

Bill No. 1 of 2024

Ordinance No. 3821 of 2024

**CITY OF MEADVILLE  
CRAWFORD COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA, AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MEADVILLE BY REPEALING THE EXISTING ZONING CODE OF THE CITY OF MEADVILLE, ARTICLE 1301 THROUGH 1314, AND ADOPTING A NEW ZONING CODE FOR THE CITY OF MEADVILLE AND ADDING THE NEW ZONING CODE TO THE CODIFIED ORDINANCES OF THE CITY OF MEADVILLE AS ARTICLES 1301 THROUGH 1314, FOR GENERAL PURPOSES OF MAKING THE CITY'S ZONING REGULATIONS CONSISTENT WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THE STATE LAWS GOVERNING ZONING REGULATIONS, AND OF PROVIDING FOR THE REGULATION OF LAND USE WITHIN THE CITY OF MEADVILLE IN A MANNER CONSISTENT WITH THE DEVELOPED LAND USE PATTERNS WITHIN THE CITY, THE CITY OF MEADVILLE COMPREHENSIVE PLAN OF 1993 AND THE SUITABILITY OF LANDS FOR FUTURE USE AND DEVELOPMENT; AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on or about November 11, 1994, the City of Meadville City Council (“the City Council”) adopted Ordinance No. 3384, (the “Ordinance”) colloquially known as the Zoning Code, (the “Code”) which is codified in Part 13 of the Meadville Municipal Code; and

**WHEREAS**, the Ordinance has been amended several times with the last amendment being adopted on or about May 1, 2019 by adopting Ordinance No. 3777; and

**WHEREAS**, City Council desires to replace the Code, as amended, to provide an updated zoning code and have said zoning code to be easily understood by the citizens of Meadville; and

**WHEREAS**, the City Council finds such amendments to be in the best interest of the citizens and residents of the City.

**NOW THEREFORE**, this 6<sup>th</sup> day of February 2024, **BE IT ORDAINED AND ENACTED** by the City Council, City of Meadville, Crawford County, Pennsylvania, the following:

**SECTION 1. Recitals.**

The above recitals are incorporated as if more fully set forth herein.

**SECTION 2. Repealment of Articles 1301-1314** Article 1301 through 1314 of the Codified Ordinances of the City of Meadville, the Zoning Code of the Codified Ordinances of the City of Meadville, are hereby repealed in their entirety.

**SECTION 3. Enactment of Articles 1301-1314.** A new Zoning Code of the City of Meadville is hereby adopted and added to the Codified Ordinances of the City of Meadville, as Articles 1301 through 1314 of said Codified Ordinances, to replace the repealed Zoning Code as is more fully expressed on Exhibit A.

**SECTION 4. Repealer.**

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5. Severability.**

The provisions of this Ordinance are declared to be severable; and if any section, subsection, sentence, clause, phrase or amendment of this of this Ordinance shall for any reason be held to be invalid, illegal or unconstitutional, by a court or tribunal of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect the validity of the remaining sections, subsections sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity, illegality or unconstitutionality of any part.

**SECTION 6. Effective Date.**

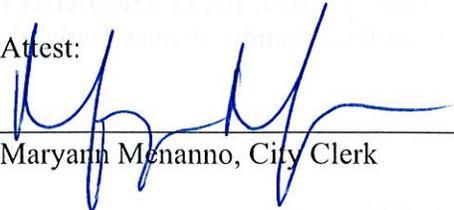
The provisions of this ordinance shall become effective at 12:01 AM, prevailing time, on the 21st day after the date of final passage and enactment.

Introduced This 16<sup>th</sup> day of January, A.D., 2024

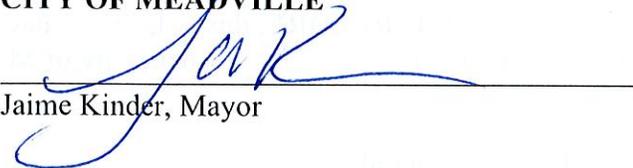
Second Reading This 16<sup>th</sup> day of January, A.D., 2024

Finally Passed and Enacted This 6<sup>th</sup> day of February, A.D., 2024

Attest:

  
Maryann Menanno, City Clerk

**CITY OF MEADVILLE**

  
Jaime Kinder, Mayor

# City of Meadville

## Zoning Ordinance

Adopted 6 February 2024

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## **ARTICLE 1301**

### **Authority and Purposes**

#### **§1301.01. Title.**

This title of Part 13 of the Meadville Municipal Code, consisting of Articles 1301 through 1314, shall be the zoning code of the City of Meadville.

#### **§1301.02. Authority and Purposes.**

This code is adopted by virtue of the authority granted to the city under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as further amended. The provisions of this zoning code are designed to:

- (A) Promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development and proper density of population, emergency preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (B) Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.
- (C) Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes, and mobile home parks.
- (D) Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

#### **§1301.03. Community Development Objectives.**

The zoning regulations and districts set forth in this code are made consistent with the latest comprehensive plan adopted for the general welfare of the city at the time of passage of this ordinance and are intended for the following policy goals:

- (A) Growth goals:
  - (1) That the city reduces its trend of long-term population decline.
  - (2) That growth contributes to further diversification of Meadville.
  - (3) That the industrial and commercial growth be expanded and continued to strengthen the City's tax base.

(B) Character of Growth:

- (1) That growth not be to such an extent that it alters Meadville's pleasant, small-town character.
- (2) While growth is welcomed, it should be sensitive to previous developments and conditions in the city, including revitalization of the central business district.
- (3) That growth be allowed in a variety of economic sectors and residential forms, ensuring prosperity through diversity.

(C) Overall Objectives:

- (1) Continue developing the diversity which will keep the city competitive and flexible to changing economic conditions.
- (2) Bring all parts of Meadville to a uniform level of soundness and attractive appearance through targeted code enforcement and incentives.
- (3) Encourage the occupation and maximum utilization of the city's many existing residential and commercial structures.
- (4) Maximize the benefits of the City's density, reduce traffic congestion, and improve public health by encouraging multi-modal transportation, including pedestrian, bicycle, and public transit options.
- (5) These are made with reasonable consideration of, among other things, the existing character of the various areas within the city and their respective suitability for particular uses.

**§1301.04. Interpretation of Regulations.**

Whenever the provisions of this code are at variance with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

**§1301.05. Compliance.**

No structure shall be located, erected, demolished, constructed, placed, moved, altered externally converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this code, and after the lawful issuance of all permits, and certifications required by this code. In cases of mixed occupancy or use, the regulations for each permitted use shall apply to that portion of the building or land so used.

**§1301.06. Prohibited Activities.**

- (A) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, placed, moved, or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
- (B) No building or other structure shall hereafter be erected or altered to:
  - (1) Exceed the height or bulk;
  - (2) Accommodate or house a greater number of families;

- (3) Occupy a greater percentage of lot area;
  - (4) Have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required or in any other manner contrary to the provisions of this code.
- (C) No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Except as provided for in Article 7, yards or lots created after the effective date of the ordinance codified in this code shall meet at least the minimum requirements established by this code.

## ARTICLE 1302 Definitions

### §1302.01. Interpretations of Words.

For the purpose of this code, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The phrase "used for" includes "arranged for;" "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this code, all words and phrases shall have their normal meaning and usage.

### §1302.02. Specific Terms.

The following words and phrases shall have the meaning given in this section:

*“Abut”* - is to have a common boundary or to be along contiguous lot lines and not separated by a street or alley.

*“Access drive”* - means a vehicular access lane built for access to a non-residential use or to provide access to off-street parking.

*“Accessory building”* - means a subordinate building, incidental to and located on the same lot as the principal building and used for an accessory use.

*“Accessory use”* - means a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

*“Adaptive reuse”* - means the development of a new use for a historic structure.

*“Adjacent”* - is to be separated by an open street, open alley or other open public right-of-way.

*“Agricultural services”* - means businesses selling goods or services to a substantially agricultural clientele, including feed mills, seed sales, feed grinding services, and agricultural implement dealers.

*“Agriculture”* – Any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture and viticulture. Agriculture also includes the sale of fruits, meats, vegetables and similar agricultural produce, commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. Agriculture does not include community gardens, nor does it include accessory uses that would otherwise fall under the definition.

*“Alley”* - means a minor way, regardless of its public or private status, and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

*“Apartment”* – A dwelling unit that exists within a multiple-unit building.

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

*“Approach surface (zone)”* - means 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.

*“Automotive sales lot”* - means an open lot, used for the display or sale of new or used automobiles or trucks.

*“Awning”* - is an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached.

*“Bar”* - a business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as an accessory use, where live entertainment (non-adult-facility-oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

*“Bank”* – see the definition of “Financial Establishment”

*“Basement”* - means a floor level completely below grade or floor level in which more than two-thirds of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first-floor line to the finished grade is five feet or less, and the slope of the finished grade extending 10 feet from the building walls does not exceed 30 degrees.

*“Bed and breakfast”* - means a residential dwelling in which one or more rooming units are commercially offered for overnight or short-term lodging for transient customers and which may also include meals for the customers as part of the service.

*“Block”* - means the entire area comprising the properties fronting one side of a street that lies on the same side of the street between the next-nearest public streets.

*“Board”* - means, as referred to in this text, the City of Meadville zoning hearing board.

*“Boarding house”* - See the definition of “Rooming house”

*“Buildable area”* - means that portion of a lot remaining after the required yards have been provided.

*“Building”* - means a roofed structure, whether enclosed by walls or not, permanently fixed to a foundation, to be used for the shelter, enclosure or protection of persons, goods, materials, or animals.

*“Building supply/contractor’s yard”* - An area of land used for the storage of materials, supplies, etc.

*“Building setback line”* - means the line within a property defining the required minimum distance between any structure or building and the adjacent right-of-way, or neighboring lot lines, and beyond which a building may not exceed so as to provide the required yard. Also referred to as “setback.”

*“Business (use)”* - means uses that provide products or services for profit, inclusive of industrial and commercial uses, but not inclusive of residential or institutional uses. Examples of business uses that may not strictly be considered commercial include farms and agriculture, convention centers, office-based work, nursing care, and small-scale artisan craftworking.

*“Café/coffee shop”* – means a restaurant business establishment that offers primarily coffee, tea and other beverages and where light refreshments and limited menu food items that require no food preparation which utilizes an open flame or fryer may also be sold.

*“Campus”* – means a large single area or an area of contiguous lots in single ownership developed in mixed occupancy to serve a single greater principal purpose. Examples include school campuses, athletic and sports campuses, industrial campuses, medical campuses, and military bases.

*“Canopy”* - is an architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached, and one or more posts, poles or similar supports attached to the ground.

*“Car wash”* - means an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

*“Carport”* - means a covered space which is not fully enclosed by walls and is used for the storage of one or more vehicles.

*“Cemetery”* - means land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes, including columbarium’s, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

*“Church”* - means a place of assembly used for congregate religious services and worship. Although accessory uses such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

*“Civic/cultural building”* - means any nonresidential building, structure, facility or complex used by the general public, whether occupied by any federal, state, county, or municipal agency, or private nonprofit association. Examples include municipal buildings, court facilities, museums, armories, social service agency offices, libraries, and government offices.

*“Clear distance”* – the unobstructed horizontal distance that separates buildings and structures from each other.

*“Clubs, lodges, and fraternal organizations”* - means any establishment operated for social, recreation or educational purposes but open only to members and their guests and not to the general public.

*“Co-location”* - the mounting of one or more Communications Antennas, on an existing Communications Tower, or on any structure that has been approved by the City to support at least one Communications Antenna.

*“Commercial (use)”* – means a category of business uses that offer products or services for public customers, typically on-site. Examples include all forms of retail, restaurants and food services, hotels and other transient lodging, theaters, repair shops, medical clinics, gas stations, and teaching studios.

*“Commercial bakery”* - means a nonretail bakery where food is baked for businesses, institutions, or sold through similar wholesale means.

*“Commercial laundry”* - means a laundry in which clothing is cleaned for business clientele or as a wholesale service, excluding retail cleaners and self-service laundries.

*“Commercial recreation”* - means a facility which offers various indoor or outdoor recreational opportunities for the public, including such games as pool, billiards, bowling, video games, miniature

golf, and similar pursuits. The term does not include commercial gambling venues and gambling devices.

*"Commission"* - means, as referred to in this text, the City of Meadville planning commission.

*"Communications antenna"* – means any antenna and related equipment attached to a wireless support structure. Communications antennas shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground-level.

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

*"Community center"* – means public locations where members of a community may gather for group activities, social support, public information, and other purposes under the guise of a recognized community organization.

*"Community garden"* – means an area of land designated for cultivation of produce or flora by a group of users. Generally, a community garden is comprised of multiple plots with different community members who grow produce or flora on specific assigned plots.

*"Conditional use"* - means a use to be allowed or denied by the city council pursuant to public notice and hearing and recommendations by the City of Meadville planning and zoning commission and pursuant to the express standards and criteria set forth in this code.

*"Conical surface (zone)"* - means 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 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

*"Construction"* - means the construction, reconstruction, renovation, repair, extension, expansion, alteration, placement or relocation of a building or structure.

*"Continuing life care community"* - means an age-restricted residential development that provides a continuum of accommodations and care, from independent living to skilled nursing care.

*"Convenience store"* - means a retail establishment of limited size (less than 5,000 square feet for the building), designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

*"Day care centers"* - See *"Day care services (day care)."*

*"Day care services (day care)"* - provides out-of-home care for part of a 24-hour day to persons, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This code identifies three levels of day care services:

- (1) *"Family day care homes"* - means facilities in which day care is provided at any one time to four, five, or six persons who are not relatives of the caregiver, and where the care areas are used as a family residence.

- (2) *"Group day care homes"* - means facilities in which care is provided for more than six but less than 12 persons at any one time, where the care areas are being used as a family residence. (Care of more than six to 12 persons where the care areas are not used as a family residence will be considered a day care center.)
- (3) *"Day care centers"* - means facilities in which care is provided for seven or more persons at any one time, where the care areas are not used as a family residence. Care for less than four persons will not be considered as day care services.

*"Department"* - means, for the purposes of Airport Hazard Zoning, the Pennsylvania Department of Transportation.

*"Detention home"* - means a facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

*"Developmentally disabled"* - means persons having mobility limitations, physical or mental handicap, mental retardation, disabilities as a consequence of abuse by another person, or similar conditions. Developmental disability does not include persons under supervision of the criminal justice system or persons recovering from substance abuse.

*"District"* - means a portion of the territory of the City of Meadville within which certain uniform regulations and requirements or various combinations thereof are applicable under this code.

*"Dog kennel"* - means an outdoor enclosure, accessory structure (including portable structures) or any combination thereof for the purpose of the keeping and housing of four or more dogs that are more than six months old, owned or unowned, for any period of time, or any facilities identified as a kennel by the laws or regulations of Pennsylvania.

*"Dormitory"* - means a building which is accessory to an educational or public institution intended or used principally for housing of persons attending and residing at the institution, without regard to whether the dormitory offers room-based or dwelling unit-style residential options.

*"Driveway"* - means a vehicular access lane built for access to and parking motor vehicles for a single-family or two-family dwelling completely surfaced with rock, stone, asphalt, concrete or similar material that prevents erosion and generation of dust or mud. Driveways must have a clear and durable delineation from adjacent vegetated yards, walks or other areas. Driveways are not subject to any setback requirements but must comply with stormwater management regulations, size requirements as specified in this code, and other standards and specifications adopted from time to time by the city.

*"Drug store"* - means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well.

*"Dry cleaners"* - A commercial service for receiving, pickup, pressing of garments, and laundering using solvents or chemical processes other than household-grade soap and water. Contrast with "laundromat."

*"Dwelling"* - means a building, structure, or portion thereof containing one or more dwelling units or rooming units usable as living quarters for one or more persons.

*"Dwelling unit"* - means a building, structure, or portion thereof containing one or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, designed and intended for the separate and exclusive use of the household occupying the unit, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units. Contrast with "rooming unit."

*"Dwelling, single-family"* – a category of structures comprised only of a single dwelling unit.

*"Dwelling, single-family detached house"* - a type of single-family dwelling comprised of a freestanding building that has no party wall or walls in common with any adjacent building.

*"Dwelling, Townhouse"* - a type of single-family dwelling building that is separated from an adjacent building or buildings by a party wall on the sides only, and which has its own front and rear access to the outside. Also known as an attached house, semi-attached house, townhome, or rowhome.

*"Dwelling, Cottage"* – specifically means a type of single-family detached house that is constructed as part of cottage court. The term excludes single-family detached houses in all other circumstances.

*"Dwelling, Two-family"* - means a building comprised only of two dwelling units. Also known as a duplex.

*"Dwelling, Shophouse"* – a mixed-use building comprised of a single nonresidential use on the ground story and up to two residential apartments on the upper stories.

*"Dwelling, Cottage court"* – a residential complex consisting of a group of three or more cottages, duplexes, or banks of townhouses arranged around a shared courtyard or private cul-de-sac.

*"Dwelling, Multi-family"* - means a category of buildings or portions thereof containing, or designed to contain, three or more apartments with or without common access facilities.

*"Emergency"* - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

*"Emergency shelter"* – means a form of lodging provided on a strictly institutional, non-commercial, and non-business basis as temporary quarters for persons in distress, and which may also include incidental nonmedical personal services and supportive care services for the sheltered persons. Examples include homeless shelters, housing for those displaced by natural disaster, and domestic violence shelters.

*"Essential services"* - means services and utilities needed for the health, safety and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewerage and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

*"Events center"* – means any combination of buildings, permanent or temporary structures, and land offered commercially to let as a venue for temporary events and mass gatherings of people. Examples include party venues, convention centers, fairgrounds, and indoor and outdoor exhibitions.

*"Guest house"* – means a building owned by an institution providing rooms for the temporary lodging of persons present for business directly related to the owning institution.

*"FAA"* - means the Federal Aviation Administration of the United States Department of Transportation.

*"Family"* - Any number of persons related by blood, marriage, or adoption (including minor foster children) living together for more than 30 days.

*"Family day care homes"* See *"Day care services (day care)"*

*"FCC"* - Federal Communications Commission.

*"Fence"* - means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. It shall not include a retaining wall constructed to stabilize an earthen embankment.

*"Financial establishment"* - A business establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as savings, loans, credit unions or check-cashing establishments.

*"Floor area"* - means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet. Also known as "gross floor area" or "habitable floor area."

*"Fraternity/sorority"* - means, for the purpose of this code, men's or women's social organizations comprised of the students of a university or college and officially recognized as a fraternity or a sorority by such university or college.

*"Fraternity/sorority house"* - means a building used for social or residential purposes by a fraternity or sorority.

*"Funeral parlor"* - means a building used for the preparation of the deceased for burial and the display of the deceased in conjunction with services before burial or cremation.

*"Garage, residential"* - means a fully enclosed building, accessory to a dwelling used for the housing of motor vehicles. This does not include garages offering commercial automotive services to the public.

*"Gasoline service station"* - means an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

*"Golf course"* - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges.

*"Greengrocer"* - A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes food stores, dairies, delicatessens, but does not include convenience stores or supermarkets.

*"Group home"* - means a supervised community living arrangement for persons with disabilities as defined by the Fair Housing Act, together with supervisors and caregivers.

*"Ground floor"* - the space that is contained within the floor of a building that is completely located above ground. This is the floor located on the same level as the sidewalk or street in front of the front facade of the building, extending upward to the bottom of the floor of the space located directly above (if a building has multiple floors).

*"Group day care homes" See "Day care services (day care)"*

*"Gymnasium"* - means a health club, gym or exercise facility which provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers and lockers.

*"Health services"* - means health care establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, ambulance services and related services. Health services do not include retail pharmacies and similar retail businesses.

*"Height"* - means, for the purpose of determining the height limits in all zones set forth in the Airport Hazard Zoning provisions of this code, and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*"Height of a communications tower"* - the vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including communications antennas mounted on the tower and any other appurtenances.

*"Height of building"* - means the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

*"Historic structure"* - means any building or structure that is recognized as historical or architecturally significant through formal listing as a National Historic Landmark, formal listing on the National Register of Historic Places, or eligibility for listing, as determined by the State Historic Preservation Office, or a building or structure identified on any official city register of historic places.

*"Home business"* - means a use carried on entirely within a single dwelling unit, but which has a greater impact than a no-impact home-based business. Home businesses are typically professional offices or personal services characterized by outside employees, an on-site sign and on-site sales or rendering of services directly to visiting customers. Examples of home businesses include, but are not limited to, barber or beauty shops, art studios, legal offices, accountants, or engineering firms.

