Processor (7-309)	1 space for every 1000 sq. ft. or 1 space for each employee
Self-Storage Development (7-309)	1 space for every 25 storage units and 1 space for each employee
Shopping Center	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Solid Waste Landfill, Solid Waste to Energy Facility, or Solid Waste Transfer Facility (7-309)	1 space for each employee
Swimming Pool, Non-Household (7-309)	1space for each 4 persons of capacity
Target Range (7-309)	1 space for each 4 visitors
Tattoo and Body Piercing Establishment	1 space for every 200 sq. ft of gross floor area and 1 space for each employee
Theater, Indoor	1 space for each 4 persons of capacity
Theater, Outdoor	1 space for each 4 persons of capacity
Trade School	1 space for every 2 students
Transportation Terminal (Bus, Train, or Rail)	1 space for every 200 sq. ft. of waiting space plus 1 space for each employee
Treatment Center (7-309)	5 spaces for each doctor or counselor

TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
Trucking Company Terminal	1 space for every 1,000 sq. ft. of gross floor area and 1 space for each employee
Warehouse and/or Wholesale Trade	1 space for every 1,000 sq. ft. of gross floor area and 1 space for each employee
Welding Shop	1 space for every 1,000 sq. ft. of gross floor and 1 space for each employee
Wind Energy Facilities	1 space for each employee

C. ACCESSORY RESIDENTIAL AND NON-RESIDENTIAL USES	
Accessory Dwelling Unit (7-309)	1 space per unit
Adult Day Care (7-309)	1 space for every 5 adults and 1 space for each employee
Bed and Breakfast (7-309)	1 space per unit
Child Care Home – Family (7-309)	No spaces required
Child Care Home – Group (7-309)	No spaces required
Child Day Care Center (7-309)	1 space for every 6 children and 1 space per employee
Coffee Shops/Cafes	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Dormitory	1 space per 3 students
Drive-Thru Facility (7-309)	See Chapter 7-309 for Stacking Requirements
Essential Services	1 space for every employee
Fitness Center	1 space for every 100 sq. ft. of gross floor area and 1 space for each employee
Heliport, Emergency	No requirement
Home Occupation (7-309)	No requirement
Restaurant	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Retail Store	1 space for every 200 sq. ft. of gross floor area and 1 space for each employee
Rooming or Boarding House	1 space per unit
Special Occasion Home (7-309)	1 space for every 4 persons for events

7-327.6B AFFORDABLE HOUSING OFF-STREET PARKING INCENTIVES

This Section shall apply to those Multifamily Dwelling, Affordable Housing Developments which have received a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification and contain at least 25% Affordable Housing dwelling units.

AFFORDABLE HOUSING OFF-STREET PARKING REQUIREMENTS	
TYPES OF USES	NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED
A. RESIDENTIAL PRINCIPAL USES	
Dwelling, Multifamily	1 space per market rate unit and 0.5 spaces per Affordable Housing dwelling unit

If the total number of parking spaces required for a Multifamily Dwelling, Affordable Housing Development is other than a whole number, the number shall be rounded down to the next whole number.

7-327.7 ACCESSIBLE OFF-STREET PARKING REQUIREMENTS

(a) Any parking lot for multifamily dwellings, commercial, institutional, and recreational development shall include a minimum of one space for vehicles transporting disabled persons. The following number of such spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act (ADA):

TOTAL NUMBER OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NUMBER/PERCENT OF ACCESSIBLE PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

(b) Accessible parking spaces shall be located where they would result in the shortest reasonable path to an accessible building entrance. Curb cuts with an appropriate slope shall be constructed as needed to provide access from the accessible parking spaces.

(c) Each required accessible parking space shall be a minimum of eight (8) feet in width by eighteen (18) feet in length. In addition, each space shall be adjacent to a five (5) foot wide access aisle. Such access aisle may be shared by two accessible spaces by being placed between them.

(d) Accessible parking spaces shall be located in areas of less than two percent (2%) slope in any direction.

(e) All required accessible parking spaces shall be well-marked by clearly visible signs and pavement markings. Accessible parking spaces shall be identified by five (5) foot high free-standing signs placed at the head of the parking space and facing the space. Such signs shall depict the International Symbol of Accessibility and indicate whether the space is for a car or a van.

7-327.8 REDUCTION IN OFF-STREET PARKING REQUIREMENTS

(a) The Zoning Hearing Board may permit a reduction, in whole or in part, of the required off-street parking spaces based on a Special Exception application covered under Chapter 7-323, Special Exceptions and Variances, provided that the applicant proves to the satisfaction of the Zoning Hearing Board that some or all of the following criteria can be met:

- (1) adequate commercial or public parking is available in the vicinity;
- (2) public transportation service is deemed adequate to provide the needs for such;
- (3) a car-share facility or similar arrangement is established on the property for residents or building tenants;
- (4) that the applicant agrees through a legally binding agreement to offer to provide a subsidy of mass transit costs of all persons working within the use to reach the use. Such subsidy shall reduce the costs to at least fifty percent (50%) of the cost of a monthly transit pass. Such benefit shall not be convertible into another benefit or cash. Such agreement shall also legally bind successors and lessees, and be in a form acceptable to the City Solicitor; and
- (5) that parking permanently shared with another use or another lot with shared internal access or another lot within four hundred (400) feet of the entrance to the use will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers. Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Chapter 7-327.

7-327.9 DESIGN STANDARDS FOR OFF-STREET PARKING

- (a) The following general requirements shall apply to off-street parking:
- (1) no parking area shall be designed to require or encourage parked vehicles to back into a public street (not including an “alley”) in order to leave a parking space, except for a one, two or three family dwelling;
 - (2) all parking lots shall have curb cuts approved by the City Engineer at all points of ingress and egress;
 - (3) every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except spaces for one dwelling unit or for approved “valet” parking areas;
 - (4) parking areas shall not be within a required yard setback, except that parking for a single-family dwelling may be located within a required rear yard setback. Where driveways traverse a front yard or side yard setback, no vehicles shall be parked within the required setback or to the fore of a building wall or a plane created by an imaginary extension of the wall, and in such areas the driveway shall not be wider than ten (10) feet;
 - (5) all parking areas shall include clearly defined and marked traffic patterns. In any lot with more than thirty off-street parking spaces, landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be

separated as much as is reasonable from major pedestrian routes within the lot; and

- (6) separation from a Street (not including an “alley”) shall be as follows:
 - (A) all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot.

(b) Each parking space shall include a rectangle with a minimum width and minimum length as indicated in the following table:

Parking Angle	Standard Space Width	Standard Space Length	Aisle Width (1-Way)	Aisle Width (2-Way)
90 degrees	9'0"	18'0"	20'0"	24'0"
60 degrees	9'0"	21'0"	18'0"	NA
45 degrees	9'0"	19'10"	15'0"	NA
30 degrees	9'0"	16'10"	12'0"	NA
Parallel	8'0"	21'0"	11'0"	20'0"

NA = Not Allowed. Where parking spaces of 30, 45, 60-degree parking spaces are provided, the parking lot must be designed for one-way traffic.

(c) Standard Space Width may be reduced to 8'6" for spaces designated for contracted daylong or long-term use within parking garages. Deviation for other spaces requires a special exception.

(d) All spaces shall be marked to indicate their location, except those of a one- or two-family dwelling;

(e) If a parking area is permitted to not be paved by the City Engineer, then a minimum width of ten (10) feet per space shall be used.

(f) The requirements for parking space size and aisle widths shall not apply to areas approved as valet parking.

(g) Parking spaces may be designed with two feet of their minimum length overhanging a landscaped planting strip, provided:

- (1) there is a bumper block around the planting strip, and
- (2) the planting strip is landscaped and has a minimum width of five feet if vehicles overhang on one side and eight feet if vehicles overhang on two sides.

(h) The maximum length of a parking aisle shall be 300 feet.

7-327.10 DRIVEWAY STANDARDS

(a) The minimum width of a driveway at the site's entrance and exit shall be in accordance with the following table:

Public Street (at the edge of the cartway)*	1-Way Use	2-Way Use
Minimum	12 feet	24 feet
Maximum	35 feet	50 feet

*Unless a different standard is required by PennDOT for an entrance to a State highway.

(b) At least fifty (50) feet shall be provided between the centerlines of any two driveways or driveways along one street within one lot. The number of driveways may not exceed two (2) per lot on a street frontage.

(c) If a driveway enters onto a collector or arterial street, then the centerline of that driveway or accessway where it enters the collector or arterial street shall be a minimum of seventy-five (75) feet from the centerline of any other street, where that street enters the collector or arterial street at a different point than the driveway.

(d) Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.

(e) The locations of driveways that are clearly limited and designed for use by only emergency vehicles are not regulated by this Chapter.

(f) All driveways shall be constructed without impacting drainage along a public street and shall be subject to approval by the City Engineer.