*"Horizontal surface (zone)"* - in reference to the airport hazard overlay means 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.

*"Horticulture"* - means the act of cultivating gardens for pleasure, visual screening, home use or similar avocational or aesthetic reasons.

*"Hospital"* - means a place for the diagnosis, treatment or other care of human ailments and having facilities for in-patient care.

*"Hospital, veterinary"* - means a structure designed or converted for the care of sick or wounded domestic animals.

*"Hotel"* - means a building providing rooming units for the temporary lodging of persons for a fee, with or without meals, in which there are 10 or more sleeping rooms and an outside entrance in common.

*"Household"* - means:

- (1) A single person occupying a dwelling unit for more than 30 days; or

- (2) A family; or
- (3) A supervised family-like community living arrangement, of a non-transient character, for a group of disabled or handicapped persons, as defined by the Fair Housing Act, where the number of supervisors, administrators, caregivers or other staff on the premises at one time sufficient for the proper and safe care of the residents is no more than three; or
- (4) Four or fewer persons, not related by blood, marriage or adoption, residing together in a dwelling unit and functioning as a single housekeeping unit for more than 30 days.

*“Industrial (use)”* – means a category of uses that generally employ heavy machinery, heavy equipment, or large amounts of space or resources in its activities, which are not for frequent public patronage or visitation. Examples include lumber milling, light and heavy manufacturing, power substations, railroad properties and airports, large fleet vehicle repair facilities, recycling and waste plants, warehousing, and bulk storage.

*“Inn”* - means a commercial facility for the lodging and feeding of transients. An inn is distinguished from most motels or hotels by its smaller size and resident owner/proprietor. It is distinguished from a bed and breakfast by its full-service restaurant.

*“Institutional (use)”* – means a category of uses that primarily provide services, activities, or venues to serve a specific goal for its members, clients, or the public rather than for profit, whether a profit is made or not. Examples may include schools, courthouses, hospitals, places of worship, non-profit museums, public libraries, fraternal clubs, political party offices, and substance abuse recovery care.

*“Junk”* - means any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this code, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

*“Junk yard”* - means any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses. Junk yards shall also include a collection of more than one unlicensed motor vehicle. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

*“Larger Than Utility Runway”* - means 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.

*“Laundromat”* – a commercial establishment providing for self-service or limited-assistance use of clothing washing and drying machines using household-grade soap and water. Contrast with “dry cleaners.”

*“Let for occupancy”* or *“Let”* – To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is not a legal or equitable owner, pursuant to a written or unwritten agreement.

*“Limited retail business”* - means small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by their smaller size, confining all commercial activities to indoors, and pedestrian orientation of signage.

*“Limited storage”* - means the use of a building for the storage of goods that are not hazardous and which do not produce noise, light, vibration, air pollution, fire hazard, or emissions, or anything noxious or dangerous to neighboring properties within 400 feet, and which does not include any sales or outdoor storage.

*“Lodging”* – the provision of dwellings or shared sleeping quarters temporarily to clients or patrons on a commercial, business, or institutional basis. Contrast with “residential”.

*“Lot”* - means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

*“Lot area”* - means the area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

*“Lot frontage (frontage)”* - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot abutting to a street shall be considered frontage.

*“Lot line”* - means a line, generally established by metes and bounds, which, when combined with other lot lines, delineates a lot or parcel of land.

- (1) *“Lot line, front”* - means any lot line separating the lot from a right-of way boundary of a street.
- (2) *“Lot line, rear”* - means the lot line opposite and most distant from the front lot line.
- (3) *“Lot line, side”* - means any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line. For the purposes of this code, corner lots shall be required to maintain front yard setbacks on all streets which they front.

*“Lot measurements”*

- (1) Depth of a lot shall be considered to be the distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured at the front lot line at the right-of-way.

*“Lot types”*

- (1) *“Corner lot”* - means a lot abutting upon two or more streets at the intersection of those streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) *“Interior lot”* - means a lot other than a corner lot, the sides of which do not abut a street.
- (3) *“Through lot”* - means an interior lot having frontage on two streets.

*“Lots of record”* - means any lot which, individually or as a part of subdivision, has been separately designated by plat or deed, by recorded instrument and recorded in the Office of the Recorder of Deeds, Crawford County, before the date of adoption of this code.

*“Manufactured home”* – see *“ Dwelling, mobile home”* and *“ Mobile home”*.

*"Manufacturing, heavy"* - means those manufacturing processes which do not meet the standards outlined for light manufacturing or retail manufacturing.

*"Manufacturing, light"* - means the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet.

*“Manufacturing, retail”* - means the assembly, fabrication, manufacture, production, processing, storage and retail sale of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties. Examples of retail manufacturing may include artisan craft workshops, bakeries, brewpubs, and confectioners.

*"Medical or dental clinic"* - means any professional medical building or establishment where people are examined or treated by doctors, dentists, chiropractors, psychiatrists, opticians, ophthalmologists, optometrists and psychologists, but are not hospitalized overnight.

*"Mixed occupancy"* - means occupancy of a building, unit, or lot for more than one principal use.

*“Mixed-use”* – (1) means occupancy of a single building in multiple units by a combination of residential principal uses and non-residential principal uses; (2) means characterized by a mixture of residential and non- residential principal uses near each other.

*"Mobile home"* - means a transportable, single-family dwelling intended for permanent occupancy, contained in one or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

*"Mobile home lot"* - means a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

*"Mobile home park"* - means a parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

*"Motel"* - means a form of commercial lodging of a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

*"New construction"* - means the construction, reconstruction, renovation, repair, extension, expansion, alteration, placement or relocation of a building, structure, and/or other improvements. Also, for the purposes of this code, all proposed subdivision and/or land development shall be considered new construction.

*"No-impact home-based business"* - means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal

functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (8) The business may not involve any illegal activity.

*"Nonconforming lot"* - means a lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning code, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

*"Nonconforming structure"* - means a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this code or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this code or amendment or prior to the application of this code or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

*"Nonconforming use, Airport Hazard Zoning"* - means, for the purposes of Airport Hazard Zoning, any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.

*"Non-Precision Instrument Runway"* - means 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. Port Meadville Airport is a Non-Precision Instrument Runway.

*"Nursing home"* - means a building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for such operations and licensed as a nursing home by the Pennsylvania Department of Public Welfare or successor agency.

*“Obstruction”* - means, for Airport Hazard Zoning purposes, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section.

*“Opacity”* - when referring to a building or façade, means the area of the exterior walls of the building or façade not taken up by glazing or doors.

*“Outdoor wood-fired boiler”* - is a fuel-burning device that is designed to burn, or is capable of burning, clean wood or other fuels that has a rated thermal output of less than 350,000 BTUs per hour that is designed for and typically installed outdoors or in structures like garages and sheds and heats a building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze. Outdoor wood-fire boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances or outdoor hydronic heaters.

*“Outdoor wood-fired boiler, Non-Phase 2”* - is an outdoor wood-fired boiler that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

*“Outdoor wood-fired boiler, Phase 2”* - is an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

*“Overlay zone”* - means a zoning district that encompasses one or more underlying zones and that imposes additional requirements different from that required by the underlying zones.

*“Owner”* - The record owner or owner of the premises, a mortgagee in possession, receiver, executor, trustee, master lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

*“Parking garage”* or *“parking deck”* - means an enclosed facility, deck or ramp, comprised of more than one level, provided for parking of vehicles.

*“Parking lot”* - is an area other than a public or private street built for the parking of motor vehicles. Parking lots must be completely surfaced with asphalt, concrete or similar material subject to approval by the city engineer that prevents erosion or generation of dust or mud and must meet the setback, landscaping and other requirements of this code, as well as stormwater management and standards and specifications adopted from time to time by the city.

*“Parking space”* - is an area in a parking lot or parking garage that is completely surfaced with a material as permitted under this code. Parking spaces must have a clear and durable delineation from vegetated yards, walks or other areas. Parking spaces must comply with stormwater management regulations and specifications adopted from time to time by the city. Off-street parking spaces that are not required to be accessible under the Uniform Construction Code shall be at least nine feet wide and 18 feet long.

*“Personal care home”* - means a facility in which food, shelter and personal assistance is provided to four or more persons who are not relatives of the operator for a period of more than 24 consecutive hours. These residents do not require hospitalization or long-term nursing care. Personal care homes are also defined by their licensing as such by the Department of Public Welfare.

*“Personal services”* - means establishments primarily engaged in providing services involving the nonmedical care of a person or his or her personal goods or apparel. Examples include barber and beauty shops, shoe repair, and tailoring or clothing alteration.

*“Pet boarding”* – A commercial service that provides overnight supervision for household pets or other domesticated animals. May also be referred to as animal boarding or stabling.

*“Pet grooming”* - A commercial service that provides grooming or other nonmedical outpatient care services for household pets or other domesticated animals. May also be referred to as animal grooming.

*“Planning Code”* - means the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as further reenacted and amended from time to time.

*“Porch”*

- (1) *“Porch, open”* - means a roofed-over structure open on a least three sides projecting from the front, side or rear wall of a building. This shall include porches that are unheated and that have screens or combination screens and storm windows.
- (2) *“Porch, closed”* - means any porch that is closed in by any means, manner or material above a point four feet from floor level.

*“Precision Instrument Runway”* - means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions 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.

*“Predominance/predominant (as related to street type)”* – means the street typology with the higher ranking, with S1 being the highest rank and S7 being the lowest rank.

*“Primary surface (zone)”* - means 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.

*“Principal frontage”* - means the side of a building which faces a street, road, or footway from which the building can be approached.

*“Printing services”* - means printing, copying, screen printing, photoengraving and related work, not including printing of an industrial scale

*“Professional office”* - means the office or studio of a lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, appraiser, insurance broker or agent, teacher, or similar occupation. Professional office does not include the veterinary, dental, chiropractic, or medical professions. Professional offices may also include corporate offices, or similar offices where clerical, sales, or related administrative functions are performed for a business in which the primary service or goods production is located elsewhere.

*“Public or accredited private school”* - means any place offering instruction in any branch of knowledge under the supervision of the commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the commonwealth of Pennsylvania.

*“Public parks and playgrounds”* - means parks and playgrounds which are owned and operated by the City of Meadville or by an authority created for such purposes by the City of Meadville.

*"Public utility building"* - means buildings, structures, and facilities relating to the furnishing of utility services to the public.

*"Related equipment"* - any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

*"Repair garage"* - means a building used for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles, but not including automotive wrecking. It may include similar heavy repair businesses, such as welding services.

*"Repair services, light"* - means businesses engaged in non-automotive repair, rehabilitation, or reconstruction in which the item repaired is conducted wholly within an enclosed structure or the repair service is rendered off-site. Examples may include heating or air conditioning contractors, business machine services, or electrical supply/contractors. This definition does not include shoe repair or garment alteration, which is considered a personal service by this code.

*"Residential (use)"* – means a category of uses that involve a dwelling purposed as non-transient living quarters for a household. Contrast with “lodging.”

*"Residential property"* – A property used or intended to be used for residential purposes.

*"Residential rental unit"* – A dwelling unit let for rent and occupied by persons other than the owner and his or her immediate family members, which shall include the owner’s parents, parents-in-law, or adult children.

*"Restaurant"* - A business establishment where food is prepared and intended to be served to patrons at tables for consumption on the premises. Such business may or may not include drive-through facilities.

*"Retail business"* – An establishment that sells goods, services, or merchandise to the general public on site for personal, household or office consumption, and which may include wholesaling but shall not include manufacturing or processing of the goods offered for sale.

*"Room"* - means any enclosed area within a dwelling unit, meeting this code for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

*"Rooming house"* – means any dwelling, or that part of any dwelling, containing one or more rooming units, in which rooming units are let on a commercial or institutional basis to non-transient persons who have no close familial relationship to the owner or operator. Rooming houses shall include boarding houses but exclude group homes.

*"Rooming unit"* – means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but without complete, separate, and exclusive sanitary or kitchen facilities or without separate access to the outdoors. Contrast with “dwelling unit.”

*"Runway"* - means a defined area of an airport prepared for landing and takeoff of aircraft along its length.

*"Screen planting"* - means, for this code, an evergreen hedge at least six feet high, planted in such a way that it will block a line of sight. The screening may consist of either one or multiple rows of bushes or trees and shall be at least four feet wide.

*"Sexually oriented business or establishment"* - means any business, activity, club, establishment or premises operated for profit, whether direct or indirect, where the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is regularly permitted and is a principal part of the activity of the business or establishment. Said specified anatomical areas and specified sexual activities shall be those as defined in the sexually-oriented business regulations of the Meadville Municipal Code. Sexually oriented businesses shall include, but are not limited to the following:

- (1) Sexually oriented or adult bookstores, arcades, novelty stores or video stores.
- (2) Sexually oriented or adult motion picture or mini-motion picture theaters.
- (3) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

*"Shopping center"* - means a group of commercial establishments planned, constructed and managed as a total entity. Shopping center includes, but is not limited to, shopping malls, shopping plazas and similar facilities which include off-street parking, uniform appearance and unified maintenance. Shopping centers may include retail uses, personal services, eating establishments and related uses.

*"Short-term rental"* - the temporary letting of an entire residential dwelling unit as lodging while the owner or lessee is not present.

*"Sign"* - means any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious symbols.

*ADDRESS/DIRECTORY/WAYFINDING SIGN* – a type of permanent sign designed to assist the public in navigating the public realm.

*ANIMATION* – the movement or change of lighting to depict action or create a special effect or scene in a sign.

*AWNING SIGN* – a permanent sign that is mounted, painted, or otherwise applied on or attached to an awning structure (a structure mounted to the face of a building and entirely supported by that building) and which may include separate graphic areas on each of the awning structure's faces.

*BANNER SIGN* – a temporary sign having characters, letters, or illustrations commonly applied to cloth, canvas, vinyl, or other similar types of natural or manmade fabric.

*BLADE SIGN* – a temporary sign composed of fabric such as polyknit, nylon, or similar material, which is attached to a pole no greater than 2 inches in diameter and which is usually inserted into the ground or mounted by a removable stabilization structure placed directly on the ground.

*BUILDING DIRECTORY SIGN* – a permanent sign located inside a building or outside next to its entrance that displays the names and locations of the tenants at a multi-tenant site.

*BUILDING-RELATED SIGN* – a permanent sign which displays the name of the building upon which the sign is erected/installed.

*CANOPY SIGN* – a permanent sign that is mounted, painted, or otherwise applied on or attached to a canopy structure (a freestanding structure abutting a building but only partially supported by that building) and which may include separate graphic areas on each of the canopy structure's faces.

*CHANGEABLE COPY* – a sign or portion thereof on which the copy or symbols change automatically through electronic – or manually through the secure but temporary placement of letters or symbols.  
*COPY* – the words and/or graphics displayed on a sign.

*DEDICATION SIGN* – a permanent sign located on a building or structure which displays that a sponsoring body is associated with that building or structure.

*DIRECTIONAL SIGN* – a permanent sign less than 4 feet in height located on the same lot as its business establishment and which aids in the circulation of motorists and pedestrians to and from the site.

*DIRECTLY LIT ILLUMINATION* – illumination of a sign whose structure is mounted to a building or attached to a pole or other ground-mounted structure, with the light shining from behind the face of the sign.

*DOUBLE-FACED SIGN* – a sign on which text, shapes, and/or symbols are displayed on both sides of the sign. Double-faced signs may include sign types such as projecting signs, flag signs, pole signs, ground signs, pylon signs, shopping center signs, informative signs, interpretive signs, directional signs, sandwich board signs, blade signs, and yard signs.

*ELECTRONIC SIGN* – the portion of a sign message made up on internally illuminated components capable of changing the message periodically. Digital displays may include LED illumination or similar features of illumination.

*FACE* – the area or portion of a sign on which copy is intended to be placed.

*FLAG* – a permanent sign made of a piece of fabric or other flexible material attached to or designed to be flown from a pole or similar device that is affixed to and protrudes. Also known as a pennant.

*FREESTANDING SIGN* – a sign that is not attached to a building.

*GRAPHIC AREA* – the area of the rectangle that would completely enclose all parts of the sign copy and any decorative background. The supporting canopy or awning shall not be included in the calculation of graphic area, except where there is a change of color or material which forms a background for the sign copy.

*GROUND SIGN* – a permanent freestanding sign less than 7 feet in height that is suspended or supported by braces anchored in the ground and that may or may not include clearance from the bottom of the sign to the ground below. Also known as a monument sign.

*HANGING SIGN* – a permanent sign attached to a building or structure that hangs parallel from the wall or structure to which it is attached.

*HOME OCCUPATION SIGN* – a permanent type of sign which is specifically used for the advertisement of a home business, including but not limited to freestanding signs, hanging signs, and

identification signs.

*IDENTIFICATION SIGN* – a permanent type of sign which is located on the same lot as a business establishment whose purpose is to make the location and presence of the business establishment known to the public.

*INCIDENTAL SIGN* – a non-illuminated permanent sign on the exterior surface(s) of a building that conveys pertinent information to the public such as local events, specials, or a restaurant menu. An incidental sign may be located on the same structure as an identification sign as a secondary component to that sign. Window signs are not covered by incidental sign guidelines.

*INDIRECTLY LIT ILLUMINATION* – a sign which is illuminated by lighting devices not located within the sign or behind the copy itself and may or may not be attached to the sign, such as gooseneck lights, panel lights, and flood lights.

*INFORMATIVE SIGN* – a permanent sign, typically using a digital display, that is a secondary component to a freestanding identification sign and that typically conveys information to the public such as current sales, calendar date, and time and temperature.

*INTERNALLY ILLUMINATED LETTERING* – a source of sign illumination which refers to the illumination of individual letters whose faces are covered and are independently mounted within a wall sign that allows for light to pass through the transparent material used on the faces of the letters and only through the letters.

*INTERPRETIVE SIGN* – a permanent sign on which information is provided to visitors or passers-by at a public site (such as an educational, natural, historic, cultural, or recreational site or greenspace).

*LED ILLUMINATION* – illuminating a sign by incorporating LED lights that may or may not change in patterns and/or message.

*MARQUEE SIGN* – a permanent sign mounted on a fixed, roofed structure attached and supported by the building and which projects over the public right-of-way but is not attached to the public right-of-way.

*NEON/TUBE ILLUMINATION* – a means of illuminating a sign by incorporating neon tubing which illuminates internally.

*PERMANENT SIGN* – a sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

*POLE SIGN* – a permanent freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure. The pole itself shall not be calculated in the dimensions of the sign area.

*PROJECTING SIGN* – a permanent sign attached to a building or structure that displays its message perpendicularly from the building wall and does not protrude more than 15 inches perpendicularly from the building to which it is attached.

*PYLON SIGN* – a permanent freestanding sign in excess of 7 feet in height that is detached from a building and that does not have clearance from the bottom of the sign to the ground below.

*SANDWICH BOARD SIGN* – a temporary sign constructed in such a manner as to form an A shape,

hinged or unhinged at the top and not secured or attached to the ground or surface upon which it is located. A sandwich board sign may be located in the public right-of-way but only within the premises of the frontage boundary for the establishment for which the sign is advertising. The sign must be removed from the right-of-way upon daily closing of the establishment.

*SCULPTURAL FEATURE SIGN* – a permanent three-dimensional sculptural feature resting or attached to the ground and which may hold a sign. The feature is permitted with or without wording and may be mobile but is classified as a permanent sign.

*SHOPPING CENTER SIGN* – a permanent freestanding sign mounted at or near the ingress/egress point of a shopping center on which the different tenants that comprise the shopping center are displayed on the same structure.

*STREET ADDRESS SIGN* – a permanent sign identifying the street numbers and/or street name associated with the lot as necessary for use by emergency responders.

*TEMPORARY SIGN* – any sign type that does not meet the definition for a permanent sign and that is intended to be used on a nonpermanent basis, subject to a specified maximum consecutive number of days a sign of such sign type may be displayed.

*WALL SIGN* – a permanent sign attached parallel to a wall and not projecting more than 15” inches from the wall

*WINDOW SIGN, PERMANENT* – a permanent sign that is painted, suspended, or otherwise applied on or attached to a window or the glass on a door.

*WINDOW SIGN, TEMPORARY* – a temporary sign that is painted, suspended, or otherwise applied on or attached to a window or the glass on a door. The sign may include changeable copy but such copy may be changed no more than 3 times per day and must be changed manually. Examples of temporary window signs include open signs, signs posting handwritten hours of operation, and event flyers.

*YARD SIGN* – a temporary freestanding sign typically sign constructed in an h-frame or i-frame structure and affixed to the ground.

*"Single occupancy"* - means occupancy of a building, unit, or lot for only one principal use.

*"Special exception"* - means a use permitted with special permission granted by the zoning hearing board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this code when such use is not permitted by right.

*"Stadium"* - means a large open or enclosed place used for games, concerts, major events and surrounded by tiers of seats for spectators.

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

"*Story*" - means that portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

"*Street*" - means a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of constructed access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

"*Structure*" - means any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. This includes buildings, fences, sheds, swimming pools, refuse and compost facilities, and parking lots, but excluding sidewalks and access drives.

"*Structure, Airport Hazard Zoning*" - means, for the purposes of Airport Hazard Zoning, 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.

"*Substantially change*" or "*substantial change*" – means, in reference to wireless communications facilities, modification to an existing Wireless Communications Facility that changes the physical dimensions of a Communications Tower or base station if it meets any of the following criteria:

- (1) For a communications tower outside the public rights-of-way:
  - (a) It increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater;
  - (b) It protrudes from the edge of the wireless communications facility by more than twenty (20) feet, or more than the width of the tower structures at the level of the appurtenance, whichever is greater.
- (2) For a communications tower in the public rights-of-way:
  - (a) It increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater;
  - (b) It protrudes from the edge of the structure by more than six (6) feet;
  - (c) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
  - (d) It entails any excavation or deployment outside the current site of the Communications Tower;  
or
  - (e) It does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

"*Tavern*" - see "*Bar*".

*“Taxi terminal”* – means the storage and/or deployment of vehicles associated with the ride-share operations.

*“Teaching studio”* – means an indoor commercial or institutional venue that provides instruction in topics to any variety of clientele or the general public and need not be accredited by any governing body. Examples include yoga studios, fine art classes, and dance studios.

*“Theater”* - means a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid-admission basis.

*“Traditional neighborhood development”* - means an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

*“Transient”* – (1) Any individual residing in the City of Meadville for less than 30 days at any one time. (2) Any individual residing or lodging in any one dwelling unit or rooming unit for less than 30 days at any one time.

*“Transitional surface (zone)”* - means 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.

*“Transparency”* - when referring to a building or façade, means the area of the exterior walls of the building or façade taken up by glazing or doors.

*“Truck terminal”* - means an area or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

*“Upper floor residential use”* - means a mixed use of a building where the ground floor is used for a permitted nonresidential use in the zoning district in which the building is located and a floor or floors above the ground floor are used for dwelling unit or residential use.

*“Urban Farm”* – means a garden or orchard where food is grown primarily to be sold for profitable or non-profitable/charitable purposes. It may be sold directly to consumers, restaurants, or stores.

*“Use”* - means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

*“Utility runway”* - means 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”* - means a runway intended solely for the operation of aircraft using visual approach procedures.

*“Warehousing”* - means a building used by a commercial group or the general public for storage of goods and materials. For the purposes of this code, warehousing also includes self-service or "mini" storage facilities.

*“WBCA”* - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

*“Wireless”* - transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

*“Wireless communications facility”* (WCF) - the antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

*“Wireless support structure”* - a freestanding structure, such as a communications tower or any other support structure that could support the placement or installation of a wireless communications facility, if approved by the City.

*“Yard”* - means that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

*“Yard, front”* - means a yard between an adjacent street right-of-way and the building line and extending for the full width of the lot.

*“Yard line”* - means a line within a lot defining the minimum distance between any building or structure, or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

*“Yard, rear”* - means a yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district and extending for the full width of the lot.

*“Yard sale”* - means the sale or offering for sale of items or goods on property or premises used principally for residential uses, including all sales commonly referred to as "garage sales", "yard sales", "tag sales", "porch sales", "lawn sales", "attic sales", "basement sales", "rummage sales", "flea market sales", "moving sales", or any similar casual sale of tangible personal property. Yard sale shall also include placement and advertisement of any vehicle, trailer, boat or similar article for sale.

*“Yard, side”* - means an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

*“Zoning administrator”* - means the zoning officer of the City of Meadville, or his/her authorized representative.

**ARTICLE 1303**  
**Zoning District Regulations**

**§1303.01. Establishment of Zoning Districts.**

- (A) For the purpose of this code, the City of Meadville is hereby divided into districts to be designated as follows: R Residential, MU-1 Limited Mixed-Use, MU-2 Neighborhood Mixed-Use, MU-3 Downtown Mixed-Use, DPH Diamond Park Heritage, I-S Special Institutional, I-C Campus Institutional, GB-M General Business-Manufacturing, and EDC Economic Development Corridor; which are further overlaid by supplemental regulatory districts designated as: Special Purpose Overlay, Airport Hazard Overlay, and Creekside Recreation Development Overlay.

**§1303.02. Application of District Regulations.**

- (A) The regulations set by this code within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.
- (B) Property owned, leased or operated by the commonwealth of Pennsylvania, or the United States, or the City of Meadville, or any other public or governmental body or agency, shall be subject to the requirements of this code as follows:
- (1) Where such public or governmental uses are specifically listed, they shall be governed as indicated.
  - (2) Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.
  - (3) Governmental entities and agencies shall be exempt from the provisions of this code only to the extent that it has been determined that the city has no power to apply its zoning regulations to the particular use of land.
- (C) In every case where a lot or territory has become a part of the city by annexation or other legal procedure, the same shall automatically be classified as lying and being in R-Residential district until such classification shall have been changed by an amendment to the zoning code as provided by law.
- (D) Any public or semi-public uses shall be subject to the provisions of the district in which they are located, except as noted by the city's code of ordinances.

**§1303.03. Establishment of Zoning Map.**

The zoning map of the City of Meadville exhibited below together with all future notations, references, designations or amendments, is hereby made a part of this code. The areas within the city limits as assigned to each district and the location of boundaries of these districts established by this code are shown on the said zoning map. If, and whenever, changes are made in the boundaries or other matter included in this zoning map, such changes in the map shall be made within five days after the amendment has been approved by the city council.

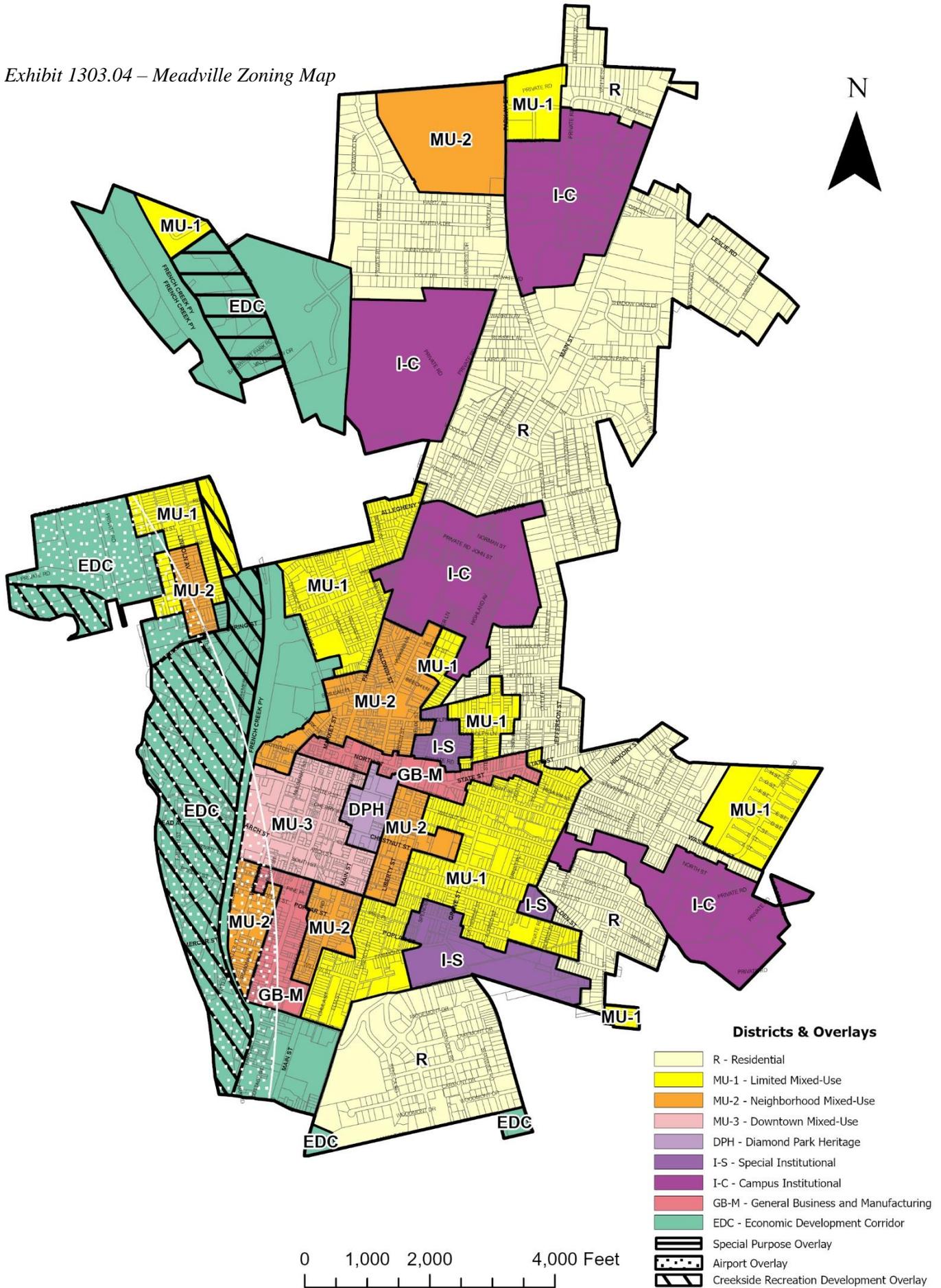
- (A) The boundaries of the districts in which the City of Meadville is divided shall be shown upon a map entitled the "Meadville Zoning Map," which is available on file for public viewing at the Meadville City Building and shown in Exhibit 1303.04 in this Section.

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

**§1303.04. Interpretation of District Boundaries**

- (A) District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:
- (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 following railroad lines shall be construed as following the center of the rail tracks;
  - (4) Boundaries indicated as approximately following the center lines of streams, rivers, canals or other bodies of water shall be construed to follow such center lines;
  - (5) Boundaries indicated as approximately following the city limits shall be construed as following such city limits;
  - (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (A)(1) through (5) of this section shall be so construed. Distances not specifically indicated on the zoning map of the City of Meadville, as amended, shall be determined by the scale of the map; and
  - (7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this code, the zoning hearing board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Exhibit 1303.04 – Meadville Zoning Map



**Districts & Overlays**

- R - Residential
- MU-1 - Limited Mixed-Use
- MU-2 - Neighborhood Mixed-Use
- MU-3 - Downtown Mixed-Use
- DPH - Diamond Park Heritage
- I-S - Special Institutional
- I-C - Campus Institutional
- GB-M - General Business and Manufacturing
- EDC - Economic Development Corridor
- Special Purpose Overlay
- Airport Overlay
- Creekside Recreation Development Overlay

0 1,000 2,000 4,000 Feet

**§1303.05. Permitted principal uses within zoning districts**

- (A) Permitted principal uses. Uses of land for principal buildings, structures, and activities shall be permitted in each district in accordance with the following provisions and tables. In Table 1303.5 below, uses noted with “P” are permitted by right but may be regulated through supplemental provisions and provisions of Article 6; uses noted with “C” are permitted as conditional uses subject to approval by city council and provisions of Article 4; and uses noted with “SE” are permitted by special exception subject to approval by the zoning hearing board and provisions of Article 5. For the sole purpose of determining permissible combinations of uses within mixed-use buildings at Section 1306.05, nonresidential uses are further organized as light, moderate, and heavy uses.
- (B) Use occupancy. All lots and buildings shall be single occupancy unless otherwise permitted in this ordinance to be mixed-use or mixed occupancy or are those uses that occur in mixed situations as a defining characteristic, such as upper-floor residential dwellings, home businesses, or campuses.
- (C) Uses not listed. When a use is not specifically listed below nor can be reasonably construed to be encompassed by one of the listed uses, the use is not permitted in the district except when stated otherwise elsewhere in this ordinance.
- (D) Prohibited Uses Under Land Use-Sharing Agreement. Under the land-use sharing agreement approved by resolution of City Council Aug. 18, 2010, pursuant to the 2007 Central Crawford Multi-Municipal Comprehensive Plan, the following uses are expressly prohibited in the City of Meadville as they are provided for in cooperating municipalities: Mobile home parks, junkyards, mineral excavation, recreational campgrounds, outdoor commercial recreation except for golf courses and those specific to the Creekside Recreational Development Overlay, and sanitary landfills.

**Table 1303.05. Permitted Principal Uses**

<b>RESIDENCES AND SHELTER</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Dwelling - Fraternity/sorority house							C		
Dwelling - multi-family		P	P	P	SE	P	SE		
Dwelling - single-family detached	P	P	P	P		P	P		
Dwelling - student/dormitory				P			P		
Dwelling - townhouse				P	SE			P	
Dwelling - two-family		P	P	P	P	P	SE	P	
Detention home				SE					
Emergency shelter			SE	SE	SE	SE		SE	SE
Group home			SE	P	SE	SE	P	SE	SE
Nursing home				P		SE			
Personal care home				P		SE	P		
Rooming house				SE				SE	
Upper-floor residential		P	P	P	P	SE	P	P	P
<b>LIGHT</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Bakery			P	P					P
Barber/salon			P	P					
Bed and breakfast	SE	SE	SE	SE	P	SE	SE	P	
Café/coffee shop			P	P					
<i>(Continued on next page)</i>									

**Table 1303.05, continued**

<b>LIGHT (continued)</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Civic/cultural building		P		P	P	P	P	P	P
Community garden	P		P	P	P	P	P	P	P
Day care center			SE	SE	SE	P	SE	SE	P
Day care home – family	P		P	P			P		
Day care home – group			P	P			P		
Events center				SE	SE	SE	SE	SE	SE
Greengrocer			P	P					
Guesthouse							SE		
Home business	SE	P	P	P	P	SE	P	P	
Funeral parlor			SE	SE				SE	
Laundry/dry cleaning drop-off			P	P				P	P
No-impact home-based business	P	P	P	P	P	P	P	P	
Personal services					P	SE		P	P
Pet grooming			P	P	P	P	P	P	P
Places of worship		P	P	P	P	P	P	P	P
Public parks/playgrounds	P	P	P	P	P	P	P	P	P
Short term rental			C	C		C	C	C	
Tailor/seamstress			P	P					
Teaching studios		P	P	P	P	P	P	P	P
Urban farm		SE	SE	SE	SE	SE	SE	SE	SE
<b>MODERATE</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Car washes								P	P
Commercial laundries								P	
Commissary/cafeteria							P		
Community center			SE	SE	SE			SE	
Conference center							P		
Convenience food store					P			P	P
Drugstore			SE	SE	P	P	P	P	P
Events center				SE	SE		P	P	P
Financial institution							P	P	P
Greenhouse							P		
Gymnasium					P		P	P	P
Golf courses	P								C
Healthcare facility							P		
Health services					P	P	P		P
Hotels/motels/inns					SE	SE		P	SE
Indoor commercial recreation				SE	P			SE	P
Laundromat			P	P	P	P	P	P	P
Light repair services					P			P	P
Medical/dental clinic				P	P	P	P		P
Parking garages and parking lots				SE	P	P	P	P	P
Private clubs/social halls					P			P	
<i>(Continued on next page)</i>									

<b>MODERATE (continued)</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Public/accredited private school	SE		SE	P	P	P	P	P	P
Limited restaurant		SE		SE		SE			
Limited retail		SE		P		SE	P	P	
Limited storage									P
Pet boarding									SE
Printing services					P	C		P	P
Professional offices		P		P	P	P	P	P	P
Retail manufacturing					P			SE	
Sports fields/courts							C		
Tavern/bar				SE	P			P	P
Theaters					P			P	P
Restaurants					P		P	P	P
Retail business not classified elsewhere					P			P	P
<b>HEAVY</b>	<b>R</b>	<b>DPH</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>IS</b>	<b>IC</b>	<b>GBM</b>	<b>EDC</b>
Agricultural services									P
Auto sales								SE	SE
Building supply/contractor yard								SE	SE
Campus, industrial									SE
Campus, medical						SE			SE
Campus, school							SE		
Campus, sports							SE		
Commercial recreation								SE	P
Dry cleaning processing									SE
Forestry	P	P	P	P	P	P	P	P	P
Gasoline service stations								SE	P
Heavy manufacturing									C
Hospitals						P			
Laboratory/research facility									P
Light manufacturing								P	P
Maintenance building							P		
Rental service/equipment									P
Repair garages								SE	SE
Sexually-oriented businesses									SE
Shopping centers									P
Stadiums							C		
Storage buildings							P		
Supply stores							P		
Taxi terminals								SE	
Other uses not specifically listed									C
Truck terminals									SE
Warehousing									SE
<i>(Continued on next page)</i>									

Other	R	DPH	MU1	MU2	MU3	IS	IC	GBM	EDC
Essential services	P	P	P	P	P	P	P	P	P
Public utility buildings	SE			P	SE	P			SE
Traditional Neighborhood Development (TND)				C	C		C	C	C
Wireless communications facilities outside city ROWs						SE	SE		SE
Wireless communications facilities inside city ROW	SE	SE	SE	SE	SE	SE	SE	SE	SE
Wind energy facilities (utility-scale)									SE
Traditional neighborhood development			C	C	C		C	C	C

**§1303.06. General lot areas, setbacks, yards, heights, and other dimensional regulations in districts**

(A) Minimum dimensional requirements for all lots and principal buildings are in Table 1303.06 and as follows except when stated otherwise:

**Table 1303.06. Bulk Dimensional Requirements**

	R	DPH	MU1	MU2	MU3	IS	IC	GBM	EDC
Minimum lot width (ft)	35	20	30	25	15	25	35	25	30
Minimum lot depth (ft)	60	60	60	60	40	60	60	60	60
Minimum lot area (sf)	2,500	1,400	1,800	1,250	600	1,800	1,800	1,250	2,500
Minimum side yard (ft)	5	0	5	5	0	5	5	0	10
Minimum rear yard (ft)	25	0	10	10	0	20	20	0	25
Front yard	Min. 20 ft	Within 5 feet of the average of the existing principal buildings on the block, but no closer to the street than the closest of the existing principal buildings on the block.							Min. 20 ft
Maximum building height (ft)	35	75	35	50	100	75	75	50	75

(B) In the R district, detached principal buildings of up to 20 feet in height shall maintain a minimum clear distance of 10 feet from any other principal building. In all other districts except DPH and

MU-3, detached principal buildings of up to 20 feet in height shall maintain a minimum clear distance of 6 feet from any other principal building. For buildings above 20 feet in height and at 5-foot increments of height thereafter, the minimum clear distance shall be increased by 1 foot, minimum side yard by 1 feet, and minimum rear yard by 3 feet.

- (C) In all districts except MU-3 and DPH, detached accessory buildings and structures shall maintain a minimum clear distance of 3 feet from any other building.
- (D) In the MU-3 and DPH districts, detached principal buildings shall maintain a minimum clear distance of 3 feet from any other building.
- (E) Whenever the minimum yard requirements and minimum clear distance requirements differ, the greater of them governs.

**§1303.07. Special Purpose Overlay.**

This overlay allows for the possible accommodation of land use sharing table of the Central Crawford Region Comprehensive Plan.