7-327.11 DRAINAGE STANDARDS

(a) Parking, loading facilities, driveways and vehicle sales display areas shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

(b) All drainage shall be subject to approval by the City Engineer. All parking lots shall have curb cuts approved by the City Engineer at all points of ingress and egress.

(c) Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete or decorative paving block or such other material as may be approved by the City Engineer.

(d) The City Engineer may approve a stone parking area if it is used for industrial purposes and is located to the rear of buildings and is served by a paved driveway, or if the parking area is used for recreational park purposes.

7-327.12 LIGHTING STANDARDS

(a) All parking lots shall be adequately illuminated for security and safety purposes.

(b) The applicant shall certify that the lighting, as proposed, meets published illumination standards established by the Illuminating Engineering Society (IES) or other generally acceptable professional organization for the lighting of public spaces. Approved lighting sources shall be provided and maintained in operating condition. See Chapter 7-331, Environmental Performance Standards.

7-327.13 RECREATIONAL VEHICLE STORAGE

(a) A maximum of 2 uninhabited recreational vehicles in transportable condition may be stored or parked on a lot outside of an enclosed building. A recreation vehicle shall not block required sight distance or a public sidewalk.

(b) Any recreational vehicle or trailer required to be registered or licensed under State law to be operated that is not registered or licensed shall be kept out of view from any public street or abutting dwelling.

7-327.14 REPAIRING OF MOTOR VEHICLES

(a) No person shall cause an obstruction to vehicle or pedestrian traffic as a result of working upon a motor vehicle on a street or alley. No motor vehicle shall be worked upon on a residential lot or street or alley in such a manner that generates nuisances, public safety hazards or hazards to the environment. Only minor and emergency servicing of vehicles shall occur on a street or alley, which servicing shall not involve disassembling, spray painting, body work or changing of engines.

(b) Repairs to motor vehicles shall only occur in a residential district if the vehicle is owned or leased by a permanent resident of the dwelling.

7-327.15 UNREGISTERED, COMMERCIAL AND JUNK VEHICLES

(a) Parking of unregistered, commercial and junk vehicles shall be regulated to prevent the character of residential areas from being harmed by nuisances, hazards and visual blight and to prevent the establishment of junkyards in residential districts.

(b) Definitions. For the purposes of this Section, the following terms shall have the following meanings:

- (1) Commercial Vehicle. A motor vehicle that has a gross vehicle weight greater than 6,000 pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
- (2) Tractor or a Tractor-Trailer. A truck with a minimum of three axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
- (3) Trailer of a Tractor-Trailer. A commercial vehicle with a length of twenty feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle".

(c) Within a residential district, no motor vehicle that does not display current registration and safety inspection (or safety inspection and registration that expired less than ninety days prior) and no “junk vehicle” shall be parked or stored in any way that is visible from a public street or an adjacent dwelling. The provision for a safety inspection sticker shall not apply to an antique vehicle that is not required to have such a sticker under State law, provided such vehicle still displays current registration and is operable.

(d) In a non-residential district, a maximum of one “junk vehicle” shall be parked or stored in such a way that the vehicle is visible from a public street or a dwelling. This Section shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.

(e) In a residential district, a maximum of two “commercial vehicles” may be parked for no more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle on a vacant or residential lot in a residential district shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building:

- (1) in a residential district, the engine of a tractor or a tractor-trailer shall not be idled for more than ten minutes on the property between the hours of 9:00 p.m. and 6:00 a.m. or be repaired, except for clearly emergency repairs;
- (2) no trailer of a tractor-trailer shall be parked, stored, maintained or kept in a residential district for more than eight (8) hours in any forty-eight (48) hour period; and
- (3) see requirements of the State Motor Vehicle Code that require vehicles parked on a public street to display current registration.

(f) See also Section 3-131.8 of the Codified Ordinances, prohibiting the parking of tractor-trailers, or other trailers, in residential districts.

7-327.16 OFF-STREET LOADING

(a) Each use receiving or shipping material or merchandise by trucks larger than a pickup truck or standard passenger van shall provide sufficient off-street loading facilities, which meet the requirements of this subsection, to accommodate the maximum demand generated by the use. For the purposes of this Section, the words “loading” and “unloading” are used interchangeably.

(b) Off-street loading facilities shall meet the following requirements:

(1) Each off-street loading space shall be at least (in feet):

Largest Type of Truck Routinely Serving the Use	Minimum Width in feet	Minimum Length in feet
Tractor-trailer	12 (except 11 if more than 10 such spaces on a lot)	40 to 65 depending on size (with 12 feet clear height)
Trucks - Other than tractor- trailers, pick-ups or standard-sized vans	10	25
Pick-Up Truck or Standard-Sized Van	9	18

- (2) Each space shall have sufficient room for loading and unloading without conflicting with traffic movements within the lot and on a public street (other than an “alley”). No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic on a public street;
- (3) Each space and the needed maneuvering room shall be located outside of any required buffer areas and paved area setbacks. An appropriate means of access to reach a street shall be provided;
- (4) To the maximum extent feasible, buildings shall be designed with any new loading facilities being located internal to the lot or building, in a location that will not interfere with traffic on streets. As a second choice, new loading facilities shall be accessed from a suitable alley or a less heavily traveled non-residential street, as opposed to a residential street or a public street carrying significant through-traffic:
 - (A) Within the DC Zoning District, where a major public street needs to be used for loading and unloading:
 - (i) loading shall be confined to designated loading spaces,
 - (ii) loading shall comply with the hours posted and any meters, and
 - (iii) it is requested that the times of deliveries be limited whenever feasible to hours of non-peak traffic.
 - (B) Within the DC Zoning District, the use of on-street loading shall be considered only as a last resort. The City may restrict the location of on-street loading spaces as necessary to avoid increased traffic congestion. Such restrictions may follow an overall loading plan for Downtown.
- (5) Applicants for new principal commercial and industrial uses, including conversions from previous uses, that do not have their own off-street loading facilities or direct access to an on-street loading space shall submit a statement to the City Engineer describing their proposed method of providing loading and unloading for their use, and hours when most deliveries are expected.

(c) Fire lanes shall be provided where required by State or Federal regulations or other local Codes. The specific locations of these lanes are subject to review by the City Fire Chief or designee. All buildings shall have adequate access for emergency vehicles.

7-327.99 PENALTIES

Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-331
ENVIRONMENTAL PERFORMANCE STANDARDS

Section	7-331.1	Purpose
Section	7-331.2	Applicability
Section	7-331.3	Hazards to Public Safety
Section	7-331.4	Wetlands
Section	7-331.5	Slope
Section	7-331.6	Noise
Section	7-331.7	Vibration
Section	7-331.8	Odors and Dust
Section	7-331.9	Light and Glare Control
Section	7-331.10	Grading and Erosion Control
Section	7-331.11	Outdoor Storage and Display
Section	7-331.12	Placement and Enclosure of Solid Waste Dumpsters
Section	7-331.13	Open Space Recreation
Section	7-331.99	Penalties

CROSS REFERENCES

Fire Prevention Code: see Title 3. Subchapter 900

Noise: see Chapter 3-343

7-331.1 PURPOSE

The purpose of this Chapter is to provide standards for noise, lighting, hazardous waste, vibration, and other related items in order to reduce the impact of these items on adjacent properties and public health and safety.

7-331.2 APPLICABILITY

(a) All uses and activities in all zoning districts shall comply with the environmental performance standards in this Chapter.

(b) The Zoning Officer may require an applicant to provide written descriptions of proposed hazardous and toxic substances, operations, and safeguards.

c) City permits under this Code are issued conditioned upon compliance with applicable Federal and State laws regarding the issuance of permits. Failure to comply with such Federal and State permits on a substantive matter shall be sufficient reason for suspension or withdrawal of a City permit under this Code.

7-331.3 HAZARDS TO PUBLIC SAFETY

(a) No land or structures shall be used in any way that seriously threatens or causes a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic, or toxic hazards.

(b) General types of toxic, biological, electrical, and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.

(c) Fencing or walls that are reasonably adequate to discourage access by small children shall be used around stationary hazardous outdoor machinery or storage. However, the City of Harrisburg does not accept responsibility to identify any such potential hazards.

7-331.4 WETLANDS

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

7-331.5 SLOPE

(a) Any construction of a new principal building or a new parking lot on land with an existing natural slope of over twenty-five percent (25%) over a horizontal area greater than one thousand (1,000) square feet shall require a review by the Zoning Officer and City Engineer. As part of such review, the applicant shall:

- (1) show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces;
- (2) submit a plan showing that stormwater runoff will be properly controlled;
- (3) submit and carry out a detailed soil erosion and sedimentation control plan; which shall be submitted in advance for review and acceptance by the Dauphin County Conservation District and the City; and
- (4) submit a detailed grading plan.

7-331.6 NOISE

(a) To minimize noise impacts, commercial, industrial, or institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school, or other noise sensitive use.

(b) See Chapter 3-343, Noise Control and Abatement, as amended, for additional requirements.

7-331.7 VIBRATION

No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to necessary activities during on-site construction of streets, structures, and utilities.

7-331.8 ODORS AND DUST

No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot, except for dust routinely generated as part of construction of structures, streets, or other improvements.

7-331.9 LIGHT AND GLARE CONTROL

(a) This Section shall not apply to street lighting that is owned, financed, or maintained by the City or the State.

(b) No luminaire, spotlight, or other light source that is within two hundred (200) feet of a dwelling or residential district shall be placed at a height exceeding twenty-five (25) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building or to light a publicly-owned recreation facility.

(c) Any exterior light source shall not cause light spillover onto residential properties in excess of 0.5 horizontal foot-candle when measured by a hand-held NIST certified light meter at the property line on the ground surface.

(d) All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent the lighting element from being directly visible from streets, public sidewalks, dwellings, or adjacent lots. Three (3) or more bare incandescent light bulbs of forty (40) watts or greater shall not be hung along a public street or an abutting property.

(e) All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to residents in adjacent dwellings or undeveloped residentially-zoned areas and to prevent the lighting from shining into the eyes of passing motorists.

(f) Flashing, flickering, and strobe lighting are prohibited, except for non-advertising seasonal holiday lights.

(g) The Zoning Officer may require a lighting study to be performed by a qualified professional.

7-331.10 GRADING AND EROSION CONTROL

(a) Each City permit is granted on the condition that the permit is in full compliance with State erosion and sedimentation regulations. The Zoning Officer may require the submittal of an erosion and sedimentation control plan with review by the Dauphin County Conservation District wherever soil will be disturbed. Failure to comply with such regulations or plan shall be cause for suspension of City permits.

(b) Slopes that have the serious threat of instability, in the determination of the City Engineer, shall not be created. The Zoning Officer may require applicants to provide certification from a Professional Engineer that finished slopes greater than 4:1 will be stable.

(c) Grading, fill, dumping of clean fill, excavation, or movement of materials shall be completed to avoid an unsightly appearance and to prevent interference with drainage, streets, or utilities. Any fill placed on a site shall be leveled off and properly sloped within three (3) months of placement, except for soil stockpile areas shown on an approved erosion and sedimentation control plan.

7-331.11 OUTDOOR STORAGE AND DISPLAY

(a) Outdoor storage for commercial and industrial uses shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk, or other area intended or designed for pedestrian use, buffer yard, required parking area, or required planting strip.

(b) No such storage shall occur on areas with a slope in excess of twenty-five percent (25%) or within the 100-year floodplain.

(c) Outdoor storage is prohibited in the Downtown Center, Commercial Neighborhood, and Riverfront Zoning Districts.

(d) All outdoor storage shall be screened.

(e) Temporary displays of commercial products on public sidewalks must maintain a minimum clearance of five (5) feet and must be removed at end of each business day.

(f) The storage of two hundred fifty (250) or less used tires on a lot shall only be permitted as part of an approved solid waste disposal use or junkyard. Each stack of used tires shall be a maximum of twenty (20) feet high, and cover a maximum area of one hundred (100) square feet. Each stack shall be separated from other stacks by a minimum of seventy-five (75) feet. A maximum of two hundred fifty (250) tires may be stored on a lot out of doors. Where tire storage is also regulated by the State, whichever specific City or State regulations are more restrictive upon the applicant shall apply.

7-331.12 PLACEMENT AND ENCLOSURE OF SOLID WASTE DUMPSTERS

(a) Any newly-placed solid waste dumpster shall be enclosed on three of four sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets and primarily residential uses on abutting lots. The solid waste dumpster shall be adequately enclosed and covered to prevent the attraction of rodents and insects.

(b) A solid weather-resistant wooden fence, decorative masonry wall, or structure designed to be architecturally compatible with the principal building shall be used for such enclosure. The enclosure shall not exceed a height of six (6) feet and shall include a self latching door or gate. The location of all dumpsters shall be indicated on site plans and land development plans.

(c) Any solid waste dumpster with a capacity of over fifteen (15) cubic feet shall be kept a minimum of fifteen (15) feet from any dwelling unit.

(d) The Zoning Officer may require any use that involves the sale of ready-to-eat food for consumption outside of a building to provide at least one (1) outdoor solid waste receptacle at a

convenient location outside of the main exit door of the property for customer use. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle as well as the surrounding area.

7-331.13 OPEN SPACE RECREATION

Any development on land adjacent to parcels zoned as Open Space Recreation (OSR) will be required to demonstrate that the development will have no adverse impact on the Open Space Recreation district, including the public's access to, use, and enjoyment of the OSR district.

7-331.99 PENALTIES Chapters 7-701 and 1-305 shall apply.

CHAPTER 7-333
DEFINITIONS

Section	7-333.1	General Interpretation
Section	7-333.2	Terms Defined

CROSS REFERENCES

Pennsylvania Municipalities Planning Code, as reenacted and amended.

7-333.1 GENERAL INTERPRETATION

(a) For the purposes of this Zoning Code, words and terms used herein shall be interpreted as follows:

- (1) Words in the present tense shall include the future tense.
- (2) "USED" or "OCCUPIED" as applied to any land or building includes the words "intended, arranged, or designed to be used or occupied."
- (3) "SHOULD" means that it is strongly encouraged but is not mandatory. "SHALL" is always mandatory.
- (4) "SALE" includes rental.
- (5) The singular shall also regulate the plural and vice versa, unless stated otherwise.
- (6) If a word is not defined in this Zoning Code but is defined in the City Subdivision and Land Development Code, as amended, the definition in that Code shall apply. If a word is defined in both this Zoning Code and another City ordinance, each definition shall apply to the respective provisions of each applicable Ordinance.
- (7) Any word or term not defined in this Zoning Code or in the City Subdivision and Land Development Code, as amended, shall have its plain and ordinary meaning within its context as determined by the Zoning Officer. A standard reference dictionary may be consulted.
- (8) The words "such as," "includes," and "including" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- (9) The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.

- (10) All provisions and terms shall be construed and interpreted in accordance within the objectives of this Code and the purposes of the applicable section.
- (11) All references to other laws and regulations shall be interpreted to include the phrase "as amended."
- (12) In the case of any alleged difference in meaning or implication between the text of this Code and any heading or illustration, the text shall control.

7-333.2 TERMS DEFINED

(a) The following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

- (1) "ABUT OR ABUTTING" means areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."
- (2) "ACCESS DRIVE OR ACCESSWAY" means a "driveway."
- (3) "ACCESSORY DWELLING" means a separate dwelling unit within the same principal structure or detached and situated on the same lot as the principal structure.
- (4) "ACCESSORY STRUCTURE" (includes Accessory Building) means a structure serving a purpose customarily incidental to and subordinate to the principal use and located on the same lot as the principal use. Accessory structures shall not be attached to the principal building. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.
- (5) "ACCESSORY STRUCTURE OR USE, RESIDENTIAL" means a use or structure that is clearly accessory, customary, and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Household Swimming Pool, Storage Shed, or Greenhouse.
- (6) "ACCESSORY USE" means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use which does not exceed 25% of the gross floor area of the principal use. An example would be a home occupation that is accessory to a dwelling.
- (7) "ADJACENT" means two or more lots that share a common lot line or that are separated from each other only by a public or private right-of-way or waterway.
- (8) "ADULT DAY CARE CENTER" means a use providing supervised care and assistance to persons who are elderly and/or disabled and who require daily

assistance. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person. The Adult Day Care Center must be licensed by the Pennsylvania Department of Aging.

- (9) “ADULT ESTABLISHMENT” means any sexually oriented business and business used for adult entertainment and includes: 1) any sexually oriented business; 2) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; 3) the additions of any sexually oriented business to any other existing sexually oriented business; 4) the relocation of any sexually oriented business; and 5) a sexually oriented business or premises on which the sexually oriented business is located.
- (10) “ALLEY” means a right-of-way having a right-of-way width of twenty (20) feet or less and that primarily provides secondary, service, or garage access to the side or rear of lots.
- (11) “ALTERATION OF BUILDING OR STRUCTURE” means a change or rearrangement in the load bearing and non-load bearing structural members, resulting in the extension of any side or the increase in height. The moving of the building or structure from one location or position to another or the conversion of one use to another by virtue of interior change shall also constitute an alteration of building.
- (12) “AMUSEMENT ARCADE” means an indoor commercial use in which a primary activity on the premises involves use of electronic machines for amusement or entertainment, with such machines activated by the use of tokens or coins. This term shall not include an Adult Establishment.
- (13) “AMUSEMENT PARK” means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.
- (14) “ANIMAL HOSPITAL/VETERINARIAN/KENNEL” means a building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, or birds by a veterinarian. A kennel is a State-licensed facility containing indoor and outdoor housing facilities for four or more dogs.
- (15) “ANIMAL STABLES” means a building in which horses are kept for remuneration, hire, exhibition, or sale.
- (16) “ANTENNA - STANDARD” means a device, partially or wholly exterior to a building, which is used for receiving any type of electronic signals (other than a satellite dish antenna of greater than 3 feet dish diameter, which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennas used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall

not include a "Communications Antenna." This term includes any accessory supporting structures.