**§1303.08. Airport Hazard Overlay.**

(A) Purpose and Authority. Authority for this section derives from 1984 Pa. Laws 164 codified at 74 Pa. Cons. Stat. §§5912 et. Seq., and its purpose is to create an Airport Hazard Overlay that:

- (1) Considers safety issues around Port Meadville Airport.
- (2) Regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones.
- (3) Creates the permitting process for use within said zones.
- (4) Provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

(B) The Airport Hazard Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport Hazard Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

(C) Establishment of Airport Zones: There are hereby created and established certain zones within the Airport Hazard Overlay section, defined in this Section and illustrated on the Airport Hazard Area Map, hereby adopted as part of this section, which include:

Approach Surface Zone

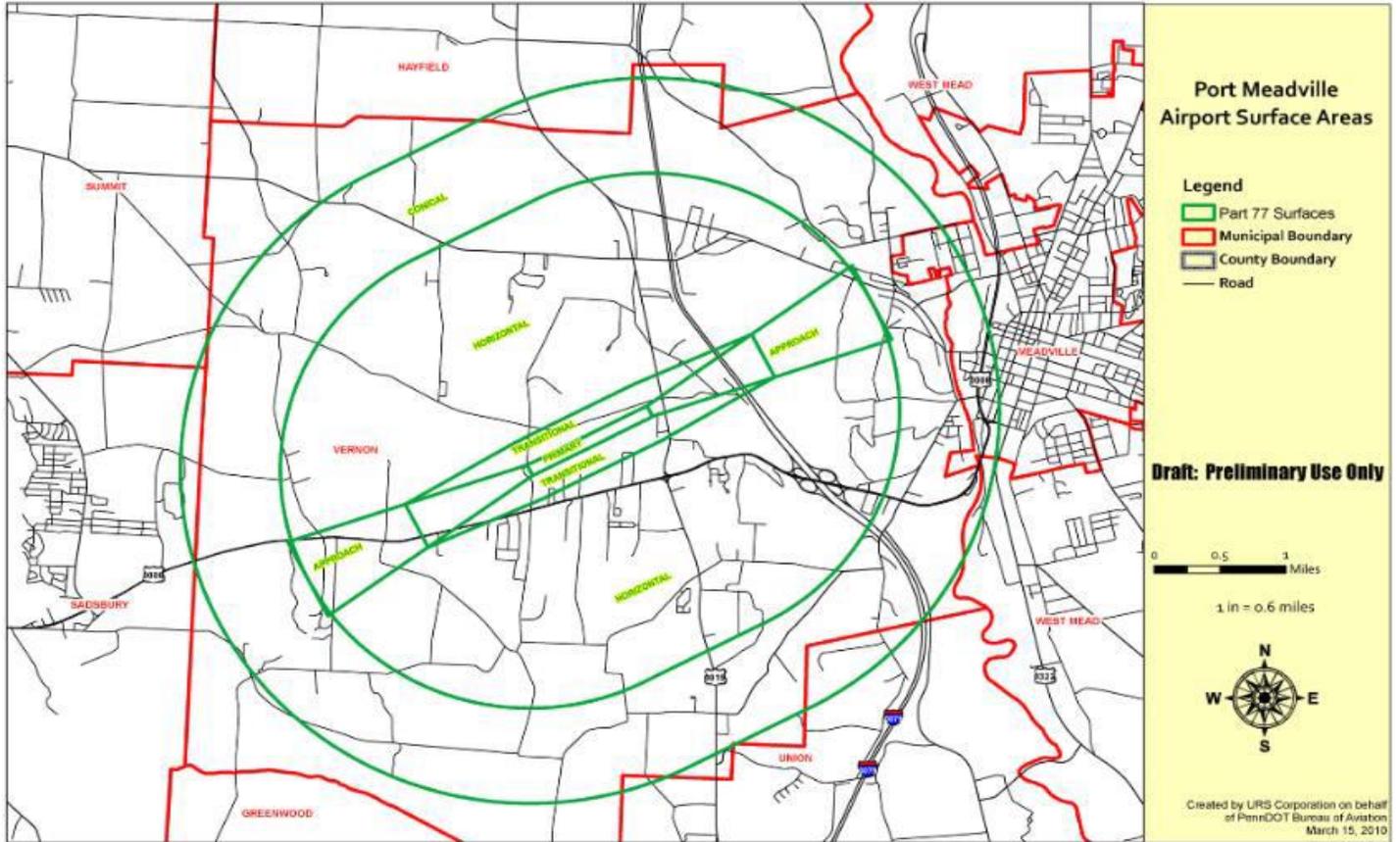
Conical Surface Zone

Horizontal Surface Zone

Primary Surface Zone

Transitional Surface Zone

### Exhibit 1303.08. Port Meadville Airport Surface Areas



- (D) Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport that would result in the structure or object to be higher than 190' from ground level, 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.
- (E) 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 Section. 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. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
- (F) Variance. 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 Subsection (H) - 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.
  - (4) 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 section.
- (G) Use Restrictions. Notwithstanding any other provisions of this Section, no use shall be made of land or water within the Airport Hazard Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.
- (H) Pre-Existing Non-Conforming Uses: The regulations prescribed by this Section 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 Section, 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 substantially abated, may only be reestablished consistent with the provisions herein.
- (I) Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this section may be conditioned according to the process described in Section (E) 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.
- (J) Violations, Penalties and Appeals shall be subject to Article 10.
- (K) Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
- (L) Severability. If any of the provisions of this section or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

(M) Definitions. The following definitions shall pertain to the terms as used in regard to Airport Hazard Zoning.

*“Airport Elevation”* - means the highest point of an airport’s useable landing area measured in feet above sea level. The airport elevation of the Port Meadville Airport is 1399.

*“Airport Hazard”* - means 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. Cons. Stat. §5102.

*“Airport Hazard Area”* - means any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

*“Approach Surface (Zone)”* - means 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)”* - means 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 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

*“Department”* - means, for the purposes of Airport Hazard Zoning, the Pennsylvania Department of Transportation.

*“FAA”* - means the Federal Aviation Administration of the United States Department of Transportation.

*“Height”* - means, for the purpose of determining the height limits in all zones set forth in the Airport Hazard Zoning provisions of this code, and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*“Horizontal Surface (Zone)”* - means 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”* - means 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.

*“Nonconforming Use, Airport Hazard Zoning”* - means, for Airport Hazard Zoning purposes, any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.

*“Non-Precision Instrument Runway”* - means 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. Port Meadville Airport is a Non-Precision Instrument Runway.

*“Obstruction”* - means, for Airport Hazard Zoning purposes, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section.

*“Precision Instrument Runway”* - means 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)”* - means 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”* - means a defined area of an airport prepared for landing and takeoff of aircraft along its length.

*“Structure, Airport Hazard Zoning”* - means, for the purposes of Airport Hazard Zoning, 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)”* - means 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”* - means any object of natural growth.

*“Utility Runway”* - means 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”* - means a runway intended solely for the operation of aircraft using visual approach procedures.

### **§1303.09. Creekside Recreational Development Overlay.**

- (A) Purpose. To recognize the unique character and natural resources of French Creek and to preserve and enhance the public’s access to the area. It is further the intent to allow limited recreational development with reasonable standards along with the provision of facilities to minimize traffic congestion, noise, glare and pollution so as to lessen the danger to the public safety and surrounding building values.
- (B) Process. Creekside recreational development shall be deemed to be an overlay district in any zoning district that abuts French Creek, subject to special exception approval. The requirements of the Creekside Recreational Development overlay shall be additive to the requirements of the underlying zoning district(s) and in the event of a conflict, take precedence over the underlying zoning district(s).
- (C) Area of Overlay. This overlay shall include the following: the area between French Creek and Wadsworth Avenue, Spring Street, the city line, Smock Bridge and the French Creek Parkway.

- (D) Uses. Regardless of the underlying zoning designation, the following uses shall also be permitted in the Creekside recreational development overlay district, subject to special exception approval:
- (1) Boat launches, docks, nonmotorized vehicle and pedestrian trails and walks.
  - (2) Storage sheds no larger than 120 square feet that are accessory to a principal use.
  - (3) Parking areas and access drives that are accessory to a principal use.
  - (4) Public parks or playgrounds.
  - (5) Any use of the same general character as any of the uses above is permitted when authorized as a special exception; provided, that the applicant can demonstrate that traffic and other impacts are similar to those of permitted uses.
  - (6) All listed uses shall be permitted as a special exception, provided:
    - (a) No lighting shall be permitted.
    - (b) Parking areas consisting of 20 vehicles or more shall be screened from view by one of the buffer yards provided in this article.
    - (c) No fence or wall over four feet tall, except a retaining wall, may be erected.
    - (d) If provided, scenic overlook areas, trails, parking and other public gathering places shall be ADA accessible. They shall be made of durable, permanent materials.
    - (e) Signage shall be limited to one freestanding sign no larger than 24 square feet for each property entrance; and signs no larger than four square feet interior to the property controlling parking or traffic and directional signs to public trail or other public amenities.

## **ARTICLE 1304**

### **Conditional Uses**

#### **§1304.01. General Regulations for Conditional Uses.**

(A) Applicability.

Each use that is listed in Article 1303 for each district as permitted by conditional use (notated with the letter ‘C’) shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in §1304.02, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in §1304.02 for the specific conditional use have been met.

(B) Procedure.

- (1) An application form prescribed by the city shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Meadville City Council.
- (2) The applicant shall submit seven (7) paper copies and one (1) digital copy, in PDF format or other electronic format as specified by the city, of the necessary documentation of the proposed conditional use to enable the review of such proposal by the city. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
  - (a) That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the zoning district in which the use is to be located;
  - (b) That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
  - (c) That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
  - (d) That the proposed conditional use is in general conformity with the City of Meadville comprehensive plan; and
  - (e) That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Meadville City Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- (3) If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
- (4) The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the city approve any zoning permit, building permit, certificate of use and occupancy,

subdivision, land development, or site plan required by this ordinance or any other city ordinance.

- (5) The Meadville City Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the City of Meadville Comprehensive Plan.
- (6) Public Hearings.
  - (a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Meadville City Planning Commission. The Planning Commission shall be given an opportunity to provide written recommendation to Meadville City Council concerning whether to approve, conditionally approve, or deny the application.
  - (b) A minimum of one (1) public hearing shall be held by the Meadville City Council at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
  - (c) Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days and the second notice not less than seven (7) days prior to the hearing, and shall be conspicuously posted by the City at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 200 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
  - (d) If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.
  - (e) The Meadville City Council shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.
  - (f) If the Meadville City Council denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Crawford County Court of Common Pleas.

(C) Duration of Conditional Use Permit.

The grant of the conditional use permit shall expire if a zoning permit, building permit, or certificate of occupancy is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Meadville City Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

**§1304.02. Specific Regulations for Conditional Uses.**

(A) Golf Courses

- (1) Minimum lot size: 100 acres.
- (2) Density of Use. The golf course use conducted upon any premises, permitted as a conditional use hereunder, shall employ a minimum of nine holes which shall be reasonably spaced over the lot.
- (3) Minimum Setback. All structures upon land devoted to golf course use shall be set back a minimum of 50 feet from all lot lines.
- (4) Minimum Parking. All golf courses conducted as conditional uses hereunder shall have a minimum of 30 off-street parking spaces for the golf course use and such additional spaces as may be required by the terms of Article 8 for each accessory use conducted upon such land. Parking requirements in addition to the minimums set forth in this section may be required by the city council at the time of the grant of permission to conduct such conditional use.
- (5) Accessory Uses. Only the following shall be deemed to be permitted accessory uses to any golf course use permitted as a conditional use hereunder:
  - (a) Pro shop;
  - (b) Snack bar, including facilities for the sale of beverages from time to time regulated under the liquor control laws of the commonwealth of Pennsylvania; provided, that such facilities shall be duly licensed under all applicable laws, rules and regulations;
  - (c) Storage facilities;
  - (d) Shelters;
  - (e) Tennis courts;
  - (f) Swimming pool;
  - (g) Club house, including locker rooms and showers.
- (6) Any such use permitted as an accessory use in an R-Residential district to a conditional use golf course shall only be continued for so long as subject lot continues to be operated as a golf course.
- (7) Sign. Golf course uses permitted as conditional uses hereunder shall exhibit no more than one identification sign which shall be a ground-mounted sign not in excess of 12 square feet in total surface area (including mounting structures). Such sign shall comply with the provisions of Article 9.
- (8) Maintenance. Golf course uses permitted as conditional uses hereunder shall be maintained at all times in a manner which promotes and preserves the residential quality of the neighborhoods in which such uses are permitted.

**(B) Heavy Manufacturing**

- (1) Shall not involve the following uses:
  - (a) Abattoir;
  - (b) Animal fertilizer manufactures;

- (c) Facilities for the incineration, reduction or storage of offal, garbage or dead animals;
  - (d) Manufacture of gun powder or explosives;
  - (e) Fat, lard or tallow rendering;
  - (f) Glue or gelatine manufacture;
  - (g) Paper and pulp manufacture;
  - (h) Tanneries or rawhide or skin storage;
  - (i) Auto wrecking and junk yards.
- (2) No uses will involve noxious gas, dust, odor or smoke clearly discernible to neighboring uses or harmful to the public health, safety and welfare of area citizens.
  - (3) If abutting non-industrial uses, shall present a plan for screening and buffering which will minimize any impact and filter most light and noise.

(C) Printing Services

- (1) The applicant shall provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.
- (2) A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.
- (3) A Site Map locating where hazardous materials are stored, handled and used shall be provided.

(D) Short Term Rental

- (1) The use shall be accessory to a single-family dwelling, townhouse dwelling, or two-family dwelling identified as the principal use of the lot.
- (2) The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least 180 days of the calendar year.
- (3) All activity at the short-term rental shall be subject to enforcement of the City's noise-, nuisance- and property maintenance-related ordinances including but not limited to Performance Standards and Property Maintenance.
- (4) Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals.
- (5) The short-term rental shall provide one off-street parking space per bedroom available for rental.

(E) Stadiums

- (1) To ensure the safety and security of potential residents surrounding such a development, all stadiums shall:

- (a) Present a means to ensure the normal flow of traffic to stadium events avoiding utilization of local streets as identified by this code, where possible. If local streets must be utilized, the developer will illustrate a flow pattern which avoids R residential neighborhoods to the maximum extent possible.
- (b) Include a buffer yard at least 25 feet in width, appropriately planted to filter most light and noise throughout the year. At a minimum, this yard shall be planted with species which will attain at least six feet in height within two years of planting. The project landscape architect shall certify that, barring abnormal climate conditions, the plantings will reach the desired dimensions within the given time limits. The landscape architect shall also certify that the mixture of plantings will be adequate for the purposes of audio and visual filtration.

(F) Other uses not specifically listed to be permitted in the EDC district

(1) In the EDC Economic Development Corridor, any use not specifically listed as a permitted use in any other zoning district and not specifically excluded from this district may be permitted by Conditional use if the proposed use meets the following requirements:

- (a) The proposed use, if granted a conditional use, would:
  - (i) Be consistent with the comprehensive plan of the city;
  - (ii) Be consistent with the adjoining and surrounding zoning and uses;
  - (iii) Be consistent with the scale and density of neighboring uses and structures;
  - (iv) Comply with all applicable yard, setback, and signage regulations for the districts;
  - (v) Comply with parking and loading/unloading standards for related uses specified in this code.
- (b) The proposed use, if granted a conditional use, would not:
  - (i) Substantially increase traffic congestion, create traffic safety hazards or endanger the safety of persons or property by improper location or design of facilities for ingress or egress;
  - (ii) Change the basic functional characteristics of the streets and lands on which it is located, as identified by the city comprehensive plan;
  - (iii) Increase the danger of fire or otherwise involve activities or processes which would tend to endanger the public health or safety;
  - (iv) Overcrowd the land or create an undue concentration of population or structures;
  - (v) Impair an adequate supply of light and air to adjacent property;
  - (vi) Create storm water hazards or drainage problems;
  - (vii) Create vibrations, glare, heat, electrical disturbance, smoke, odor or noise which would jeopardize the integrity of pre-existing uses in the immediate vicinity;
  - (viii) Unduly burden water, sewer, school, park or other facilities;

- (ix) Be detrimental to or adversely affect the reasonable use of adjacent property;
- (x) Otherwise adversely affect the public health, safety, morals or general welfare;
- (xi) Unreasonably interfere with pre-existing or planned residential, historic or economic development.

**(G) Traditional Neighborhood Development**

- (1) Purpose and Authority. Authority for this section derives from Article VII-A of the Pennsylvania Municipalities Planning Code, and its purposes are as follows:
  - (a) To ensure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the city's community development goals and objectives.
  - (b) To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
  - (c) To extend greater opportunities for better housing, recreation and access to goods, services and employment opportunities to all citizens and residents of this commonwealth.
  - (d) To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses.
  - (e) To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
  - (f) To minimize traffic congestion, infrastructure costs and environmental degradation.
  - (g) To promote the implementation of the objectives of the City of Meadville comprehensive plan for guiding the location of growth.
  - (h) To provide a procedure in aid of these purposes which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
  - (i) To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.
  - (j) Where not specified in this article, standards from Article VII-A of the Pennsylvania Municipalities Planning Code or the City of Meadville zoning ordinance shall govern.
- (2) Minimum Size. To qualify for designation, the minimum size of a traditional neighborhood development must be such that it will be bounded on all sides by an existing or proposed public

street or alley. Traditional neighborhood developments meeting this minimum may extend beyond this area and end in mid-block.

(3) Uses. Regardless of the underlying zoning designation, the following uses shall be permitted as a part of an approved traditional neighborhood development:

- (a) Townhouse dwellings.
- (b) Multi-family dwellings.
- (c) Private clubs and social halls.
- (d) Day care facilities.
- (e) Financial institutions.
- (f) Professional offices.
- (g) Civic and cultural buildings.
- (h) Retail sales.
- (i) Personal services.
- (j) Restaurants.
- (k) Public parks and playgrounds.
- (l) Parking lot or structure.
- (m) In the case of an adaptive reuse, involving no new construction or demolition and adhering to the Secretary of Interiors standards for any rehabilitation, the adaptive reuses permitted by this code shall be permitted uses. In the case of new construction, adaptive reuses shall be by conditional use.

(4) Procedures for Approval of Traditional Neighborhood Development.

- (a) The developer is encouraged to begin the process by submitting a sketch plan describing and illustrating the proposed project consistent with the requirements of Section 707A of the Pennsylvania Municipalities Planning Code.
- (b) The application for conditional use approval of a traditional neighborhood development in a designated zone shall be submitted on forms provided by the city, together with plans providing the information required by this code and demonstrating compliance with the standards for traditional neighborhood development as set forth in this code, together with fees to be established by resolution of city council.
- (c) The process for conditional use approval shall follow the requirements set forth in the Pennsylvania Municipalities Planning Code and this code.
- (d) The city planning commission shall review the plans and make recommendations. If the recommendations are accepted by the developer, the planning commission's approval of recommendations shall constitute preliminary approval.

- (e) Following the review and approval of the planning commission, and a hearing and consideration by the city council in accordance with the applicable requirements of the Pennsylvania Municipalities Planning Code, the city council shall determine whether the conditional use should be granted under applicable standards and may, if granted, impose reasonable additional conditions, which if accepted by developer shall constitute final approval.
  - (f) Upon final approval, the developer shall incorporate all required provisions into the final plan and file the final plan with the city.
- (5) Conditional Use Plan Submission Requirements. All applications for traditional neighborhood development shall include the following:
- (a) Amount, location of, proposed use of common open space. If proposed as private common space, a plan for maintenance shall be included.
  - (b) Location and physical characteristics of the site.
  - (c) Location, use, and description of existing buildings and whether they will be rehabilitated, adaptively reused, demolished or unchanged.
  - (d) Location, design, type and use of proposed new structures.
  - (e) Location, design, type and use of existing and proposed streets, alleys, sidewalks or pedestrian ways.
  - (f) A parking plan, including the use of on-street parking, parking structures, and private or public parking lots.
  - (g) A landscaping plan, including preservation of existing trees, street trees, street plantings, street furniture. This plan shall include a plan for future maintenance and be developed by a licensed landscape architect.
  - (h) A description of how the proposed traditional neighborhood development relates to the abutting development in the city, including private land uses, and city infrastructure (including public sidewalks, street trees, street systems, parks and parking) as well as any necessary buffering or screening.
  - (i) A description of how the proposed traditional neighborhood development relates to the City of Meadville comprehensive plan.
  - (j) A time schedule and any phasing of development.
- (6) Design and Development Standards for Public or Private Improvements.
- (a) Streets, sidewalks and footpaths shall be integrated into the existing city systems to the maximum extent possible. Proposed new streets, except alleys, shall have sidewalks.
  - (b) Any drive-through facilities shall be designed to enter and exit on the street or alley determined to have the least vehicular and pedestrian traffic.
  - (c) Parking. All parking lots, except where there is a compelling reason to the contrary, shall be located in the rear of buildings. Off-street parking may be located within 500 feet of the

principal entrance of the building. In the case of parking structures, the design of exterior surfaces shall be of a form and material which relates to abutting buildings. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts.

- (d) Landscaping. All parking lots shall be landscaped consistent with MMC 1308.02(D). If not existing, street trees shall be provided consistent with city standards. All common areas, transition areas between various land uses, setback areas and other spaces shall be suitably landscaped.
  - (e) Design. All structures and improvements shall be designed in accordance with a Manual of Written and Graphic Design Guidelines as may be adopted by and in effect in the City of Meadville.
- (7) Lot, Yard, Density and Design Standards.
- (a) Structures shall be placed close to the street at generally one-quarter of the width of lot or less.
  - (b) Townhouse units shall have a minimum lot width of 15 feet. All townhouse units shall have a minimum lot size of 1,800 square feet. All townhouse dwelling units shall have a private rear yard patio or upper floor terrace.
  - (c) Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
  - (d) Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
  - (e) Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
  - (f) Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
- (8) Compliance with Finally Approved Plan Required. Developer shall construct and develop the traditional neighborhood development in accordance with the finally approved plan.

## **ARTICLE 1305**

### **Special Exceptions**

#### **§1305.01. General Regulations for Uses by Special Exception.**

(A) Applicability.

Each use that is listed in §1303.05 for each district as permitted by special exception (notated with the letters ‘SE’) shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in §1305.02, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in §1305.02 for the specific use by special exception have been met.

(B) Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in §1311.07 of this Ordinance.

(C) Conditions for Approval.

- (1) In addition to the minimum conditions contained in §1305.02 for each use by special exception, the use shall meet the following additional requirements:
  - (a) The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood, community, or zoning district in which the use is to be located.
  - (b) The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements or materially burden other public services such as schools, police, or fire.
  - (c) The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.
  - (d) The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the City of Meadville Comprehensive Plan.
  - (e) The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- (2) In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
- (3) The grant of the special exception shall expire if a zoning permit, building permit, or certificate of occupancy is not obtained within 24 months from the date of the grant of the special exception. However, the Zoning Hearing Board, in its discretion, may grant an extension of up

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

**§1305.02. Specific Regulations for Uses by Special Exception.**

(A) Auto Sales

- (1) In the interest of public traffic safety, no vehicles shall be parked along the front lot line. Cars may parallel the front lot line but must be set back at least 15 feet.
- (2) Any lot line abutting a residential use shall utilize appropriate screening.
- (3) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles lacking current state inspection stickers, or parts of vehicles. The overnight parking of patron vehicles and the presence of DEP/EPA-approved waste containers shall be permitted on side or rear lot areas.

(B) Bed and Breakfast

- (1) The person operating the bed and breakfast residence must also be a permanent resident.
- (2) No more than 40 percent of the floor area of the principal dwelling may be used for guest sleeping accommodations.
- (3) No guest rooms shall be located in accessory buildings.
- (4) One off-street parking space must be provided for each guest room on lot. If on-lot parking is unavailable, the applicant shall arrange through purchase, lease or similar covenant suitable spaces within a 200-foot radius of the lot.
- (5) The applicant may display one sign identifying the name of the business and its use. This sign will not exceed six square feet and shall be lit through indirect means.
- (6) The basic residential character of the structure shall not be altered.
- (7) No more than 10 guest rooms will be permitted at a bed and breakfast.
- (8) A bed and breakfast may prepare or serve foods for consumption on site for breakfast, lunch and dinner offered to its transient guests only.
- (9) A bed and breakfast may cater occasional on-site events or activities for no more than 40 persons at a time, including, without limitation, wedding rehearsal parties, business meetings, small office parties, and similar events or activities. A bed and breakfast shall not cater or prepare foods for consumption for any off-site event or activity.
- (10) A bed and breakfast that serves meals other than breakfast or caters on-site events or activities as described in this article, shall be subject to the rules and regulations of the Pennsylvania Department of Agriculture. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the board and required licenses, certificates, or permits shall be a condition for approval.

(C) Building/Contracting Related Business

No outdoor storage of materials shall be located within the front yard of the lot.

(D) Campus development

- (1) All uses within the campus that otherwise would qualify as principal uses shall be permitted by special exception, regardless of whether they are permitted by right elsewhere in the district.
- (2) Campuses may comprise a collection of any of the uses allowed within its district, and additionally may comprise uses not listed except when specifically prohibited. Such unlisted uses must be located no closer than 125 feet from any other property in different ownership.
- (3) All development within the campus shall be demonstrated by the developer/applicant to have a demonstrable and clear relationship to serving the campus's principal purpose.

(E) Commercial Recreation, Indoor and Outdoor

- (1) If a parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:
  - (a) An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
    - (i) One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
    - (ii) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.
- (2) Any activity not included within a fully enclosed structure shall have hours of operation limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.
- (3) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.

(F) Community Centers

- (1) All outdoor activities shall occur between the hours of 7 a.m. and 9 p.m. in the MU-1 and MU-2 districts.
- (2) All indoor activities shall occur between the hours of 7 a.m. to midnight in the MU-1 and MU-2 districts.
- (3) If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:
  - (a) An additional ten-foot setback for the respective lot line shall be provided along the parking

lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.

- (b) One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
- (c) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.

(G) Day Care Centers – Child, Adult and/or Group

- (1) The facility shall be licensed as such by the Commonwealth of Pennsylvania.
- (2) Ingress and egress to the site shall be designed to assure the safe dropping off and pickup of children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
- (3) Exterior open space shall be provided and shall be secured by a fence, at least four feet in height, with a self-latching gate. Such open space shall be usable and accessible only for the children at a minimum ratio of 100 square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the Zoning District in which the day-care center is proposed shall apply.
- (4) Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength may be required along the lot's perimeter for the protection of those using the day-care center.
- (5) Outdoor play areas that adjoin residential lots shall be screened as per the screening requirements of Section 1306.25(B).
- (6) The general safety of a day-care center site shall be evaluated as it relates to the needs of small children.

(H) Detention Homes

- (1) The applicant shall submit the following:
  - (a) A statement describing the character of the facility.
  - (b) The program's policies and goals and means proposed to accomplish the goals.
  - (c) A description of the characteristics of the residents of the proposed use, noting, in particular, their ages and number of residents.
  - (d) A study documenting the need for such a facility in the City.
- (2) Specific standards.
  - (a) Any said use shall have a minimum of 350 square feet of habitable floor area provided for each occupant.

- (b) A common kitchen and dining facility shall be provided, and no cooking or dining facilities shall be provided in individual rooms or suites.
- (c) A said use shall not be located within 2,000 feet of any other same use.
- (d) The applicant shall demonstrate that adequate off-street parking facilities shall be provided to meet the needs of the use.
- (e) A grant of special exception use may be revoked by the City if it is determined that the residents of the use have endangered the general welfare of the surrounding community due to a breach of security or lack of adequate supervision.

(I) Drug Store

- (1) Drive-throughs shall have hours of operation limited to 7 a.m. to 9 p.m. in the MU-1 and MU-2 districts.
- (2) The drive-through shall have direct access to a public right-of-way.
- (3) A minimum of three stacking spaces shall be provided for each drive-through lane.
- (4) Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of-way.

(J) Dry Cleaners

- (1) All materials and equipment shall be stored within a completely enclosed building.
- (2) The use shall comply with all performance standards specified in this chapter.
- (3) The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

(K) Dwelling: Fraternities or Sororities

- (1) A common cooking and eating area must be provided.
- (2) No cooking or dining facilities shall be provided in individual rooms or suites.

(L) Dwelling, Multi-Family

- (1) Shall maintain a common indoor or outdoor area appropriate for the recreational and social needs of dwelling residents. If indoor, a minimum of 25 square feet per unit shall be available. If outdoor, a permanently landscaped area of 50 square feet per unit must be maintained.

(M) Dwelling: Single Family Detached

Parking shall be provided on the same lot upon which the dwelling unit is located.

(N) Dwelling: Two Family

Parking shall be provided on the same lot upon which the dwelling unit is located.

(O) Events Center

- (1) A minimum of one parking space shall be provided on-site for every two (2) people indicated in the fire code occupancy limits for the property.
- (2) A minimum clear distance of 200 feet shall be maintained between any portion of the center available to let, exclusive of parking spaces, and any residential dwelling or lodging facility.
- (3) All outdoor activities shall occur between the hours of 7 a.m. and 9 p.m. in the MU-1 and MU 2 districts.
- (4) All indoor activities shall occur between the hours of 7 a.m. to midnight in the MU-1 and MU-2 districts.
- (5) If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:
  - (a) An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
  - (b) One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
  - (c) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.

(P) Electronic Sign (Refer to Signs §1309.07)

(Q) Emergency Shelters

- (1) The applicant shall submit the following:
  - (e) A statement describing the character of the facility.
  - (f) The program's policies and goals and means proposed to accomplish the goals.
  - (g) A description of the characteristics of the residents of the proposed use, noting, in particular, their ages and number of residents.
  - (h) A study documenting the need for such a facility in the City.
- (2) Specific standards.
  - (f) Any said use shall have a minimum of 350 square feet of habitable floor area provided for each occupant.
  - (g) A said use shall not be located within 2,000 feet of any other same use.
  - (h) The applicant shall demonstrate that adequate off-street parking facilities shall be provided to meet the needs of the use.
  - (i) A grant of special exception use may be revoked by the City if it is determined that the

residents of the use have endangered the general welfare of the surrounding community due to a breach of security or lack of adequate supervision.

(R) Funeral Parlor

- (1) There shall be no crematory or receiving vaults, nor any external display of merchandise on the premises.
- (2) One off-street loading space shall be provided for every 10,000 square feet of GFA.
- (3) No loading and unloading of merchandise and cadavers shall occur, under any circumstances, on public property or shall be visible from the public right-of-way.

(S) Gasoline Service Station

- (1) Any fuel pumps shall be at least 30 feet from the front lot line and 30 feet from each side lot line.
- (2) No vehicle will be parked or stored along the front lot line except on a short-term basis (less than 12 hours).
- (3) Any lot line abutting a residential use or district shall provide appropriate screening.
- (4) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles lacking current state inspector stickers, or parts of vehicles. The overnight parking of patron vehicles and the presence of DEP/EPA-approved waste containers shall be permitted in side or rear lot areas.
- (5) Canopy structures shielding gasoline pumps shall be no closer than 20 feet from the front lot line and 20 feet from each side lot line.

(T) Guest House

- (1) The building shall be considered accessory to the owning institution and shall be located on the same parcel or on an abutting parcel containing one of the institution's primary buildings or uses.
- (2) All outdoor lighting shall be directed away from neighboring property or streets.
- (3) Activity hours, which include duration of any on-site event, whether indoor or outdoor, shall not commence before 9:00 a.m. and shall cease by 11:00 p.m.
- (4) No guest rooms shall be located in accessory buildings.
- (5) One off-street parking space must be provided for each guest room on lot. If on-lot parking is unavailable, the applicant shall provide off-street spaces within a 20-foot radius of the lot on contiguous property owned by the owning institution.
- (6) If an existing building, the basic residential character of the structure shall not be altered.
- (7) No more than five guest rooms will be permitted.
- (8) The facility may host on-site institution-related events or activities for a maximum of 40 persons at a time. The facility shall not cater or prepare foods for consumption for any off-site

event or activity nor host any activity not directly related to the owning institution.

- (9) Total building height shall not exceed three stories (exclusive of antennas, steeples, and similar items).
- (10) The facility must be screened from any abutting property containing a single-family residence held in separate ownership. Screening shall be placed between the use (including its associated parking, accessory structures, and accessory uses) and shall meet one or more of the screening or buffering standards contained in Articles 1306 and 1308 MMC, as amended from time to time and as applicable.
- (11) No fees of any kind shall be charged for any overnight occupancy of guest rooms located at any guest house facility.

(U) Home Business

- (1) The home business shall be carried on entirely within the dwelling unit.
- (2) Not more than two persons other than the occupants of the dwelling unit shall be employed.
- (3) Not more than 20 percent of the gross floor area of the dwelling shall be devoted to the home business.
- (4) Articles sold or offered for sale on site shall be limited to mail-order articles or articles for sale elsewhere.
- (5) No offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare or other objectionable effects shall be produced.
- (6) Satisfactory provision is made for the accommodation of parking as provided in Article 6 of this Ordinance. Any off-street parking area shall be located behind the building line or within the lawful service drive.
- (7) No equipment or processes shall be used which create interference in radio or television receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.
- (8) Not more than one commercial vehicle having a maximum capacity of one ton may be stored and parked on any lot.

(V) Hotels/Motels/Inns

- (1) No motel shall have a lot area of less than 21,600 square feet.
- (2) Motel buildings or accessory structures shall be placed no closer than 30 feet to any lot line.
- (3) Swimming pools shall comply with the safety requirements of the Pennsylvania Uniform Construction Code.
- (4) Yard areas shall be permanently landscaped and maintained in good condition.
- (5) Rooms shall not be rented for a period of less than 12 hours.

(W) Limited Retail Establishment

- (1) Total retail use area shall not exceed 3,000 square feet per parcel. This shall include all interior space and any exterior space dedicated to such use.
- (2) Signage shall be limited to one sign no larger than 12 square feet, which may be illuminated only by indirect means. No other signage, including window signs, is permitted.
- (3) This use shall be exempt from providing any parking. However, if parking is provided, it shall conform in all respects to the parking requirements of this article.
- (4) There shall be no exterior display of merchandise.
- (5) If a conversion, the character of the building shall not be substantively altered. If a new building, it shall conform in character and scale to the existing buildings. Applicant shall obtain comments regarding the impact on the historic elements of an existing building or design of a new building from the Crawford County Historical Society, the Pennsylvania Historic and Museum Commission or other recognized historic preservation agency and submit with the application for special exception.
- (6) There shall be no outdoor sound transmission systems or displays of any sort beyond that provided in subsection (2) of this section.
- (7) Business hours shall be limited to 7:00 a.m. to 9:00 p.m.
- (8) All outdoor lighting, except illumination for general safety, shall be prohibited except during business hours.
- (9) No drive-through or drive-up service is permitted.
- (10) Deliveries shall not interfere with traffic patterns.

**(W)Limited Restaurants**

- (1) Total restaurant use area shall not exceed 3,000 square feet per parcel. This shall include all interior space and any exterior space dedicated to such use, including seating areas, patios, etc., but not parking and other access elements.
- (2) Signage shall be limited to one sign no larger than 12 square feet, which may be illuminated only by indirect means. No other signage, including window signs, is permitted.
- (3) This use shall be exempt from providing any parking. However, if parking is provided, it shall conform in all respects to the parking requirements of this article.
- (4) There shall be no exterior display of merchandise.
- (5) If a conversion, the character of the building shall not be substantively altered. If a new building, it shall conform in character and scale to the existing buildings. Applicant shall obtain comments regarding the impact on the historic elements of an existing building or design of a new building from the Crawford County Historical Society, the Pennsylvania Historic and Museum Commission or other recognized historic preservation agency and submit with the application for special exception.
- (6) There shall be no outdoor sound transmission systems or displays of any sort beyond that provided in subsection (2) of this section.

- (7) Business hours shall be limited to 6:00 a.m. to 11:00 p.m.
- (8) All outdoor lighting, except illumination for general safety, shall be prohibited except during business hours.
- (9) No drive-through or drive-up service is permitted.
- (10) Deliveries shall not interfere with traffic patterns.

(X) Limited Storage

- (1) No storage of hazardous materials shall be permitted.

(Y) Nursing Home

- (1) The institution shall be accredited by the commonwealth.
- (2) The institution shall be the sole occupant of the lot.
- (3) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- (4) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- (5) Buildings shall be set back from one another and residential occupancy shall be in conformance with this chapter.

(Z) Parking Garage or Parking Lot

The area shall meet all setbacks and be sufficiently screened and buffered from adjacent uses. Along any lot line shared with a residential use, screening and buffering of parking areas and outdoor common spaces equivalent to 120% of the base zoning standard, found in Section 1306.25(B) must be provided.

(AA) Personal Care Home

- (1) Along any lot line shared with a residential use, screening and buffering of parking areas and outdoor common spaces equivalent to eight feet must be provided to protect the existing neighborhood from inappropriate noise and other disturbances.
- (2) One-half off-street parking space for each nonstaff resident and one off-street parking space for each staff resident shall be provided. A minimum of two on-site parking spaces shall be paved.
- (3) Facility management and administration shall meet all federal, state and local health, welfare, safety and fire protection standards, including, but not limited to, standards established by the Pennsylvania Department of Labor and Industry.
- (4) The owner(s) and administrator(s) of a personal care home shall be responsible for the conduct and safety of the occupants and shall register with the police a manager or supervisor who at all times shall be available to respond to inquiries and promptly quell any disturbances caused by the occupants.

(BB) Personal Services

There shall not be any outdoor storage.

**(CC) Place of Worship**

- (1) Shall provide all parking and loading/unloading requirements as required by this code.
- (2) Shall be located on a paved public street with a minimum cartway width of 20 feet.
- (3) The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- (4) All parking and recreation/play areas which abut residential uses shall provide screen planting.
- (5) Any outdoor lighting shall be designed to prevent glare to adjoining properties.

**(DD) Public School/Accredited Private School**

- (1) Shall provide all parking and loading/unloading requirements as required by this code.
- (2) Shall be located on a paved public street with a minimum cartway width of 20 feet.
- (3) The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- (4) All parking and recreation/play areas which abut residential uses shall provide screen planting.
- (5) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (6) Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a certificate of occupancy.

**(EE) Public Utility Building**

- (1) Be landscaped to present a minimum intrusion upon the neighborhood.
- (2) Be enclosed by a security fence. Notwithstanding any other section of this code, the height of this fence shall be adequate to provide proper security for the installation (six to eight feet).
- (3) No outdoor storage shall be permitted.
- (4) Lighting shall be designed to prevent glare to neighboring properties.

**(FF) Repair Garages**

Repair garages shall meet the criteria established for Gasoline Service Stations in this Section, substituting "repair garage" for "service station."

**(GG) Rooming Houses**

- (1) A common cooking and eating area must be provided.
- (2) No cooking or dining facilities shall be provided in individual rooms or suites.

**(HH) Sexually Oriented Business**

- (1) Shall comply with the business regulations of Article 325 MMC, as amended.
- (2) Shall provide a minimum of one parking space for every three seats.

(II) Tavern or Bar

- (1) A tavern, bar or pub shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control Board (PA LCB).
- (2) The owner(s) and operator(s) of a tavern/bar/pub shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the patrons.

(JJ) Upper Floor Residential

- (1) Shall only be permitted where the ground floor, or majority thereof, shall be used or dedicated for a use other than residential, and a use allowed in the zoning district in which the building is located.
- (2) The dwelling units shall have no more than four bedrooms.
- (3) Each dwelling unit shall provide the following minimum usable living space:
  - (a) Minimum of 540 square feet of usable space for one-bedroom units, for occupancy of no more than two persons.
  - (b) Minimum of 725 square feet of usable space for two-bedroom units, for occupancy by no more than four persons.
  - (c) Minimum of 910 square feet of usable space for three-bedroom units, for occupancy by no more than six persons.
  - (d) Minimum of 1,095 square feet of usable space for four-bedroom units, for occupancy by no more than eight persons.
- (4) Any structure in which a residential use is permitted shall comply with all requirements of this code applicable to the permitted principal use of the ground floor conducted therein. All otherwise complying above ground floor residential uses shall be exempt from lot size, lot coverage, lot width and setback requirements. No structure in which mixed uses are permitted hereunder shall exceed seven stories or 100 feet in height.
- (5) Subject to the provisions of this Ordinance, there shall be provided at least two (2) off-street parking spaces for every one dwelling unit.

(KK) Urban Farm

- (1) Operations using machinery shall be limited to 7 a.m. to 7 p.m. Automatically functioning equipment, such as sprinklers, is not considered operation.
- (2) The area of an urban farm includes the area under cultivation, the area covered by any structure associated with the garden, the compost pile, any off-street parking, and any other area associated with the activities of the garden.
  - (a) In any Mixed-Use zone, the area of an urban farm shall not exceed two (2) acres.

- (b) In other nonresidential areas, there shall be no maximum size for an urban farm.
- (3) An urban farm may include a seasonal farm stand for the sale of items grown at the site only. No other merchandise shall be sold. Sales shall fall within the parameters of the following regulations.
  - (a) MU-1 Zones: On-site sales are allowed as accessory to the agriculture use, and the following regulations apply.
    - (i) Exterior display is allowed.
    - (ii) Only produce and value-added products made from produce grown on site, such as jams and pickles, may be sold.
    - (iii) Sales are allowed only between 7 a.m. and 7 p.m.
  - (b) All Other Permissible Zones: The following regulations apply to on-site sales.
    - (i) Exterior display is allowed
    - (ii) Only produce grown on site and processed goods (jams, pickles, etc.) made from produce grown on site may be sold.
  - (c) Off-Site Sales: Off-site sales are subject to any existing Pennsylvania regulations for the sale of produce.