- (17) "APARTMENT" See "Dwelling, Multifamily."
- (18) "APPLICANT" means the person(s), company, partnership, profit or non-profit corporation, or trust responsible for a particular application for an approval or permit under this Code and his/her heirs, successors, and assigns.
- (19) "APPLICATION" means a written form supplied by the City Staff for a City approval, decision, or permit, including any accompanying site plan and additional information and materials that the City requires the applicant to submit.
- (20) "AVERAGE" means the value that represents the sum of numbers divided by the quantity of numbers.
- (21) "AUTO, RV, BOAT, OR MANUFACTURED HOME SALES" means an area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, trailers, motorcycles, trucks, construction vehicles, boats, or transportable manufactured homes in a livable condition. This use may include an auto body shop and/or repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a manufactured home park or a junkyard, unless the requirements for such use are also met.
- (22) "AUTO BODY SHOP AND/OR REPAIR GARAGE" means an area where repairs, improvements, and installation of parts and accessories for motor vehicles and/or boats are conducted. An auto body shop and/or repair garage shall include, but not be limited to, any use that involves major or minor mechanical or body work, including welding.
- (23) "BASEMENT" means an enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of six-and-one-half (6.5) feet or greater and b) the top of the ceiling of the basement is an average of five (5) or more feet above the finished grade along the majority of the front side of the building that faces onto a street.
- (24) "BED AND BREAKFAST" means an owner-occupied or manager-occupied establishment with not more than two non-resident employees, and in which guest units are rented on a nightly basis for periods not to exceed 14 days. Breakfast shall be the only meal served for registered guests. Cooking facilities for actual use by guests are prohibited.
- (25) "BERM" means a mound or ridge of landscaped earth designed to act as a screen and buffer.

- (26) "BETTING USE" means a use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").
- (27) "BILLBOARD" means a type of "off-premise sign." See definition of "Sign, Off-Premise."
- (28) "BOARD" See "Zoning Hearing Board."
- (29) "BOARDING HOUSE" See "Rooming House."
- (30) "BRING YOUR OWN BOTTLE CLUB OR B.Y.O.B. CLUB" means any business facility, such as a dance hall or club, that is not licensed by the State Liquor Control Board, wherein patrons age 21 or older may after payment of an entry fee, cover charge, or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; provided that a facility which is rented for a limited period of time, not to exceed 12 hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverage are carried onto the premises shall not be considered a B.Y.O.B. Club under the term of these Codified Ordinances.
- (31) "BUILDING" means any structure having a permanent roof and walls and that is intended for the shelter, work area, housing, or enclosure of persons, animals, vehicles, equipment, or materials and that has a total area under roof of greater than fifty (50) cubic feet. "Building" shall be interpreted to include "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.
- (32) "BUILDING COVERAGE" means the percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located. See also "Impervious Coverage."
- (33) "BUILDING, PRINCIPAL" means the building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.
- (34) "BUILDING WIDTH" means the horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of

any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

- (35) "BUSINESS SERVICES" means services that are primarily provided to businesses, such as custom graphics, food catering, photocopying, custom printing, notary publics, travel agencies, retail receipt, and packaging and shipping of packages and related retail sales, and similar services.
- (36) "CARTWAY" means the paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of a street without curbing.
- (37) "CEMETERY" means land and/or buildings used for the burial of the dead.
- (38) "CHILD CARE" means a use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs.
- (39) "CHURCH" See "Place of Worship."
- (40) "CITY" means the City of Harrisburg, Dauphin County, Pennsylvania.
- (41) "CITY COUNCIL OR COUNCIL" means the City Council of the City of Harrisburg.
- (42) "CLEAR SIGHT TRIANGLE" means an area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.
- (43) "CLUB" See "Membership Club."
- (44) "CODE" means the City of Harrisburg Zoning Code.
- (45) "COFFEE SHOPS" means an establishment which serves coffee, tea, and a limited selection of incidental baked goods but is not a restaurant and does not have a liquor license.
- (46) "COLLEGE OR UNIVERSITY" means an institution of higher learning authorized to grant associate, bachelors, masters, and/or doctorate degrees. For non-degree institutions, see "Trade School."
- (47) "COMMERCIAL" means intended to be for-profit.
- (48) "COMMERCIAL USE" means and includes, but is not limited to: business services, retail sales, offices, personal services, auto sales, auto repair garages, and other uses of a similar profit-making non-industrial nature.

- (49) “COMMERCIAL VEHICLE” means any motor vehicle or trailer that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material). This term shall not include any of the following: emergency medical vehicles, fire trucks, school buses, recreational vehicles for personal use, U.S. Postal Service vehicles, municipally-owned vehicles, vehicles clearly primarily intended for agricultural uses, or vehicles actively engaged in the construction or repair of streets, curbs, sidewalks, or utilities in the immediate area.
- (50) “COMMUNICATIONS ANTENNA” means any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.
- (51) “COMMUNICATIONS TOWER” means a structure other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antennae.
- (52) “COMMUNITY CENTER” means a noncommercial use that exists solely to provide leisure and educational activities and programs to the general public.
- (53) “COMPREHENSIVE PLAN” or “GENERAL PLAN” means the City of Harrisburg Comprehensive Plan, or any part thereof, adopted by City Council.
- (54) “CONDOMINIUM” means a set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the Pennsylvania Unit Property Act of 1963 or is/was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.
- (55) “CONFERENCE CENTER” means a principal or accessory building used for large business or association meetings and which may include catering. A Conference Center may also be termed a convention center.
- (56) “CONVENIENCE STORE” means 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.

- (57) “CORRECTIONAL FACILITY” means a facility owned or operated by the County of Dauphin, the Commonwealth of Pennsylvania, or the U.S. Government to incarcerate persons who have been sentenced by a court of law or a parole board to involuntarily spend time in such facility, or who are being incarcerated while awaiting trial or sentencing, other than routine holding cells within a government building.
- (58) “CORRECTIONAL FACILITY, COMMUNITY” means a facility owned by a non-profit or for-profit organization that provides housing for offenders on a pre-release basis.
- (59) “COUNTY” means the County of Dauphin, Commonwealth of Pennsylvania.
- (60) “COUNTY PLANNING COMMISSION” means the Dauphin County Planning Commission.
- (61) “DAY CARE - CHILD” See “Child Care.”
- (62) “DAYS” means calendar days.
- (63) “DENSITY” means the total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.
- (64) “DENSITY BONUS” mean a density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.
- (65) “D.E.P.” or "DEP" means the Pennsylvania Department of Environmental Protection, and its relevant bureaus.
- (66) “DETACHED BUILDING” means a building which is not physically attached to any other building.
- (67) “DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, extension, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filing, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. The term also includes any activities defined as "land development" under the City of Harrisburg Subdivision and Land Development Code.
- (68) ‘DISTILLERY, BREWERY, PICKLING PROCESS, OR SUGAR REFINERY” means an industrial use that includes bottling and brewing of ales, beers, and similar products and the distribution of such products for wholesale purposes.
- (69) “DISTRIBUTION” means the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and

unloading of such goods. This use usually involves inventory control, material handling, order administration, and packaging. Specifically, a use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

- (70) "DISTRICT" or "ZONING DISTRICT" means a land area within the City within which certain uniform regulations and requirements apply under the provisions of this Code.
- (71) "DORMITORY" means a principal or accessory building that is used primarily as living quarters and is occupied exclusively by bona fide full-time faculty or students of an accredited college or university or State-licensed teaching hospital or accredited public or private primary or secondary school.
- (72) "DRIVE-THRU FACILITY" means an establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.
- (73) "DRIVEWAY" means a privately owned, constructed, and maintained vehicular access from a street to one or two principal buildings or their accessory buildings, and which does not meet the definition of a street or an alley.
- (74) DRY CLEANERS, LAUNDRIES, AND/OR LAUNDROMAT" means a building that contains laundry and/or dry-cleaning equipment or machinery which cleans fabrics, textiles, and clothes. See also "Personal Services."
- (75) "DWELLING" means a building used as non-transient living quarters, but not including a rooming house, hotel, motel, hospital, supportive housing facility, or dormitory. A dwelling includes structures built on site as well as modular dwellings and (HUD Code) manufactured homes dwellings.
- (76) "DWELLING, ATTACHED," "ROWHOUSE" OR "TOWNHOUSE" means one dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Each attached dwelling or townhouse is located on its own lot although the lot lines are shared on each side of each attached dwelling.
- (77) "DWELLING, DETACHED" means one dwelling unit in one building accommodating only one family and having open yard areas on all sides. The detached dwelling is the only principal dwelling on a lot. A detached dwelling may be a manufactured home. See also "Accessory Dwelling."
- (78) "DWELLING, MANUFACTURED HOME" means a type of single-family detached dwelling that is transportable on a chassis in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing. The manufactured home is constructed to the

U.S. Department of Housing and Urban Development standards (HUD Code). The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Modular home."