**ARTICLE 1306**  
**Performance Standards and Supplementary Regulations**

**§1306.01. Accessory Uses and Structures.**

- (A) It is the intent of this zoning code that accessory uses, and structures be permitted in conjunction with any lawful use. To guide proper accessory uses and structures, the following table will supplement use tables in previous articles. When an accessory structure or use is not specifically mentioned, the zoning administrator shall determine if it is practically the same as a mentioned use.
- (B) Except as may be permitted by home occupation or in conjunction with a principal use other than residential, in all residential zoning districts and on all lots outside of a residential zoning district, on which are located single-family and multi-family dwellings for residential use, no commercial, sales or business activity of any kind, inside or outside of a building, shall be permitted as an accessory use, except that yard sales, as defined, may occur no more than seven days per calendar year. Yard sales are permitted only at the primary residence of the person holding the yard sale.
- (C) An accessory use, building or structure may be established or placed on a lot that is within 50 feet and separated from the lot occupied by the principal use to which the use, building or structure relates by a right-of-way, if approved by the board as a special exception subject to the following provisions:
  - (1) The applicant must document, by gross area and/or gross floor area, as applicable, the area the accessory use, building and/or structure is proposed to occupy; and
  - (2) If the principal use is nonconforming, the accessory use, building and/or structure shall be counted toward the maximum expansion limit prescribed in Article 7 for nonconforming uses; and
  - (3) A consolidation deed, deed restriction or alternate statement approved by the city shall be recorded with the deed(s) for the accessory parcel(s) detailing the relationship between the parcels so as to prevent sale or conveyance of the accessory parcel separate from the principal parcel, absent restrictive covenants acceptable to the city.

**Table 1306.01. Accessory uses**

Use	Permitted Accessory Uses and Structures
Single-Family Dwellings	Garages, carports, garden sheds, storage buildings, home workshops, satellite dish antennas, swimming pools, avocational greenhouses, tennis courts, pet shelters, driveways, solar panels, wind turbines, outdoor wood-fired boilers
All other dwelling types	Garages, carports, laundry for tenants, swimming pools, recreation facilities for tenants, storage building for maintenance or tenants, garden sheds, satellite dish antennas, pet shelters, driveways, solar panels, wind turbines, outdoor wood-fired boilers
Business or Industrial	Garages, carports, parking ramps, swimming pools, day care for employees, tenants or patrons, satellite dish antennas, enclosed storage areas, parking lots, maintenance buildings, recreation facilities, commissary for employees or tenants, solar panels, wind turbines, outdoor wood-fired boilers, electric vehicle charging stations

Institutional	Supply stores for tenants, employees or students, day care centers for tenants, employees or students, swimming pools, garages, carports, satellite dish antennas, enclosed storage areas, maintenance buildings, parking lots, cafeteria for employees or tenants or students, similar necessary scientific, recreational, spiritual, educational or residential facilities, solar panels, wind turbines, outdoor wood-fired boilers, electric vehicle charging stations
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**§1306.02. Access Drives**

- (A) Access drives must be completely surfaced with asphalt, concrete or similar material subject to approval by the city engineer that prevents erosion and generation of dust or mud.
- (B) Access drives must have a clear and durable delineation from vegetated yards, walks or other areas.
- (C) Access drives are not subject to any setback requirements but must comply with stormwater management regulations, size requirements as specified in this code, and other standards and specifications adopted from time to time by the city.

**§1306.03. Antennas, Satellite Dishes, Solar Panels and Similar Apparatus.**

While a permitted accessory structure in all districts, no satellite dish, antenna, solar panel or similar apparatus shall be located in front yard areas. When the use for which a satellite dish antenna, solar panel or similar apparatus is utilized is closed or vacated for whatever reason, all satellite dish antennae, solar panels and similar apparatus and related appurtenances shall be removed within 60 days of the closure.

**§1306.04. Application of Yard and Open Space Regulations.**

- (A) Setbacks shall be measured from the right-of-way of abutting roads or from property lines, whichever is nearest to the structure. The building setback shall be measured to the closer of the structure’s footprint or the outermost point of a building roof overhang.
- (B) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any other building.
- (C) Lots shall maintain their minimum lot widths from the front lot line rearward at least to the point where the minimum lot areas and yards are satisfied.
- (D) If a building on a corner lot leaves no room for a subdivision to create a new legal building lot fronting on either of the adjacent streets, then the lot shall be considered as having two front yards and shall comply with the minimum front yard requirements at both frontages.
- (E) Where an existing residential building containing four or fewer dwelling units has a front yard less than the minimum depth required, an addition of up to 50 percent of the bulk of the existing building within the minimum depth required shall be permitted up to the same nonconforming setback as the existing building. The bulk shall be measured in gross cubic feet.
- (F) Where an existing non-residential building or any building containing five or more dwelling units has a front yard less than the minimum depth required, an addition of up to 50 percent of the bulk

of the existing building within the minimum depth required shall be permitted up to the same nonconforming setback as the existing building as a special exception. The bulk shall be measured in gross cubic feet. In addition to the general standards for special exception, the proposed use must be shown to be consistent with the adjoining and surrounding zoning and uses; be consistent with the scale and density of neighboring uses and building; and comply with parking and loading/unloading standards for related uses specified in this code. In addition, it must be shown that the proposed use would not substantially increase traffic congestion; create traffic safety hazards or endanger the safety of persons or property by improper location or design of facilities for ingress or egress; change the basic functional characteristics of the streets and lands on which it is located, as identified by the city comprehensive plan; increase the danger of fire or otherwise involve activities or processes which would tend to endanger the public health or safety; or be detrimental to or adversely affect the reasonable use of adjacent property.

- (G) A fence or wall no higher than eight feet is permitted in a side and rear yard. A fence, hedge or wall is permitted in the front yard provided it is no higher than four feet and does not interfere with the line of sight for vehicular traffic on adjoining streets or alleys. A retaining wall may be constructed in any yard as necessary to stabilize a natural earthen embankment and for that purpose only. Fences and walls must be built of a durable and rigid material and must include sturdy supports that extend into the ground to provide permanent support. Fences not meeting these regulations shall not be permitted except in conjunction with construction work, as specified in Article 610.
- (H) Swimming pools and associated decks regulated by the Pennsylvania Uniform Construction Code shall be permitted behind the back wall of the principal structure on the lot; provided, that the pool is located not less than 10 feet from any side yard line and 10 feet from the rear yard line. Pumps, filtration devices, and similar apparatus required by the pool shall lie within the side or rear yard area.
- (I) The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smokestacks, conveyors, flag poles, agricultural silos, stand pipes, elevated water tanks, derricks and similar structures.
- (J) Outdoor wood boilers must be a minimum of 150 feet from the nearest property line and must have a permanently attached stack. The stack must meet both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least 2 feet above the highest peak of the tallest residence located within 150 feet of the boiler.
- (K) Essential services, handicapped access ramps, fences, driveways, access drives, retaining walls, terraces without walls, and steps, stairways and associated stoops no larger than the minimum required by the Uniform Construction Code or those necessary to reach the ground from an existing porch, deck or other walkable structure are exempt from all area and yard regulations.
- (L) In corner lots, side yards opposite the street to which the property is addressed or opposite the front of the house, as deemed appropriate by the zoning administrator, may, upon request, be treated as rear yards for the purposes of this code. In through lots, front yards opposite the street to which the property is addressed or opposite the front of the house, as deemed appropriate by the zoning administrator, may, upon request, be treated as rear yards for the purposes of this code.
- (M) All structures must comply with the setback and lot requirements of this code unless expressly permitted elsewhere in this code, regardless of whether a permit is required for their construction or placement.

**§1306.05. Mixed-Use Buildings**

- (A) Mixed-use buildings are permitted in all districts except for the R-Residential districts.
- (B) Mixed-use buildings may be occupied by a combination of the uses permitted within the zoning district it lies in, subject to that the nonresidential uses must be classified as light uses, except for in the case of upper-floor residential uses, where moderate uses are permitted only when housed entirely below all residential units in the building.

**§1306.06. Campus development**

- (A) A campus may include any of the uses allowable within the district and also compatible uses not specifically listed. However, all new principal uses or changes of principal uses within a campus shall be by special exception.
- (B) Mixed-use or mixed occupancy buildings within a campus must meet the cumulative setback standards for the uses therein from any property in separate ownership.
- (C) Mixed-use or mixed-occupancy buildings within a campus must meet the highest of the landscaping or screening standards of the uses therein when abutting any dwelling in separate ownership.

**§1306.07. Commercial Uses in MU-1 and MU-2 districts**

The following criteria apply to all commercial uses within the MU-1 and MU-2 Districts.

- (A) Hours of operation shall be limited to 7 a.m. to 9 p.m.
- (B) Any ventilation or exhaust vents, tubing or piping shall be oriented toward a right-of-way or vertically. Such ventilation and related equipment shall be screened so as to not be directly visible to the right-of-way.
- (C) If off-street loading and/or parking is provided on the lot, it shall be located behind the front face of the building and at no time shall it be in a front yard area or between a principal structure and right-of-way. If parking for more than two vehicles is provided, it shall be screened per one or more of the parking screening standards in this ordinance.
- (D) No outdoor storage of any kind is permitted.
- (E) All lighting, except building-mounted decorative or security lighting, shall be screened from view from any neighboring property or right-of-way.

**§1306.08. Use and occupancy requirements in the MU-1, MU-2, MU-3, DPH, and GB-M Districts.**

All new construction in the MU-1, MU-2, MU-3, DPH, and GB-M districts shall be occupied and used solely within the category of use (single-family residential, multi-family residential, commercial, non-commercial business, industrial, etc.) indicated by the proposed use on the initial zoning permit for no less than the first two years of occupancy.

**§1306.09. Construction requirements in the MU-1, MU-2, MU-3, DPH, and GB-M Districts.**

- (A) All new construction of principal buildings for human occupancy for all categories of uses except industrial uses shall comply with the following standards within the MU-1, MU-2, MU-3, DPH,

and GB-M districts:

(1) Single-Family Dwellings.

- (a) Roofs shall be positively pitched no less than 15 degrees. Mono-pitched roofs are prohibited.
- (b) An entrance shall be provided at each of the building's frontages. Buildings on corner lots with two frontages may satisfy this requirement with an entrance placed diagonally at the corner where the frontages meet. The addressed entrance shall be considered the main frontage entrance and shall provide a dedicated walkway leading directly from it to the related adjacent sidewalk.
- (c) Garages, whether integrated or detached, shall be located behind the front face of the house, preferably accessed only by an alley, if present.

(2) Two-Family Dwellings.

- (a) Roofs shall be positively pitched no less than 15 degrees. Mono-pitched roofs are prohibited.
- (b) An entrance shall be provided at each of the building's frontage. Buildings on corner lots with two frontages may satisfy this requirement with an entrance placed diagonally at the corner where the frontages meet. The addressed entrance shall be considered the main frontage entrance and shall provide a dedicated walkway leading directly from it to the related adjacent sidewalk.
- (c) Garages, whether integrated or detached, shall be located behind the front face of the dwelling, preferably accessed only by an alley, if present.

(3) Townhouse Dwellings.

- (a) The building shall be at least two stories but no more than three stories.
- (b) Roofs shall be positively pitched no less than 15 degrees. Mono-pitched roofs are prohibited.
- (c) Garages, whether integrated or detached, shall be located behind the front face of the dwelling, preferably accessed only by an alley, if present.

(4) Multi-family Dwellings.

- (a) Roofs shall be positively pitched no less than 15 degrees. Mono-pitched roofs are prohibited.
- (b) No fire escapes shall be located on the front façade of the building.

(5) Commercial and business buildings

- (a) An entrance shall be provided at each of the building's frontages. Buildings on corner lots with two frontages may satisfy this requirement with an entrance placed diagonally at the corner where the frontages meet. The addressed entrance shall be considered the main frontage entrance and shall provide a dedicated walkway leading directly from it to the related adjacent sidewalk. Pedestrian access shall be provided from any parking area to a public entrance of the building.

(b) No accessory structures or dumpsters shall be located between the front wall of a building and the front lot line. Dumpsters shall also not be located in side yards unless screened by an opaque wall concealing the dumpsters from view of the street.

(6) Mixed-use buildings.

(a) Garages, whether integrated or detached, shall be located at the rear of the lot, preferably accessed only by an alley, if present.

(b) No accessory structures or dumpsters shall be located between the front wall of a building and the front lot line.

(c) Dumpsters shall be located behind the rear wall of the building.

(d) Drive-through windows are prohibited.

(7) Institutional buildings.

(a) An entrance shall be provided at each of the building's frontages. Buildings on corner lots with two frontages may satisfy this requirement with an entrance placed diagonally at the corner where the frontages meet. The addressed entrance shall be considered the main frontage entrance and shall provide a dedicated walkway leading directly from it to the related adjacent sidewalk. Pedestrian access shall be provided from any parking area to a public entrance of the building.

(b) Garages, whether integrated or detached, shall be located at the rear of the lot, preferably accessed only by an alley, if present.

(c) No accessory structures or dumpsters shall be located between the front wall of a building and the front lot line.

#### **§1306.10. Dwellings, Single-family detached and townhouse dwellings**

(A) Single-family detached and townhouse dwellings shall have a minimum habitable floor area of 960 square feet.

(B) Single-family and townhouse dwellings shall have a minimum width of 15' at the building's front face.

(C) In all districts where they are permitted, the minimum lot width for townhouses is 15 ft; minimum lot depth is 60 ft; and minimum lot area is 900 sf.

#### **§1306.11. Dwellings, multi-family.**

(A) Each individual dwelling unit in a multi-family building shall have a minimum habitable floor area of 350 square feet. Common areas shared with tenants of other dwelling units are not included in this minimum.

(B) In addition to the minimum habitable floor area, each individual dwelling unit less than 500 sf in a multi-family building shall have either (1) a private, sheltered porch or balcony in dimensions no less than 4'x8', or (2) access to a common porch or balcony of no less than 36 square feet plus 12 square feet per unit without a private balcony.

#### **§1306.12. Car Washes.**

Where a car wash abuts a residential use or district, the business hours of the car wash shall be limited to 7 a.m. to 10 p.m. prevailing time. Any outdoor mechanical equipment shall be muffled and screened using a standard in Section 1306.25(B) to minimize noise and light.

**§1306.13. Horticulture.**

Horticulture, as defined by this code, shall be a permitted accessory activity in all districts and for all uses.

**§1306.14. Community gardens.**

- (A) The operator of a community garden may allow or organize gatherings of people at the garden.
- (B) A community garden is permitted to have any related accessory structures on the site so long as the result complies with the special exception standards.
- (C) A use less than 100 square feet shall be exempt from these provisions.
- (D) Community garden-related roofed buildings shall be located a minimum of five feet from any lot line.
- (E) Open-air composting piles shall be prohibited.
- (F) As regulated by Article 6, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of the City's evaluation.
- (G) At a minimum, a fence or hedge four feet in height shall be placed either on the side and rear lot lines or within the side and rear yards.
- (H) If more than one trash receptacle greater than 50 gallons is located on the site, the receptacle shall meet the minimum requirements for dumpsters and screening in accordance with this Ordinance.
- (I) Any new operation as part of an existing agricultural operation shall not be approved by the City until an erosion and sedimentation control plan has been prepared and found satisfactory by the Crawford County Conservation District, if said plan is equal to or greater than 5,000 square feet.
- (J) No retail sales or the raising of any animals shall be permitted to occur on the lot where community agriculture occurs.

**§1306.15. Commercial Waste Receptacles.**

In all zoning districts, all commercial waste receptacles larger than 95 gallons or multiple waste receptacles taken together total more than 108 gallons shall be screened from view from a public right-of-way.

**§1306.16. Drive-Through for Financial Institutions, Car Washes, Dry Cleaners, Drive-Through or Drive-In Restaurants or Drive-In Retail Businesses.**

Drive-through for financial institutions, car washes, dry cleaners, drive-through or drive-in restaurants or drive-in retail businesses shall be permitted by the zoning administrator as an accessory to the operation if they meet the following criteria:

- (A) Under no circumstances shall vehicular traffic be required to back onto public streets.
- (B) For all drive-through lanes, a total stacking area suitable for six cars per lane shall be available between the point of service and a public street. A minimum length of 20 feet per vehicle shall be required. Minimum stacking lane width is 8 feet.
- (C) Under no circumstances shall public streets serve as a drive-through lane.

**§1306.17. Forestry.**

Natural resource uses shall be permitted, provided the following standards can be met to protect public health and safety in an urban environment:

- (A) Forestry shall be permitted by right in all districts provided:
  - (1) Roads used for access shall be kept in a mud-free condition at the end of each day.
  - (2) All harvesting practices must include measures to protect nearby structures and utility lines.
  - (3) To avoid traffic congestion and excess noise, all harvesting activities must be conducted between Monday and Friday between the hours of 8:30 a.m. and 4:00 p.m.

**§1306.18. Temporary Structures.**

Temporary structures, in conjunction with construction work, shall be permitted only during the period that the construction work is in progress.

**§1306.19. Recreational and Temporary Housing Units.**

Vehicles, trailers, storage units, recreational shelters and similar structures and devices including but not limited to park trailers, travel trailers, recreational vehicles, camper trailers, tents, vans, cars, garages, and sheds are prohibited from being used for living quarters or dwellings.

**§1306.20. Storage in Portable Storage Units.**

Portable storage units delivered by vehicle, may be used for permanent storage only in the EDC District. For the purposes of this section, permanent is defined as a period of longer than 180 days. Such use shall be treated as a permanent structure and must comply with all lot, yard, coverage, landscaping, height and other requirements.

**§1306.21. Public Rights-of-Way.**

- (A) Temporary uses and activities of no more than 48 hours' duration shall be permitted in a right-of-way by owners of abutting properties so long as the use or activity does not create a public nuisance.
- (B) Unless otherwise permitted under Article 9 or the previous section, no structure or item of any kind shall be constructed or placed within and no commercial or business activity of any kind shall be conducted within the street right-of-way of any public street or highway except in the MU-3 Downtown Mixed-Use district, or in conjunction with a special event, all in accord with applicable regulations adopted by city council.

**§1306.22. Steep Slope Areas.**

Any development of slopes of more than 15 percent must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The zoning administrator shall refer the plan to the city engineer or a consulting engineer for review and advice before issuing any permit.

**§1306.23. Pedestrian Walkways.**

In any development where a structure that is open to the public is set back from a public right-of-way or public sidewalk, or where a parking lot is located between a public right-of-way and a structure open to the public, there shall be provided a route clearly marked with paint, colored surface material or other differentiation acceptable to the zoning administrator, from the public rights-of-way or public sidewalks to the main entrance or pedestrian way closest to the building. The intent of this provision is to protect pedestrians as they walk through a parking lot or other area where they may come in close proximity with moving motor vehicles.

**§1306.24. Skirting for Buildings on Piers.**

Any building that is set on piers shall have skirting made of concrete block, brick or a product equal to or exceeding the composition of concrete block or brick from grade to a point at least 8 inches above grade.

**§1306.25. Landscaping Requirements.**

Purpose: To promote the natural retention and flow of storm water, and to create areas of buffer and transition between various forms of land use.

- (A) The following landscaping standards shall be applicable where a commercial use abuts a lot on which is located a single-family home, or which is located in a residential zoning district. Any new building or structure of the commercial use shall be screened in conformance with this Article, regardless of the size of the building or structure. Standalone parking lots which abut a lot on which is located a single-family home, or which is located in a residential zoning district, shall comply with screening and landscaping requirements of Article 8.
- (B) Buffering. A land development or construction project that meets the thresholds in subsection (A) above shall provide a buffer yard, in compliance with one of the following options, between the lot being developed and any abutting lot on which is located a single-family home, or which is located in a residential zoning district:
  - (1) Type I Buffer Yard. A Type I buffer yard shall consist of a triple row of Norway spruces or comparable native species planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six feet at the time of planting.
  - (2) Type II Buffer Yard. A Type II buffer yard shall consist of a 25-foot planting strip between adjoining lot lines and any building or parking area on the lot being developed. The planting strip shall be suitably landscaped and maintained so as to provide a visual screen to a height of at least six feet throughout the year in accordance with a written landscape plan filed with and approved by the zoning administrator. The screening may consist of natural vegetation sufficient for screening or combinations of conifers and deciduous trees and shrubbery and other landscaping features. At time of planting, trees shall be a minimum of six feet if coniferous and eight feet if deciduous.