- (79) "DWELLING, MODULAR" means a type of dwelling that meets a definition of single-family detached dwelling, twin dwelling, townhouse, or apartment that is substantially produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a HUD Code "manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation, built to the International Code Council Building Code (ICC) or Pennsylvania Uniform Construction Code (UCC).
- (80) "DWELLING, MULTI-FAMILY" means two or more dwelling units within one building that do not meet the definitions of "attached dwelling" or "semi-detached dwelling." For example, two or more units that are separated by only horizontal floors shall be considered "multi-family." Multi-family dwellings often share a common entrance and are almost always located on one lot.
- (81) "DWELLING, SEMI-DETACHED, TWIN DWELLING, OR DUPLEX" means one dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire-resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. The semi-detached dwelling is located on its own lot although the lot line is shared on one side for both dwellings.
- (82) "DWELLING UNIT" means a single habitable living unit occupied by only one "family." A dwelling unit shall have its own toilet, bath or shower, bathroom sink, sleeping facilities, refrigerator, kitchen sink, and only one stove and/or oven, except that Single Room Occupancy (SRO) units may have either a shared kitchen or shared bathroom.
- (83) "EASEMENT" means authorization by a property owner for the use by another user for a specified utility, access, or purpose of any designated part of the owner's property.
- (84) "EMERGENCY MEDICAL TREATMENT CENTER" means any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.
- (85) "EMPLOYEES" means the highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.
- (86) "ESSENTIAL SERVICES" means utility or municipal uses, including electrical substations, transformers, water towers, and sewage pumping

stations, which are necessary for the preservation of the public health and safety and that are routine, customary, and appropriate to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment, or bulk storage of materials.

- (87) "FAMILY" means one or more persons living together in a single dwelling unit and functioning as a single housekeeping unit sharing household expenses and sharing joint use of the entire dwelling unit and which complies with the maximum occupancy standards of the International Property Maintenance Code. See also the definition of a "dwelling unit."
- (88) "FARMERS MARKET" means an outdoor and/or indoor market where fresh agricultural products are available on a seasonal and permanent basis.
- (89) "FENCE" means a man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl, or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block, or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees, or shrubs.
- (90) "FINANCIAL INSTITUTION" means an establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public. See "Drive-Thru Facility."
- (91) "FITNESS CENTER" means a facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool, gymnasium, tennis courts, martial arts, and racquetball courts.
- (92) "FLEA MARKET" means retail sales of various household items and/or clothing and/or crafts by five or more vendors, with the vendors not being separated into individual storefronts, and which does not routinely involve sales every day of the week.
- (93) "FLOOD" means a temporary inundation of normally dry land areas.
- (94) "FLOOD ELEVATION, REGULATORY" means that elevation which is two (2) feet above the height of the one hundred (100) year flood at a given point or location.
- (95) "FLOOD INSURANCE RATE MAP" OR "FIRM" means the official map on which the Federal Emergency Management Agency has delineated both the

areas of special flood hazards and the risk premium zones applicable to the City of Harrisburg.

- (96) "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (97) "FLOOD, ONE HUNDRED YEAR" means the highest level of flooding that, on the average, is likely to occur once every hundred (100) years within the City, or that has a one percent of occurring each year.
- (98) FLOODPLAIN AREA means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (99) "FLOODPROOFING" means a combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (100) "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (101) "FLOOR AREA, GROSS" means the total area of a building measured by the sum of horizontal areas of each floor.
- (102) "FLOOR, LOWEST" the lowest floor of the lowest fully enclosed area, including any basement. An unfinished, flood-resistant, partially-enclosed area used solely for the parking of vehicles or building access, in an area other than a basement, shall not be considered to be the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of other requirements of this Chapter.
- (103) "GARAGE, HOUSEHOLD" See "Accessory Structure or Use, Residential."
- (104) "GARAGE SALE" or "YARD SALE" means the accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.
- (105) "GLARE" means a sensation of brightness within the visual field which causes annoyance, discomfort, or loss in visual performance, visibility, and/or ability to focus.
- (106) "GOVERNMENT FACILITY" means a use owned by a government, government agency, or government authority for valid public health, public

safety, recycling collection, or similar governmental purpose. This term shall not include a "Correctional Facility."

- (107) "GRADE" means the average finished ground elevation adjoining the buildings.
- (108) "GRADE, HIGHEST ADJACENT" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (109) "GREENHOUSE, GARDEN CENTER, OR PLANT NURSERY" means the indoor and/or outdoor raising of trees, plants, shrubs, or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes.
- (110) "GROCERY STORE" OR "SUPERMARKET" means a retail operation that sells different kinds of foods, including fresh fruits and vegetables, as well as other household goods. This term shall not include a "Convenience Store" or a "Restaurant." A grocery store may have gas dispensing operations.
- (111) "HARB" means the Harrisburg Architectural Review Board.
- (112) "HAZARDOUS MATERIAL" means, unless otherwise stated, materials and substances listed in the latest edition of the Hazardous Substance List of the Pennsylvania Department of Labor and Industry.
- (113) "HEIGHT" means the vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, an area equal to twenty percent (20%) of the building footprint may exceed the maximum height to provide for the roof peak, provided such twenty percent is not occupied by persons.
- (114) "HEIGHT, PREVAILING" means the average height of buildings on a block.
- (115) "HELIPORT" means an area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling, and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.
- (116) "HELIPORT, EMERGENCY" means a heliport that is accessory to a hospital and which is only used for medical emergencies.
- (117) "HELIPORT, PRIVATE" means a heliport limited to a maximum total of fifteen (15) flights or take-offs in any 7-day period and that is not available for use by the general public. This is also known as a "helistop."

- (118) "HISTORIC DISTRICT, MUNICIPAL" means an area of the City that has been officially designated by City Council as a Municipal Historic District, and has been certified by the Pennsylvania Historical and Museum Commission.
- (119) "HISTORIC STRUCTURE" any structure that is:
- (A) listed individually on the National or State Register of Historic Places or has been preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or
 - (B) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district, or
 - (C) listed individually on a local inventory of historic places within a program that has been certified by the State Historical and Museum Commission.
- (120) "HOME OCCUPATION" means a routine, accessory, and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that is conducted solely by a permanent resident of the dwelling.
- (121) "HOSPICE" means a facility that provides support services for terminally ill persons, but that does not primarily involve highly skilled medical care. Such use may occur within a hospital, personal care center, or group home. However, if the use involves care of persons with illnesses that can be contagious through the air or casual conduct, the use shall be limited to within a hospital or nursing home.
- (122) "HOSPITAL" means a use involving the diagnosis, treatment, or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered a "Medical Office." A hospital may involve care and rehabilitation for medical, dental, or mental health. A hospital may also involve medical research and training for health care professionals and/or a hospice.
- (123) "HOTEL OR MOTEL" means a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "rooming house" and shall meet the requirements of that use. See also "bed and breakfast" and "hotel, extended-stay" definitions. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swimming pool, or tavern, provided that such use(s) is not the principal use of the property. The definition of a "hotel" under State regulations shall not affect the definition of a "hotel" under this Zoning Code.