- (3) Type III Buffer Yard. A Type III buffer yard shall consist of an opaque fence at least four feet in height for the full length of the lot line on which the buffer is required. On the outside perimeter of the fence, a 10-foot planting strip shall be maintained. The planting strip shall be suitably landscaped and maintained so as to provide a visual screen to a height of at least six feet throughout the year in accordance with a written landscape plan filed with and approved by the zoning administrator. The screening may consist of natural vegetation sufficient for screening or combinations of conifers and deciduous trees and shrubbery and other landscaping features. At time of planting, trees shall be a minimum of six feet tall if coniferous and eight feet tall if deciduous.
- (C) Landscaping Plan. A landscaping plan shall be submitted to the zoning administrator to show the delineation of required buffer yards and the type of planting, including proposed tree species and sizes and other landscaping meeting the requirements of this code. All landscaping shall be designed by a registered landscape architect or other person qualified by training and experience to provide landscaping plans, as determined by the zoning administrator. When approved by the zoning administrator, the landscaping plan shall be retained for purposes of measuring compliance in the future.
- (D) In all landscape plans, existing healthy trees and shrubbery should be retained as feasible.
- (E) All fences, trees, shrubs and other landscaping materials shall be maintained substantially in the manner set forth in the approved plans. Trees and shrubs which have died shall be replaced within six months. The buffers do not need to be retained if the adjoining residential building is demolished and the residential use of the premises is abandoned or if the adjoining zoning district is changed from residential to some nonresidential zoning district and no residential uses are maintained on adjacent lots.

**§1306.26. Wireless Communications Facilities.**

- (A) General and Specific Requirements for Communications Antennas
  - (1) The following regulations shall apply to all Communications Antennas, except those operated by a federally licensed amateur radio operator:
    - (a) Standard of care. All Communications Antennas shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the Pennsylvania Uniform Construction Code, American National Standards Institute (ANSI) Code, and National Electrical Code. Any Communications Antennas shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
    - (b) Permitted in all zoning districts pursuant to regulations. Communications Antennas are permitted pursuant to this zoning ordinance in all zoning districts, so long as they comply with all of the terms and conditions of this Zoning Ordinance.
    - (c) Historic areas. No Communications Antenna may be located upon any property, or on a building, structure, or Historic Structure, that is listed on either the National or Pennsylvania Registers of Historic Places (either inside or outside the public rights-of-way), or that is deemed by the City to be of specific historical significance.

- (d) Wind. All Communications Antennas structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
- (e) Aviation safety. Communications Antennas shall comply with all federal and state laws and regulations concerning aviation safety.
- (f) Public safety communications and other communications services. Communications Antennas shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (g) Radio frequency emissions. A Communications Antennas shall not, by itself or in conjunction with other Communications Antennas and/or Communications Towers, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (h) Removal. In the event that use of a Communications Antenna is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Communications Antennas, or portions of Communications Antennas, shall be removed as follows:
  - (i) All abandoned or unused Communications Antennas and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the City.
  - (ii) If the Communications Antenna or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the City, the Communications Antenna and/or Related Equipment may be removed by the City. As security, the City reserves the right to the salvage value of any removed Communications Antenna and/or Related Equipment, if such Communications Antenna and/or Related Equipment are not removed by the owner within the specific timeframe enumerated in this Chapter.
- (i) Insurance. Each person that owns or operates a Communications Antenna shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
- (j) Indemnification. Each person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Antenna. Each person that owns or operates a Communications Antenna shall defend any actions or proceedings against the

City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (k) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- (i) The Communications Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (ii) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
  - (iii) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (l) Removal, Replacement and Modification.
- (i) To the extent permitted by law, the removal and replacement of Communications Antennas and/or Related Equipment for the purpose of upgrading or repairing the Communications Antenna is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the Wireless Support Structure or the numbers of Communications Antennas.
  - (ii) To the extent permitted by state law, any material modification to a Communications Antenna shall require notice to be provided to the City and, said modification must obtain special exception approval as detailed in this ordinance prior to implementation.
  - (iii) In addition to the regulations enumerated in Section 1306.26(A)(1), the following regulations shall apply only to Communications Antennas that fall under the Pennsylvania Wireless Broadband Collocation Act:
    - a. Permit required. Communications Antenna Applicants proposing changes to an existing Communications Tower, which do not Substantially Change the dimensions of the existing Wireless Support Structure or otherwise fall under the WBCA, shall obtain a building permit from the City. In order to be considered for such a permit, the Applicant must submit a permit application to the City in accordance with applicable permit policies and procedures.
    - b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
    - c. Related Equipment . New ground-mounted Related Equipment greater than three (3) cubic feet shall be screen per the definition of screening in this ordinance.

- d. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Communications Antenna or \$1,000, whichever is less.
- (m) In addition to the regulations enumerated in 1306.26(A)(1), the following regulations shall apply to Communications Antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act:
- (i) Prohibited on certain structures. No Communications Antenna shall be located on single-family residences, duplexes, or townhomes. In addition, at the City's election, the City may require that any proposed Communications Antenna be located and erected on available City owned property (or alternatively, on property owned by a related City municipal authority) on terms acceptable to the City or such municipal authority, absent specific evidence by an applicant that such proposed City/municipal authority location does not satisfy the applicant's technical requirements for such antenna.
  - (ii) Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Communications Antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these Communications Antenna provisions. The Applicant and/or owner of the Communications Antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
  - (iii) Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Communications Antenna, as well as related inspection, monitoring and all other related costs.
  - (iv) Development regulations. Communications Antennas shall be co-located on existing Wireless Support Structures subject to the following conditions:
    - a. The total height of any Wireless Support Structure and mounted Communications Antenna shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.
    - b. In accordance with industry standards, all Communications Antenna Applicants must submit documentation to the City justifying the total height of the Communications Antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
    - c. If the Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district, and landscaping shall be required to screen as much of the equipment building as possible per the definition of screening in this ordinance.
  - (v) Vehicular access to the communications equipment building, or any structure housing Related Equipment, shall not interfere with the parking or vehicular circulations on the site for the principal use.

- (vi) Non-commercial usage exemption. City residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance. Amateur radio operators are exempt from the regulations enumerated in this ordinance.
  - (vii) Design regulations. Communications Antennas shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the City.
  - (viii) Inspection. The City reserves the right to inspect any Communications Antenna to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a Communications Antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (2) Regulations Applicable to all Communications Antennas located in the Public Rights-of-Way.

In addition to the regulations enumerated in Section 1306.26(A)(1), the following regulations shall apply to Communications Antennas located in the public rights-of-way:

- (a) Co-location. Communications Antennas in the ROW shall be co-located on existing infrastructure, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant, with the City's approval, shall locate its Communications Antennas on existing poles or freestanding structures that do not already act as Wireless Support Structures.
- (b) Special exception approval required. Any Applicant proposing the construction of a new Communications Antenna, or modification of an existing Communications Antenna that, shall first obtain special exception authorization from the City. New constructions, modifications, and replacements that fall under the WBCA or the applicable provisions of the FCC's October 2014 Report and Order, shall be not be subject to the special exception process. The special exception application, and accompanying documentation, shall demonstrate that the proposed facility complies with all applicable provisions in the City of Meadville Zoning Ordinance.
- (c) Design requirements:
  - (i) Communications Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - (ii) Communications Antennas and Related Equipment shall be treated with Stealth Technology by the Communications Antenna owner or Applicant to match the Wireless Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (d) Time, place and manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Antennas in the

ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

- (e) Equipment location. Communications Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
  - (i) Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.
  - (ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
  - (iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
  - (iv) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.
  - (v) Any proposed underground vault related to Communications Antennas shall be reviewed and is subject to approval by the City.
- (f) Relocation or removal of facilities. Within two (2) months following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a Communications Antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Communications Antenna when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (i) The construction, repair, maintenance or installation of any City or other public improvement in the right-of-way;
  - (ii) The operations of the City or other governmental entity in the right-of-way;
  - (iii) Vacation of a street or road or the release of a utility easement; or
  - (iv) An Emergency as determined by the City.

(B) General and Specific Requirements for All Communications Towers.

- (1) The following regulations shall apply to all Communications Towers, excluding any Communications Tower that is owned and operated by a federally licensed amateur radio operator.
  - (a) Standard of care. Any Communications Towers shall be designed, constructed, operated,

maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the Pennsylvania Uniform Commercial Code, American National Standards Institute (ANSI) Code, Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. At all times, Communications Towers shall be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

- (b) Notice. Upon submission of an application for a Communications Tower and the scheduling of the mandatory public hearing in front of the City Zoning Hearing Board, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the City.
- (c) Special exception authorization required. Communications Towers are permitted by special exception in certain zoning districts, at a height necessary to satisfy their function in the Applicant's wireless communications system. No Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The Applicant shall demonstrate that the proposed Communications Tower is the minimum height necessary for its service area.
  - (i) Prior to the City Zoning Hearing Board's consideration of a special exception application authorizing the construction and installation of a Communications Tower, it shall be incumbent upon the Applicant for such special exception approval to prove to the reasonable satisfaction of City Zoning Hearing Board that the Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, Communications Antennas, and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The Applicant shall further demonstrate that the proposed Communications Tower must be located where it is proposed in order to serve the Applicant's service area and that no other viable alternative location exists.
  - (ii) The special exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits, and any relevant related tests conducted by the Applicant in determining the need for the proposed site and installation.
  - (iii) The special exception application shall be accompanied by documentation demonstrating that the proposed Communications Tower complies with all state and federal laws and regulations concerning aviation safety.
  - (iv) Where the Communications Tower is located on a property with another principal use, the Applicant shall present documentation to the City Zoning Hearing Board that the owner of the property has granted an easement for the proposed Communications Tower and that vehicular access will be provided to the facility.
  - (v) The special exception application shall be accompanied by documentation demonstrating that the proposed Communications Tower complies with all applicable provisions in this section.

- (d) Engineer inspection. Prior to the Zoning Hearing Board's issuance of a permit authorizing construction and erection of a Communications Tower, a structural or professional engineer registered in Pennsylvania shall issue to the City a written certification of the proposed Communications Tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception proceedings before the City Zoning Hearing Board, or at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
- (e) Visual appearance. Communications Towers shall employ Stealth Technology. All Communications Towers and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like I to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The City Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district and/or surrounding area involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and construction principles, practices and techniques. Any utilities extending to the Communications Tower shall be placed underground.
- (f) Co-location and siting. At the City's election, the City may require that any proposed Communications Tower be located and erected first on available City owned property on terms acceptable to the City, or secondarily, on property owned by a related City municipal authority, absent specific evidence by an applicant that such proposed City location (or in the second instance, the related City municipal authority, does not satisfy the applicant's technical requirements for such Communications Tower, as outlined below. After due consideration of all appropriate City owned property in consultation with the City (or related City municipal authority), any application for a new Communications Tower shall also demonstrate that the proposed Communications Tower cannot be accommodated on any other existing or approved structure or building. The City Zoning Hearing Board may deny an application to construct a new Communications Tower if the Applicant has not made a good faith effort to mount the Communications Antenna on first, (1) City owned property per agreement with the City, and second, (2) property owned by a related City municipal authority; or (3) an existing structure. The Applicant shall demonstrate that it first contacted the City, related City municipal authorities, and then alternatively contacted the owners of tall structures, buildings, and towers within a one quarter (1/4) of a mile radius of the site proposed, sought permission to install a Communications Antenna on those structures, buildings, and towers and was denied by the City or and the other property owners for one of the following reasons:
  - (i) The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - (ii) The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

- (iii) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (iv) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- (g) Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Communications Tower, which increases the overall height of such Wireless Support Structure, shall first obtain a building permit from the City. Non-routine modifications shall be prohibited without such permit.
- (h) Gap in coverage or capacity. An Applicant for a Communications Tower must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of Communications Tower being proposed is the least intrusive means by which to fill that gap. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the City Zoning Hearing Board's decision on an application for approval of Communications Tower.
- (i) Additional Communications Antennas. As a condition of approval for all Communications Towers, the WCF Applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Communications Antennas on Communications Towers where technologically and economically feasible. To the extent permissible under federal and state law, the owner of a Communications Tower shall not install any additional Communications Antennas without obtaining the prior written approval of the City.
- (j) Wind. Any Communications Tower structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended.
- (k) Height. Any Communications Tower shall be designed at the minimum functional height. The maximum height of any new Communications Tower outside the public rights-of-way shall be one hundred seventy-five (175) feet. Communications Towers in the ROW shall not exceed a height comparable to the average height of utility poles or electrical poles within a two (2) block radius of the proposed facility.
- (l) Related Equipment. Either a one single-story wireless communications equipment building not exceeding two hundred fifty (250) square feet in area, or up to five metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment, may be located on the site for each unrelated company sharing space on the Communications Tower.
- (m) Public safety communications and other communications services. No Communications Tower shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (n) Maintenance. The following maintenance requirements shall apply:

- (i) Any Communications Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- (ii) Such maintenance shall be performed to ensure the upkeep of the Communications Tower in order to promote the safety and security of the City's residents and utilize the best available technology for preventing failures and accidents.
- (o) Radio frequency emissions. A Communications Tower shall not, by itself or in conjunction with other Communications Towers or Communications Antennas, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (p) Historic buildings or districts. No Communications Tower may be located upon any property, or on a building, structure, or Historic Structure, that is listed on either the National or Pennsylvania Registers of Historic Places (either inside or outside the public rights-of-way), or that is deemed by the City to be local historic significance.
- (q) Signs. All Communications Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the Communications Tower shall be those required by the FCC, or any other federal or state agency.
- (r) Lighting. No Communications Tower shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Automatic lighting is prohibited, and all lighting must be controlled manually by an on-site switch. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Manager.
- (s) Noise. Communications Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (t) Aviation safety. Communications Towers shall comply with all federal and state laws and regulations concerning aviation safety.
- (u) Retention of experts. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application for approval of the Communications Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the Communications Tower shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (v) Timing of approval. Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Communications Towers

and the City shall advise the Applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

- (w) Non-conforming uses. Non-conforming Communications Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
- (x) Removal. In the event that use of a Communications Tower is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Communications Towers, or portions of Communications Towers, shall be removed as follows:
  - (i) All unused or abandoned Communications Towers and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the City.
  - (ii) If the Communications Tower and/or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the City, the Communications Tower and Related Equipment may be removed by the City and the cost of removal assessed against the owner of the Communications Tower. As security, the City reserves the right to the salvage value of any removed Communications Tower and/or Related Equipment, if such Communications Tower and/or Related Equipment are not removed by the owner within the timeframes enumerated in this Chapter.
  - (iii) Any unused portions of Communications Towers, including antennas, shall be removed within two (2) months of the time of cessation of operations. The City must approve all replacements of portions of a Communications Tower previously removed.
- (y) Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Communications Tower, as well as related inspection, monitoring, and related costs.
- (z) FCC license. Each person that owns or operates a Communications Tower over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- (aa) Insurance. Each person that owns or operates a Communications Tower greater than forty (40) feet in height shall provide the City with a certificate of insurance naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Communications Tower. Each person that owns or operates a Communications Tower forty (40) feet or less in height shall provide the City with a certificate of insurance and endorsement naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Communications Tower.
- (bb) Indemnification. Each person that owns or operates a Communications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and

appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Tower. Each person that owns or operates a Communications Tower shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of the Communications Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (cc) Engineer signature. All plans and drawings for a Communications Tower shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
  - (dd) Financial security. Prior to receipt of a zoning permit for the construction or placement of a Communications Tower, the Applicant shall provide to the City financial security sufficient to guarantee the construction of the Communications Tower. Said financial security shall remain in place until the Communications Tower is fully constructed. Should the Communications Tower be abandoned by the owner and/or operator, and not removed within two (2) months of such abandonment, the City shall have the authority to remove the Communications Tower and sell all of its pieces, as well as Related Equipment, used in the operation of the Communications Tower, in order to recover the cost of said removal.
- (2) In addition to the regulations enumerated in Section 1306.26(B)(1), the following regulations shall apply to Communications Towers located outside the Public Rights-of-Way:
- (a) Development regulations.
    - (i) Communications Towers shall not be located in, or within seventy-five (75) feet of an area in which all utilities are located underground.
    - (ii) Communications Towers are permitted outside the public Rights-of-Way, subject to the prohibitions contained herein, in the following zoning districts:
      - a. EDC-Economic Development Corridor District
      - b. I-C Campus Institutional District
      - c. I-S Special Institutional District
    - (iii) Sole use on a lot. A Communications Tower shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in the City Zoning Code.
    - (iv) Combined with another use. A Communications Tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
      - a. The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the Communications Tower.

- b. Minimum lot area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Communications Tower and guy wires, the equipment building, security fence, and buffer planting if the proposed Communications Towers is greater than forty (40) feet in height.
  - c. Minimum setbacks. The minimum distance between the base of a Communications Tower and any adjoining property line or street right-of-way line shall be equal to one hundred percent (100%) of the height of the Communications Tower. Further, the tower, fence, guy wires and other structures and appurtenances must meet all setback, bulk, and lot regulations. The underlying lot must be large enough to accommodate Related Equipment, storm water runoff mechanisms, and all other features typically found within the immediate area of a Communications Tower.
- (b) Design regulations.
- (i) The Communications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the City Zoning Hearing Board.
  - (ii) To the extent permissible by law, any height extensions to an existing Communications Tower shall require prior approval of the City.
  - (iii) Any proposed Communications Tower shall be designed structurally, electrically, and in all respects, to accommodate both the Applicant's Communications Antennas and comparable Communications Antennas, for the maximum amount of future users based on the size of the proposed Communications Tower.
  - (iv) Any Communications Tower over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (c) Surrounding environs.
- (i) The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Communications Tower shall be preserved to the maximum extent possible.
  - (ii) The Applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Communications Tower, and anchors for guy wires, if used.
- (d) Fence/screen.
- (i) A security fence with a maximum height of eight (8) feet shall completely surround any Communications Tower greater than forty (40) feet in height, as well as guy wires, or any building housing Related Equipment.
  - (ii) The Applicant shall comply with the requirements for buffer yards and screening as required by the City Zoning Code.

- (e) Related Equipment.
  - (i) Ground-mounted Related Equipment associated to, or connected with, a Communications Tower shall be placed underground or screened from public view using Stealth Technologies, as described herein.
  - (ii) All Related Equipment shall be architecturally designed to blend into the environment in which it is situated and shall meet the minimum setback requirements of the underlying zoning district.
- (f) Access road.
  - (i) An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Communications Towers. The access road shall be a dust-free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the Communications Tower owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.
- (g) Parking.
  - (i) For each Communications Tower greater than forty (40) feet in height, there shall be two off-street parking spaces.
- (h) Inspection.
  - (i) The City reserves the right to inspect any Communications Tower to ensure compliance with the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a Communications Tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (3) In addition to the regulations enumerated in Section 1306.26(B)(1), the following regulations shall apply to Communications Towers located in the Public Rights-of-Way.
  - (a) Location and development standards.
    - (i) Communications Towers in the ROW shall not exceed a height comparable to the average height of utility poles or electrical poles within a two (2) block radius of the proposed facility. Communications Towers are prohibited in areas in which all utilities are located underground.
    - (ii) Communications Towers shall not be located in the front façade area of any structure.
  - (b) Time, place and manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

- (c) Equipment location. Communications Towers and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
  - (i) Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.
  - (ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City Zoning Hearing Board.
  - (iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City Zoning Hearing Board.
  - (iv) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.
  - (v) Any underground vaults related to Communications Towers shall be reviewed and approved by the City Zoning Hearing Board.
- (d) Design regulations.
  - (i) The Communications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the City Zoning Hearing Board.
  - (ii) Communications Towers in the public ROW shall not exceed a height comparable to the average height of utility poles or electrical poles within a two (2) block radius of the proposed facility.
  - (iii) To the extent permissible under state and federal law, any height extensions to an existing Communications Tower shall require prior approval of the City and shall not violate the provisions described herein.
  - (iv) Any proposed Communications Towers shall be designed structurally, electrically, and in all respects to accommodate both the Applicant's Communications Antennas and comparable Communications Antennas the maximum amount of future users based on the size of the proposed Communications Tower.
- (e) Relocation or removal of facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Communications Tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Communications Tower when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (i) The construction, repair, maintenance or installation of any City or other public improvement in the right-of-way;

- (ii) The operations of the City or other governmental entity in the right-of-way;
  - (iii) Vacation of a street or road or the release of a utility easement; or
  - (iv) An emergency as determined by the City.
- (f) Reimbursement for ROW use. In addition to permit fees as described in this section, every Communications Tower in the ROW is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Communications Tower shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above.

(C) Miscellaneous.

- (1) Police powers. The City, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
- (2) Severability. Should any section, part of provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

**§1306.27. Wind Energy Facilities.**

Wind energy facilities shall be permitted as allowed by this section.

(A) Definitions

*"Affected landowner"* - means any landowner whose land may be affected by the placement, noise or shadow flicker of a Wind Energy Facility.