- (124) "HOTEL - EXTENDED-STAY" means a building including rooms rented out to persons as clearly transient and temporary living quarters for average maximum periods of two (2) months. Each unit shall have its own sleeping/living quarters, kitchen, and bathroom. See also "bed and breakfast" and "hotel" definitions. An extended-stay hotel may also include a restaurant, meeting rooms, newsstand, gift shop, or swimming pool provided that such use(s) is not the principal use of the property. The definition of a "hotel" under State regulations shall not affect the definition of a "hotel" under this Zoning Code.
- (125) "HOUSEHOLD PETS" See "Pets, Keeping of."
- (126) "IMPERVIOUS COVERAGE" means the total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.
- (127) "IMPERVIOUS SURFACE" means the area covered by roofs, concrete, asphalt, or other man-made cover which has a coefficient of runoff of 0.85 or higher. The City Engineer shall decide any dispute over whether an area is "impervious."
- (128) "INDUSTRIAL" means and includes manufacturing, distribution, warehousing, and other operations of an industrial nature, and not primarily of a commercial, institutional, or residential nature.
- (129) "INSTITUTIONAL" means a public or semi-public use such as government buildings, educational facilities, community centers, and hospitals.
- (130) "JUNK" means any discarded, unusable, or abandoned man-made or man-processed material or articles. Junk shall not include: routine solid wastes that are temporarily and customarily stored in an appropriate container while routinely awaiting collection and lawful disposal, toxic wastes, vegetative yard waste, or items clearly awaiting imminent recycling at an approved recycling facility.
- (131) "JUNK VEHICLE" means and includes any vehicle or trailer that cannot be moved under its own power, other than a vehicle clearly needing only minor repairs. See also the definition of "unregistered vehicle."
- (132) "JUNK YARD" means land or a structure used for the collection, storage, dismantling, processing, and/or sale, other than within a completely enclosed building, of material defined as "junk." Junk stored within a completely enclosed building for business purposes shall be considered a warehouse. A "Scrap Metal Processor" is not considered a "Junk Yard."
- (133) "LAND DEVELOPMENT" means any of the following activities: 1) improvement of one lot or two or more contiguous lots, tracts, or parcels for any purpose involving a group of two or more residential or nonresidential buildings or a single nonresidential building on a lot; 2) division or allocation of land or space between two or more existing occupants for the purpose of

streets, common areas, leaseholds, condominiums, building groups, or other features; and 3) a subdivision of land.

- (134) "LANDOWNER" means the owner of a legal or equitable interest in land, including the holder of a written, signed, and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least twelve (12) months) or authorized officers of a partnership or corporation that is a "landowner."
- (135) "LIGHTING, DIFFUSED" means the illumination that passes from the source through a translucent cover or shade.
- (136) "LOT" means a separate parcel of land that is recorded or that will be recorded after City final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.
- (137) "LOT - CORNER" means a lot located at the intersection of two or more streets with a boundary line bordering on both streets.
- (138) "LOT AREA" means the horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, areas within the "existing" legal rights-of-way of any proposed or existing public or private streets or alleys shall be excluded. See the definition of "Lot Area, Average" below.
- (139) "LOT AREA - AVERAGE" means the total of the "lot area" (see above) of each adjacent lots in common ownership within a proposed subdivision or land development divided by the proposed number of dwelling units.
- (140) "LOT LINES" or "LOT LINES" means the property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way line.
- (141) "LOT WIDTH" means the horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated.
- (142) "MANUFACTURING AND/OR ASSEMBLY" means the making, with substantial use of machinery, of some physical product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution, and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal, mineral extraction, or petroleum or kerosene refining or distillation.

- (143) "MEDICAL OR DENTAL OFFICE" means a use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.
- (144) "MEMBERSHIP CLUB" means an area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include an adult establishment, an after-hours club, a target range for outdoor shooting of firearms, rooming house, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- (145) "MINERAL EXTRACTION" means the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of gravel, limestone, clay and similar materials.
- (146) MANUFACTURED HOME" See under "Dwelling Types."
- (147) "MINOR REPAIR" means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement or parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (148) "MOTEL" See "Hotel."
- (149) "MUNICIPALITIES PLANNING CODE" means the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 905, No. 247, as reenacted and amended.
- (150) "MUSEUM, CULTURAL OR SCIENCE CENTER, OR PLANETARIUM" means a building open to the general public that provides permanent as well as changing exhibits on artistic, cultural, natural or scientific subjects. The building may charge admission and may include as accessory uses the sale of gift items as well as restaurants.
- (151) "NATURAL AREA OR WILDLIFE REFUGE" means a noncommercial preservation of land for providing wildlife habitats, forests or scenic natural

features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

- (152) “NIGHTCLUB OR DANCE HALL” means any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment, including disc jockeys playing music. Nightclubs include “under 21” clubs which feature entertainment as well as After Hours Clubs.
- (153) “NONCONFORMING LOT” means a lot which does not comply with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Code, or amendments hereinafter enacted.
- (154) “NONCONFORMING USE” means a use, whether of land or of a structure, which does not comply with the applicable provisions in this Code or amendment(s), where such use was lawfully in existence prior to the enactment of this Code or applicable amendment(s).
- (155) “NON-RESIDENTIAL” means for other than residential purposes.
- (156) "OBSTRUCTION" means any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in along, across, or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- (157) “OFFICE” means a use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.
- (158) “OFFICIAL ZONING MAP” means the map as adopted and amended by City Council which designates the location and boundaries of zoning districts.
- (159) “PARKING” means off-street parking stalls and aisles for vehicle movement unless otherwise stated.
- (160) “PATIO” means an outdoor area that is not covered by a permanent roof and that is used as an accessory recreation area by the occupants of a building.
- (161) “PAVED AREA” means all areas covered by stone and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.
- (162) “PENNDOT” means the Pennsylvania Department of Transportation, or its successor, and its subparts.

- (163) “PERMIT” means a document issued by the proper City authority authorizing the applicant to undertake certain activities.
- (164) “PERMITTED BY RIGHT” means a use that is allowed within a specific zoning district and that does not require a Special Exception Permit or a Conditional Use Permit. Uses that are Permitted by Right may have to meet specific criteria covered under Chapter 7-309.
- (165) “PERSON” means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (166) “PERSONAL SERVICES” means an establishment that provides a service oriented to personal needs of the general public and which does not primarily involve retail or wholesale sales or services to businesses. Personal services include appliance repair, bicycle repair, haircutting, hairstyling, nail salons, custom dressmaking, custom dry-cleaning drop-off stores, laundromats, photography studios, shoe repair shops, massage therapy conducted by a trained message therapist, and uses that the applicant proves to the Zoning Officer are closely similar. The term "Personal Services" shall not include any "adult establishment" or “tattoo and body piercing establishment” as herein defined.
- (167) “PETS - KEEPING OF” means the keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.
- (168) “PLACE OF WORSHIP” means buildings, churches, monasteries, mosques, religious retreats, seminaries shrines, synagogues and temples used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use. Any additional residential uses shall only be permitted if the requirements for such uses are met.
- (169) “PLANNING COMMISSION” means the Planning Commission of the City of Harrisburg which is a “planning agency” under the Pennsylvania Municipalities Planning Code and is responsible for reviewing amendments to the City of Harrisburg Zoning Code, subdivision and land development plans, and the Comprehensive Plan, and providing recommendations to the City Council on the same. The Planning Commission also provides recommendations to the Zoning Hearing Board on Special Exceptions and Variances.
- (170) “PRINTING OR BOOKBINDING” means and includes printing, publishing, lithographing, photocopying, bookbinding and similar uses.

- (171) "PROPERTY LINE" See "lot line."
- (172) "PUBLIC NOTICE" means notice required by the Pennsylvania Municipalities Planning Code and the City of Harrisburg Zoning Code.
- (173) "RACE TRACK" means a use primarily involving driving of motor vehicles other than upon driving on a public street, and involving speeds routinely exceeding forty (40) miles per hour that involves some element of time-keeping or other competition.
- (174) "RECREATION, INDOOR" means any leisure time activities that includes structured activities and equipment that take places within an enclosed structure and may include such activities as exercise, rollerskating, soccer, bowling, and swimming.
- (175) "RECREATION, OUTDOOR" means any leisure time activities that usually include structured activities and equipment that take place in the open and may includes such activities as soccer, baseball, and football.
- (176) "RECREATION, PUBLIC" means land and/or facilities that are owned by the City of Harrisburg or another government entity, and available for use by the general public for leisure and recreation.
- (177) "RECREATIONAL VEHICLE" means a vehicle which is built on a single chassis and not more than 400 square feet and is designed to be self-propelled or permanently towed by a light-duty truck. The vehicle is designed as temporary living quarters for recreational, camping, or travel use.
- (178) "RECREATIONAL VEHICLE STORAGE AREA" means an outdoor area used for the storage of three or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.
- (179) "RECYCLING COLLECTION CENTER" means a use for collection and temporary storage of more than five hundred (500) pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than five hundred (500) pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a City-owned use, an emergency services station or a college or university. This term shall not include "Junk Yard" or "Scrap Metal Processor."
- (180) "REPETITIVE LOSS" means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

- (181) “RESEARCH, ENGINEERING OR TESTING FACILITY OR LABORATORY” means a facility for carrying out investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.
- (182) “RESIDENTIAL LOTLINES” means the lot line of a lot that contains an existing primarily residential use on a lot of less than 30,000 square feet, or is zoned as a Residential District and is not occupied by a principal non-residential use.
- (183) “RESTAURANT” means an establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A restaurant may also specialize in take-out service. A restaurant may also be a delicatessen where food is already prepared or requires minimum preparation and is predominantly take-out food. A restaurant may include the accessory sale of alcoholic beverages and/or operate as a BYOB restaurant. A restaurant may also include a micro or craft brewery. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club," unless the requirements for such use are also met. See “Drive-Thru Facility.”
- (184) “RETAIL STORE” means a use in which merchandise is sold or rented to the general public, but not including the following: sales of automobiles, recreational vehicles, boats, or manufactured homes, adult establishment, manufacturing, car wash, auto station, auto body shop and/or repair garage, convenience store, grocery store, or any restaurant.
- (185) “RIGHT-OF-WAY, PUBLIC” means the area dedicated or deeded for public use, including sidewalks, streets, and alleys.
- (186) “ROOMING HOUSE” means an accessory residential use where the owner of the primary residence provides individual rooms which are rented on a weekly or monthly basis and where sanitary and kitchen facilities are shared. The occupants do not act as a common household. The term "Boarding House" shall have the same meaning for the purposes of this Code. This term shall not include “Supportive Housing.”
- (187) “SATELLITE DISH ANTENNA” or “SATELLITE ANTENNA” means a reflector, usually parabolic in shape, that receives electronic signals from a satellite, and that does not meet the definition of a “Communications Antenna.”
- (188) “SCHOOL, PUBLIC” or “PRIVATE PRIMARY SCHOOL” or “PRIVATE SECONDARY SCHOOL” means an educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately-operated schools of trade, vocation or business).

- (189) “SCRAP METAL” means and includes iron, steel or nonferrous metals that are the co-products of a manufacturing or fabricating process, or are generated by a business entity as a result of its maintenance operations, and are in the hands of either the generator of the material or a scrap metal processor; or items made principally from iron, steel and nonferrous metals that have reached the end of their useful lives and are in the hands of a scrap metal processor waiting to be processed into prepared grades for sale for remelting purposes; or prepared grades of iron, steel and nonferrous metals which are awaiting sale for remelting to a consumer such as a steel mill, foundry, refinery or smelter, or are in the hands of a consumer awaiting remelting.
- (190) “SCRAP METAL PROCESSOR” means a facility from a fixed location that utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.
- (191) “SCREENING” means the use of trees, shrubs, plant material, fencing, walls, or berms that minimize the visual impact of a land use on abutting land uses.
- (192) “SELF-STORAGE” means a building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.
- (193) “SEMI-DETACHED BUILDING” means a building which is attached to only one other building, and which is attached on only one side.
- (194) “SETBACK LINE” means the line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. Setback distances, unless stated otherwise, are for both accessory and principal structures. For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.
- (195) “SETBACK LINE, PREVAILING” means the average setback for properties on the blocks.
- (196) “SHOPPING CENTER” means a group of retail and other establishments that is owned and managed by a single property owner. A shopping center may also include a mix of permitted personal service, retail, office and/or commercial recreation uses.

- (197) “SIGN” means any object, device, display, or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- (198) “SIGN, AWNING, CANOPY, OR MARQUEE” means any commercial- or business-related messages, images, symbols or wording applied to an awning, canopy, or marquee. An awning, canopy, or marquee sign shall be subject to the requirements and restrictions for projecting signs.
- (199) “SIGN, BANNER” means any sign intended to be hung either with or without frames, possessing characters, letters or illustrations applied to fabric.
- (200) “SIGN, FREESTANDING” means a sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground.
- (201) “SIGN, HEIGHT OF” means the vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure.
- (202) “SIGN, ICONOGRAPHIC” means a graphic or symbol representing the form and/or features of a person, place or object with a commercial or business-related message or intent.
- (203) “SIGN, ILLUMINATED” means a sign that is directly lighted by an artificial light, either internal or external.
- (204) “SIGN, ILLUMINATION DIRECT” means a sign that is illuminated by light directed toward or across it or by backlighting from a source outside of the sign.
- (205) “SIGN, ILLUMINATION INDIRECT” means a sign that is lighted from lights on or directed toward the sign.
- (206) “SIGN, ILLUMINATED INTERNALLY” means a sign with illumination from within the sign that shines through and illuminates the sign face, as opposed to a sign illuminated by a source in front of or shining from the outside of the sign face.
- (207) “SIGN, MONUMENT” means a free-standing sign which shall be permanently attached, by an approved means, directly to a landscape planter or pedestal base, as distinguished from the support of a pole or poles.
- (208) “SIGN, MURAL” means a painting which contains a commercial or business-related message and is painted directly onto the exterior wall(s) of a building.

- (209) “SIGN, NEON” means any sign comprised of glass tubing containing a larger proportion of neon or other similar gas. A neon sign may be a wall sign, a projecting sign, or a window sign.
- (210) “SIGN, OFF-PREMISE SIGN or BILLBOARD” means a sign advertising, identifying, or directing the public to a business, merchandise, service institution, residential area.
- (211) “SIGN, PORTABLE” means any sign that is designed to be transported, including but not limited to a sign with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; attached temporarily or permanently to the ground, structure, or other signs; menu and sandwich boards, searchlight stands; and tethered inflatable signs.
- (212) “SIGN, PROJECTING” means a sign attached to a building face or wall that extends out from the wall and may be partially or totally in the public right-of-way or in private property.
- (213) “SIGN, ROOF” means any sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.
- (214) “SIGN, SANDWICH BOARD” means a movable two-sided hinged sign that is usually placed on the sidewalk during business hours.
- (215) “SIGN, WALL” means a sign mounted flat on a wall of a building and which does not project from such wall. A wall sign includes individual letter signs.
- (216) “SIGN, WINDOW” means a sign that can be read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door and that is constructed of paper or similar non-permanent material or is painted on the window or door.
- (217) “SIGN AREA” means the area which is equal to multiplying the greatest height by the greatest length of the area containing advertising and/or symbols and does not include structural members.
- (218) “SINGLE AND SEPARATE OWNERSHIP” means the ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.
- (219) “SITE PLAN” means an accurately scaled development plan that illustrates existing conditions on a parcel of land as well as depicting details of a proposed development.

- (220) "SLOPE" means the vertical change of an area of land divided by the horizontal change, measured in percent.
- (221) "SOLICITOR" or "CITY SOLICITOR" means, unless otherwise stated, the Solicitor or Assistant Solicitor for the City of Harrisburg as appointed by the Mayor.
- (222) "SOLID WASTE" means any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities. For the purposes of this Code, the following materials shall not be considered to be solid waste: portions of trees or shrubs, leaves, mulch and rocks; substances legally disposed of into the air or water through a Federal or State pollution discharge permit; customary residual wastes from a permitted mineral extraction use; materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream that is clearly awaiting imminent recycling; or prepared grades of iron, steel and nonferrous metals which are awaiting sale for remelting to a consumer such as a steel mill, foundry, refinery or smelter, or are in the hands of a consumer awaiting remelting.
- (223) "SOLID WASTE FACILITY" means land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill; solid waste transfer facility, or solid waste-to-energy facility. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard; recycling collection center; scrap metal processor; leaf composting; clean fill; or septage or sludge application.
- (224) "SOLID WASTE LANDFILL" OR "SANITARY LANDFILL" means a type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.
- (225) "SOLID WASTE-TO-ENERGY FACILITY" means a type of "Solid Waste Facility" that utilizes waste (such as municipal waste, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.
- (226) "SOLID WASTE TRANSFER FACILITY" means a type of "Solid Waste Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.
- (227) "SPECIAL EXCEPTION" means a use which may be permitted if the Zoning Hearing Board grants permission following a public hearing and findings of

fact consistent with this Code, provided the use complies with the conditions and standards required by this Code.

- (228) "SPECIAL OCCASSION HOME" means a detached dwelling that is an owner-occupied residence which is available for private rental for occasions such as business meetings, weddings, and private parties. The rental use must be secondary and subordinate to the residential use.
- (229) "STATE" means the Commonwealth of Pennsylvania and its agencies.
- (230) "STORMWATER MANAGEMENT" means the management of stormwater to minimize the negative effects of surface water runoff.
- (231) "STORY" means the portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. A story is not a basement.
- (232) "STORY, FULL" means any level having an average vertical clearance from floor to ceiling of six-and-one-half (6.5) feet or greater shall be considered a full story, except as provided for in the definition of "basement."
- (233) "STORY, HALF" means any level of a building having an average vertical clearance from floor to ceiling of less than six-and-one-half (6.5) feet.
- (234) "STREET" means a public or private thoroughfare which provides the principal means of vehicle access to one or more lots. The terms street, highway, and road have the same meaning and are used interchangeably.
- (235) "STREET, ARTERIAL" means a major street or highway with fast or heavy traffic of considerable continuity which provides intra-county or inter-municipal traffic. Generally, these streets should accommodate operating speeds of 35 miles or more per hour.
- (236) "STREET, COLLECTOR" means a street which is intended to connect minor streets to arterial streets. They may serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other services. Generally, a collector street will accommodate operating speeds of 25-25 miles per hour.
- (237) "STREET, MINOR" means a street which provides direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances are generally short. Minor streets should be designed for operating speeds of 25 miles per hour or under.
- (238) "STREET RIGHT-OF-WAY - EXISTING OR LEGAL" means the officially established ownership or interest for streets that either the City or the State presently have in the land, or will own or hold after the completion of any

proposed subdivision, land development or development of a use under this Code, whether by dedication or otherwise. See Right-of-Way, Public.

- (239) "STRUCTURE" means any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. The following specifically shall be considered to be structures: buildings, signs, communications towers, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds and garages. A ground level parking lot shall not by itself be considered to be a structure, provided that all other requirements of this Code are met.
- (240) "SUBDIVISION" means the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines.
- (241) "SUBDIVISION CODE" or "SUBDIVISION & LAND DEVELOPMENT CODE" means the City of Harrisburg Subdivision and Land Development Code, Chapter 7-500, as amended.
- (242) "SUBSTANTIAL IMPROVEMENT" means any reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (or "repetitive loss") regardless of the actual repair work performed. The term does not, however include either: 1) An project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officials and which are the minimum necessary to assure safe living conditions, or: 2) An alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (243) "SUPPORTIVE HOUSING" means housing provided to individuals or families on a temporary or permanent basis that may have services on-site or off-site provided to the residents. Supportive housing provides stable housing for persons that are not able to live independently, either on a temporary or permanent basis and may include housing for persons with disabilities, assisted living and nursing homes for the elderly, as well as individuals and families that are homeless. Supportive Housing includes housing provided to persons covered under the Federal Fair Housing Act, as amended. Supportive Housing may include administrative offices and other accessory uses.
- (244) "SUPPORTIVE HOUSING, EMERGENCY" means housing that is provided for individuals and families for a period of up to 3 months and includes emergency shelter for homeless persons.
- (245) "SUPPORTIVE HOUSING, FAMILY" means supportive housing for disabled persons living as a common household with staff persons.

- (246) "SUPPORTIVE HOUSING, FACILITY" means supportive housing provided to persons who need continuing services and are not able to live independently. Facility supportive housing may include single room occupancy units, assisted living, nursing homes, continuing care retirement facilities, or other facilities that provide supportive living environments for the residents. Some types of permanent supportive housing, such as nursing homes, must be licensed by the State of Pennsylvania.
- (247) "SWIMMING POOL, HOUSEHOLD OR PRIVATE" means a man-made area with walls of man-made materials intended to enclose water at least thirty inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.
- (248) "SWIMMING POOL, NON-HOUSEHOLD" means a man-made area with walls of man-made materials intended to enclose water at least thirty inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or a "public" pool intended to serve the general public.
- (249) "TARGET RANGE" means the use of land or a structure for archery and/or discharging of firearms for the purpose of target practice and competitions.
- (250) "TATTOO and BODY PIERCING" means either the process of marking or coloring the skin of any person by the insertion of coloring matter under or in the skin so as to form indelible marks or figures or the process of breaching the skin or mucous membrane for the purpose of insertion of any object including, but not limited to, jewelry for cosmetic purposes.
- (251) "TATTOO AND BODY PIERCING ESTABLISHMENT" means any building or room or portion thereof where the work of tattooing or body piercing is practiced or where the business of tattooing is conducted, or any part thereof, including temporary structures, booths and mobile units.
- (252) "THEATER" means a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult establishment.
- (253) "THEATER - OUTDOOR" means an outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.
- (254) "TIRE STORAGE - BULK" means the storage of two hundred fifty (250) tires or less on a lot, except for manufacture or wholesale or retail sales of new tires.
- (255) "TOWNHOUSE" See "Dwelling Types."

- (256) "TRADE SCHOOL" means a facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide State-required education to persons under age sixteen (16). Examples include a dancing school, martial arts school, cosmetology school or ceramics school.
- (257) "TREATMENT CENTER" means a nonresidential facility that provides treatment and/or counseling for substance abuse.
- (258) "TRUCKING COMPANY TERMINAL" means a use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.
- (259) "UNIFORM CONSTRUCTION CODE (UCC)" means the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry.
- (260) "UNREGISTERED VEHICLE" means any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than ninety days previously.
- (261) "U.S." or "US" means the United States of America.
- (262) "USE" means the purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.
- (263) "USE, PRINCIPAL" means a dominant use(s) or main use on a lot, as opposed to an accessory use.
- (264) "VARIANCE" means a departure from the provisions of the ordinance relating to setbacks, side yards, frontage requirements, and lot size, that if applied to a specific lot, would significantly interfere with the use of the property. A Variance can be granted by the Zoning Hearing Board provided that the unique circumstances of the lot create a hardship on the property owner that prevents complete conformance with the ordinance. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code.

- (265) "VETERINARIAN OFFICE" means a building routinely used for the treatment of animals and related accessory housing or boarding of sick animals.
- (266) "WAREHOUSE" AND/OR WHOLESALE TRADE means a building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district. "WHOLESALE" means sales that primarily involve transactions with other businesses and their agents and not to the general public.
- (267) "WELDING SHOP" means a shop where materials, such as metals, are joined together for fabrication or sculptural purposes.
- (268) "WETLANDS" means an area inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- (269) "YARD" means an area not covered by buildings and that is on the same lot as the subject structure or use and which is measured inward from a lot line. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yard setbacks.
- (270) "YARD - FRONT" or "MINIMUM FRONT SETBACK" means a "yard" measured from along the front lot line and that extends the full width of the lot from side lot line to side lot line.
- (271) "YARD - REAR" or "MINIMUM REAR SETBACK" means a "yard" extending the full-width of the lot and which is always measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- (272) "YARD - SIDE" OR "MINIMUM SIDE SETBACK" means a "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front lot line to the rear lot line.
- (273) "ZONING HEARING BOARD" means the City of Harrisburg Zoning Hearing Board which is a quasi-judicial body appointed by City Council to make final decisions on Special Exceptions, Variances, and to hear appeals of decisions by the Zoning Officer in the Planning Bureau.
- (274) "ZONING MAP" means the Official Zoning Map of the City of Harrisburg Dauphin County, Pennsylvania.

- (275) “ZONING OFFICER” means the City employee charged with the duty of enforcing the provisions of the Zoning Code, and his/her designees and assistant(s).
- (276) “ZONING CODE” means the City of Harrisburg Zoning Code, Chapter 7-300, as amended.

CHAPTER 7-901
EASEMENT IN THE PUBLIC RIGHT-OF-WAY

Section 7-901.1	Easement in the Public Right-of-Way Requiring City Council Approval
Section 7-901.2	Notice of Hearings and Decisions
Section 7-901.3	Easement in the Public Right-of-Way Not Requiring City Council Approval

CROSS REFERENCES

Building Code: See Title 8

7-901.1 EASEMENT IN THE PUBLIC RIGHT-OF-WAY REQUIRING CITY COUNCIL APPROVAL

(a) An easement permit shall be required in any case where private property will encroach into a public street or pedestrian right-of-way at, above, or below ground level. Such easement shall be authorized by a written resolution approved by City Council.

- (1) Any proposed principal building extension over a public right-of-way shall only be approved by City Council after it has been legally advertised at least once and after the Planning Commission has been provided an opportunity for a review.
- (2) Approval may also be necessary from the State Department of Transportation if a State street is involved.

7-901.2 NOTICE OF HEARINGS AND DECISIONS

(a) City Council shall conduct hearings and make decisions in accordance with the following:

- (1) public notice shall be published as required by Section 103 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10103. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered;
- (2) notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until the hearing;
- (3) the City shall provide written notice to the applicant of the time and place of the hearing. Such notice also shall be given to any other person or group, including civic or community organizations, who has made a written timely request for such notice;
- (4) any such notices should be mailed or delivered to the last known address, or sent through electronic mail services;
- (5) the City shall provide written notice to owners of property abutting or directly across the street from the boundaries of the subject property; and
- (6) a copy of the final decision or a copy of the findings (when no decision is called for), shall be communicated to the applicant or his/her representative or

mailed to their last known address not later than the time limit established by the Pennsylvania Municipalities Planning Code, as amended.

7-901.3 EASEMENT IN THE PUBLIC RIGHT-OF-WAY NOT REQUIRING CITY COUNCIL APPROVAL

(a) Planning Commission review and City Council approval are not required for features within public rights-of-way in the following specific instances:

- (1) utility easement permits approved by the City Engineer;
- (2) routine extensions for architectural projections and similar accessory features in accordance with the provisions of the City Building Code, including cornices and eaves, architectural decorations, ornamental columns, entrance steps, oriel windows, balconies, awnings, awning covers or boxes, marquees, and closely similar features, which shall be approved by the Zoning Officer through an easement permit;
- (3) easement permits for handicapped access to an existing structure, which improvements generally conform with the Uniform Federal Accessibility Standards, or a routine stoop, which shall be approved by the Zoning Officer; or
- (4) below ground-level footings of buildings which project up to 12 inches into a right-of-way if approved by the City Engineer.