*"Applicant"* - is the person or entity filing an application under this Section.

*"Facility Owner"* - means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

*"Operator"* - means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

*"Hub Height"* - means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

*"Occupied Building"* - means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

*"Turbine Height"* means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

*“Wind Turbine”* - means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

*“Wind Energy Facility”* - means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

*“Commercial-scale wind energy facility”* - means a Wind Energy Facility consisting of one or more wind turbines, towers, and associated controls and conversion electronics which has a rated capacity of greater than 100 kilowatts.

*“Small wind energy facility”* - means a Wind Energy Facility consisting of a wind turbine, a tower, and associated control and conversion electronics which has a rated capacity of no more than 100 kilowatts and which is designed and used to generate power to serve to offset utility costs of a building located on the lot on which said device is situated or abutting lots. It shall be permitted only as an accessory use.

*“Non-Participating Landowner”* - means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

- (B) Applicability. This Section applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.
- (C) Zoning districts. A commercial-scale wind energy facility shall be allowed as a special exception in the EDC zoning district if it meets all requirements of this section and of general standards for special exception.
  - (1) A small wind energy facility shall be permitted as a special exception as an accessory use only in any zoning district if it meets all requirements of this section and of general standards for special exception.
- (D) Permit requirement. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located in the City unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Section.
- (E) Permit application. The permit application shall contain the following:
  - (1) A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
  - (2) Identification of the properties on which the proposed Wind Energy Facility will be located.
  - (3) A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent

meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

- (4) Documents related to decommissioning.
- (5) Evidence that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (6) Any public road rights-of-way that are contiguous with the property and all utility lines or easements.
- (7) Other relevant studies, reports, certifications and approvals as may be reasonably requested to ensure compliance with this Ordinance.

(F) Design and Installation

- (1) Uniform Construction Code. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code.
- (2) All wind turbines shall be equipped with controls to limit the rotational speed of the rotor within the design limits of the turbine.
- (3) Visual Appearance; Power Lines. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator. The name and telephone number of the current contact person in the event of an emergency shall be posted at the site at all times. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
- (4) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (5) Climb Prevention/Locks. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

(G) Setbacks and height restrictions.

- (1) Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building. All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base. The maximum height of a commercial-scale wind energy system shall be 400 feet or as limited by the Federal Aviation Administration, whichever is less. The maximum height of a small wind energy system shall be 160 feet. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.

- (2) Waiver of setbacks. Affected landowners may waive the setback requirements by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes. The written waiver shall notify the affected landowner(s) of the setback required by this Section, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Section. Any such waiver shall be recorded in the Crawford County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property. Upon application, the City may waive the setback requirement for public roads for good cause.
- (H) Local emergency services. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the Fire Department. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
- (I) Noise and shadow flicker
- (1) Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.
- (2) Waiver of noise and shadow flicker provisions. Affected landowners may waive the noise and shadow flicker provisions of this Section by signing a waiver of their rights. The written waiver shall notify the affected landowner(s) of the sound or flicker limits in this Section, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Section. Any such waiver shall be recorded in the Crawford County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
- (J) Signal interference. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
- (K) Liability insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the City upon request.
- (L) Decommissioning. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-

seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored and shows good cause. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed herein, then the City may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.

- (M) Public inquiries and complaints. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints and shall respond fully to all inquiries and complaints by the City.

**ARTICLE 1307**  
**Nonconformities**

**§1307.01. Nonconforming Uses and Structures.**

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the City of Meadville that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this article.

- (A) Any nonconforming use may be continued but may not be extended or expanded unless to a conforming use, except as permitted by the board in accordance with the provisions of this code.
- (B) Any nonconforming building or use which has been damaged or destroyed by fire or casualty, may be reconstructed and used as before, if such reconstruction is performed within 24 months of the date use of the building was discontinued, if discontinued; if the restored building or use covers no greater area and contains no greater cubic content; and if the restored building or use poses no health or safety threat or hazard.
- (C) In the event that any nonconforming use conducted in a structure ceases, for voluntary reasons, for a period of one year, such nonconforming use shall not be resumed, and any further use shall be in conformity with the provisions of this code.
- (D) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this code.
- (E) A nonconforming use may be changed to a different nonconforming use with the approval of the board as a special exception; provided, that the board finds the new use less potentially injurious to the health, safety and welfare of its neighborhood, and more consistent with the permitted uses within the zoning district.
- (F) A building or structure hosting a nonconforming use may, with the approval of the board as a special exception, be extended, enlarged or replaced if the floor area of the additional or expanded building space is less than 50 percent of the floor area of the building occupied by the nonconforming use before the expansion or enlargement.
- (G) Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of the ordinance codified in this code and where construction is completed within six months from the date of issuance of the permit.
- (H) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- (I) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this article shall also apply to any use which thereby becomes nonconforming.

**§1307.02. Existing Lots of Record.**

The following provisions shall apply to all lots of record as defined. It is the intention of the City of Meadville that the side and rear yard requirements of this zoning code should not prevent the reasonable use of a lot of record.

- (A) Any lot of record existing at the effective date of the ordinance codified in this code, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this code. However, such development must comply with the yard, height and coverage standards of the zoning district wherein it is located.
- (B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the ordinance codified in this code, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this code.
- (C) No division of any parcel shall be made which creates a lot width or area below the requirements for its current or intended use and zoning district as stated in this code except as permitted in Section 1307.02(E).
- (D) An action, whether purchase, subdivision, consolidation deed or otherwise, that creates from lots of record one or more larger lots, whether or not the resulting lots conform with the lot provisions of this code in effect at the time of the action, shall be permitted. All other lot provisions shall apply to the resulting lots.
- (E) Two or more lots or combinations of lots with continuous frontage in single ownership shall be considered an undivided parcel and one of the three following actions shall be taken prior to (A) Placement of a permanent building, structure or parking area within required setbacks between the abutting lots in single ownership; or (B) Use of one or more of the lots for an accessory purpose, including either an accessory use or an accessory structure, for a principal use or structure on another abutting lot in single ownership; may occur:
  - (1) A consolidation deed shall be recorded combining the lots into a single lot.
  - (2) A subdivision process is carried out combining the lots into a single lot.
  - (3) A covenant is attached to the deeds of the lots prohibiting any of the lots to be sold independently of the others.

## **ARTICLE 1308**

### **Parking and Loading**

#### **§1308.01. Off-Street Loading.**

Size and Access. Where off-street loading is provided, each off-street loading space shall be not less than 12 feet in uniform width and 65 feet in length, including 15-foot height clearance. It shall be designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

#### **§1308.02. Off-Street Parking.**

Off-street parking shall be provided in accordance with the requirements of this section in all zoning districts.

- (A) Size. Off-street parking spaces shall conform to the definition of “parking space” in this code. No portion of a parking space shall include a portion of an access drive, sidewalk, travel lane, driveway, or public right-of-way of a street or alley. All parking lots or areas for uses other than single-family dwellings or two-family dwellings shall include a turnaround area so that vehicles are not required to back onto public streets.
- (B) Existing parking. No use existing at the time of passage of this ordinance may reduce the number of parking spaces it currently provides except by special exception.
- (C) Residential parking. Residential uses shall provide a minimum of one off-street parking space per dwelling unit or rooming unit, whichever is greater.
- (D) Commercial parking. New developments of commercial uses are exempt from parking minimums.
- (E) Non-residential, non-commercial parking. All non-commercial business, institutional, industrial, or other non-residential uses in all districts except for DPH and MU-3 must provide an adequate number of off-street parking spaces to serve at least the expected average number of employees, visitors, and patrons of that use as documented on the zoning application and confirmed by the approving authority. This provision may be satisfied by lot-sharing agreements with neighboring properties as well as or in place of providing parking spaces on the use’s own lot. Uses in the DPH and MU-3 districts are exempt from this provision except for those uses where the number of employees, visitors, and patrons totaled together is expected to routinely exceed 30 persons at one time, in which case the use must provide an off-street parking space for each additional expected person beyond 30.
- (F) Access. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces.
  - (1) With the exception of access from any public right-of-way twenty (20) feet or less in width, access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, single-lane access drives shall be at least 10 feet wide but shall not exceed 12 feet. Double lane access drives (for ingress and egress) and their curb cuts may be up to 35 feet wide. Driveways and their curb cuts must be at least 10 feet wide but no more than 24 feet wide. All access drives and driveways must comply with standards and specifications adopted from time to time by the city.

- (2) No vehicles, including motor vehicles, trailers, motorcycles, all-terrain vehicles, boats, campers and recreational vehicles, may be parked for any period of time between a principal building and a street, road, alley or other right-of-way. No driveway or access drive for a residential use may be located between a principal building and a street, road, alley or other right-of-way. This provision shall not apply to properties which have less than 12 feet of open area between the principal building and a side property line.
- (3) In the DPH – Diamond Park Heritage District, no access shall be permitted from the street or right-of-way to which the property is addressed.
- (G) Conflict with other uses. No other use of the parking lot shall be permitted to interfere with the availability for the parking need it is required to serve.
- (H) Containment. Parking spaces shall be provided with bumper guards, wheel stops or curbing, when necessary for safety or protection, to prevent any part of a vehicle from entering into, onto or over a pedestrian walkway or sidewalk.
- (I) Pedestrian walkway. In any development where a structure that is open to the public is set back from a public right-of-way or public sidewalk, or where a parking lot is located between a public right-of-way and a structure open to the public, there shall be provided a route clearly marked with paint, colored surface material or other differentiation acceptable to the zoning administrator, from the public rights-of-way or public sidewalks to the main entrance or pedestrian way closest to the building. The intent of this provision is to protect pedestrians as they walk through a parking lot or other area where they may come in close proximity with moving motor vehicles.
- (J) Location and Design.
  - (1) Parking spaces shall be located on the same lot with the principal use unless the zoning administrator determines that it is impractical to provide parking on the same lot with the principal use, in which case the zoning administrator may permit off-lot parking spaces within 500 feet of the lot of the principal use under the following circumstances: there shall be presented evidence, satisfactory to the zoning administrator, that (a) the designated parking spaces are dedicated and available for the intended use, and that (b) the designated parking spaces shall be located so as not to pose a hazard to or interfere with existing and foreseeable parking and traffic so as not to detract from or interfere with the nature and appearance of the neighborhood or planned development of the neighborhood, and so as to be consistent with the city's land use plans, comprehensive plan, development plans, and with the public health, safety and welfare.
  - (2) Off-street parking areas for six vehicles or more shall be placed behind the front face of its related building in such locations as may be permitted by the zoning administrator with due consideration of the proposed use and access to the public streets, with the objective of preventing a hazard to or interference with existing and foreseeable parking and traffic in the vicinity, with the objective of preserving the appearance and character of the neighborhood or planned development of the neighborhood in which the parking is being located, and with the objective of locating the parking in a manner consistent with the city's land use plans, comprehensive plan, development plans and with the public health, safety and welfare.
- (K) The minimum dimensions for depth of space, access lane width and total aisle width shall be in accordance with the following table:

<b>Angle of Parking</b>	<b>Curb</b>	<b>30 Degrees</b>	<b>45 Degrees</b>	<b>60 Degrees</b>	<b>90 Degrees</b>
Depth of Space	8'	16'	19'	21'	18'
Access Lane Width	12'	12'	12'	20'	24'
Total Aisle Width	28'	44'	50'	62'	60'

(L) Screening and Landscaping. Off-street parking areas for six vehicles or more, and off-street loading areas, shall be effectively landscaped.

(1) There shall be a planting strip of at least five feet in width between all property lines and the parking lot. Such planting strip shall be suitably landscaped and maintained in accord with a written landscape and maintenance plan filed with and approved by the zoning administrator. At a minimum, the required planting shall consist of one deciduous or coniferous tree per each four parking spaces, and one shrub per each four parking spaces. The balance of the planting strip shall be maintained in plants or grasses. In exercising the approval authority granted by this section, the zoning administrator may include healthy and attractive existing landscaping to count towards this requirement.

(2) At the time of planting, all shrubbery shall be a minimum of 18 inches in height as measured from the ground after proper planting; all coniferous trees shall be a minimum of six feet in height as measured from the ground after proper planting; and all deciduous trees shall have a minimum of a two-inch caliper as measured at three feet from the ground after proper planting.

(3) Off-street parking areas for six vehicles or more and off-street loading areas abutting a residential district or use shall be required to have screening placed between the parking lot and the lot line facing the residential district or use. Screening shall be at least six feet in height at the time of planting or construction, unless the position of the screening would block a line of sight for a public street intersection or intersection of a lawful service drive and public street intersection, in which case it shall be four feet in height. Such screening shall comply with one or more of the following parameters:

(a) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in all seasons, as determined by the zoning administrator, to form a solid continuous visual screen.

(b) A man-made opaque structure such as a solid masonry wall or a solid fence.

(c) A maintained, landscaped earthen-mound at least five feet wide.

(d) Maintenance of the existing natural vegetation that, in its natural state, forms a screen as defined in this code.

(M) Minimum Distance and Setbacks. No off-street loading or parking area for six vehicles or more shall be closer than 10 feet to any abutting lot line containing a dwelling, or to any abutting lot line within the R zoning district. Setbacks shall comply with Section 1308.02(L) planting strip requirements.

- (N) All fences, trees, shrubs and other landscaping materials shall be maintained substantially in the manner set forth in the approved plans. Trees and shrubs which have died shall be replaced within six months. Buffers and screening do not need to be retained if the abutting residential building is demolished and the residential use of the premises is abandoned or if the abutting zoning district is changed from residential to some nonresidential zoning district and no residential uses are maintained on abutting lots.
- (O) Parking lots containing more than 20,000 square feet of impervious parking surface, either initially or as a result of expansion, shall devote an additional eight percent of surface area (exclusive of required border planting strips) to interior planting strips or planting islands at locations and in designs approved by the zoning administrator. In exercising the approval authority granted by this subsection, the zoning administrator shall consider the nature of the use serviced by the parking facility, the nature, character and appearance of the neighborhood surrounding the parking facility, the land use and development plans and ordinances of the city and the public health, safety and welfare of the citizens of the city. The purpose of this requirement is to maximize stormwater infiltration and the design of the interior planting strips must serve that purpose by way of curb cuts to permit entry of stormwater into the interior planting strips or planting islands or similar methods. Landscaping plans for parking lots containing more than 20,000 square feet of impervious parking surface shall be designed by a registered landscape architect or registered professional engineer.
- (P) Surfacing and drainage.
- (1) Surfacing. With the exception of single family and two-family dwellings, all parking and loading areas, driveways and access drives shall have a surface of concrete, asphalt, permeable pavers, pavers interlocked to allow storm water to flow through, or grill surfacing through the use of geotextiles. Alternate paving materials are subject to the approval of the city engineer. Parking and loading area surfacing for single family and two-family dwellings shall comply with the definition of driveways in Section 1302.02.
  - (2) Drainage. Surfaces shall be graded with positive drainage away from neighboring properties or stormwater shall be otherwise managed so that it does not sheet flow onto neighboring properties, and drainage shall not be permitted to sheet flow onto public rights-of-way or streets without the written approval of the City.
- (Q) Lighting. Illumination of off-street loading and parking areas is permitted. If lighting is provided, it shall be arranged so as to reflect the light away from any adjoining premises and away from roads or highways.

**ARTICLE 1309**  
**Signs**

**§1309.01. Sign Regulations in All Districts**

(A) The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:

- (1) Directory signs listing all the occupants of a multi-tenant or multi-family building, or buildings in a multi-building development.
- (2) Bulletin boards and similar spaces open to temporary signs placed for use by the general public without charge. If placed outside, such boards shall not exceed 32 square feet.
- (3) Any signs not visible from outside a lot or building.
- (4) Rest room, exit, public telephone, and similar directional or informational signs placed for the benefit of the public or building tenants.

(B) Signs in public rights-of-way.

- (1) No signs shall be permitted within public rights-of-way except PennDOT-approved traffic signs and devices, signs and banners specially approved by the City, historical markers as approved by the City or other signs specifically permitted within the public right-of-way under another section of this code.
- (2) Portable business signs, six square feet or less, shall be permitted in the public right-of-way in the MU-3 and GB-M districts. Such signs shall be subject to the following regulations:
  - (a) Signs are clearly accessory to and placed on right of way abutting a permitted business.
  - (b) Limited to one portable sign per business establishment.
  - (c) Signs contain a total area not exceeding six square feet per sign face and have no more than two faces.
  - (d) Signs are displayed only during business hours.
  - (e) Placement of such sign allows an unobstructed sidewalk for pedestrian use of a width of not less than five feet and; provided, further, that such sign does not block a line of sight for vehicles or pedestrians.
  - (f) Such signs shall not be illuminated by any means.
- (3) No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles or trees within public rights-of-way.

(C) Construction and Maintenance. All signs, except temporary signs, shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign

cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal. Signs which become deteriorated as defined in this section or otherwise present a public hazard shall be immediately removed or repaired by the sign's owner, regardless of how long they have been in place. A sign shall be considered deteriorated if any of the following conditions are present:

- (1) Any portion is torn.
  - (2) Any portion is missing.
  - (3) Any hole, other than one installed by the manufacturer for mounting or other purposes, more than ½-inch in diameter is present.
  - (4) Any portion of the message is missing or faded.
  - (5) Any portion of the sign's support or attachment is loose, torn, frayed or otherwise damaged or the support is determined to be inadequate to support the load imposed.
  - (6) The sign or any portion of the sign is constructed of paper, cardboard or other material that is not weather-resistant, unless it is completely covered or enclosed by a weatherproof device constructed for that purpose.
- (D) No sign shall be placed where it would block the line of sight for a public or private street, access drive or driveway or lawful service drive.
- (E) Permanent signs may be internally or directly lighted with non-glaring lights or may be indirectly illuminated by shielded floodlights except where prohibited by this article. All lighting shall be screened from adjacent properties. All electrical connections shall be shielded by underground or overhead electrical wires which meet all city codes. No temporary signs, including any sign not permanently attached to the ground or a structure in a manner conforming to the Pennsylvania Uniform Construction Code, shall be illuminated by direct means. No signs associated with single- or two-family residential uses shall be kept illuminated by any means except for posted building numbers required by law, which illumination shall be kept to the minimum necessary for legibility.
- (F) Temporary signs.
- (1) Temporary signs shall not be permitted in the public right-of-way. Except for the signs allowed in this section and in Sections 1309.02-1309.04, all temporary or portable signs shall be prohibited.
  - (2) No permit shall be required to post a permitted temporary sign. All temporary signs shall include the date of installation recorded on the front, side, bottom, or back of the sign.
  - (3) Each commercial establishment in a MU-3, GB-M, I-S or EDC district that is otherwise permitted to have a business identification sign may have one temporary sign as defined in this code per street frontage. The establishment may not display any one temporary sign for longer than a 90-day span. Any temporary sign, once removed or replaced with a different sign, shall not be displayed again for at least a 30-day span following its removal or replacement.
  - (4) Each commercial establishment in a district other than a MU-3, GB-M, I-S or EDC district may have one temporary sign subject to the limits in this section. The establishment shall not display any one temporary sign for longer than a 30-day span. Any temporary sign, once removed or

replaced with a different sign, shall not be displayed again for at least a 30-day span following its removal or replacement.

- (5) If replaced for a reason other than a material defect, a temporary sign must be replaced with another temporary sign that is clearly and functionally different in construction or design from the replaced sign. A temporary sign that is replaced with another sign that is not clearly distinguishable from the previous sign and is posted in a way that together exceed the 30-day or 90-day spans described by (3) and (4) above will be regarded as acting like an unpermitted permanent sign and must be removed.
- (G) Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be maintained, repainted, or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- (H) For instances of more than one business operating in one building, only one freestanding sign of a maximum 32 sf shall be permitted along any one street frontage. Projecting and wall signs shall conform to the regulations of the zoning district wherein they are located.
- (I) For specific requirements of electronic signs, see §1309.07.
- (J) Window signs, when used, shall not exceed 50% of any window's area.
- (K) Wall signs, when used, shall not exceed 20% of any façade's area.
- (L) Civic/cultural buildings, hospitals, public and accredited private schools, post offices and other federal facilities, and stadiums are exempt from flag limitations stated elsewhere in this article.

**§1309.02. Signs in the R Residential District, MU-1 District, and the Diamond Park Heritage District.**

(A) In the R, MU-1 and DPH districts, signs will be permitted as follows:

(1) MU-1 and DPH uses are permitted:

- (a) One permanent sign per street frontage, not to exceed 32 sf when associated with permitted uses other than single-family or two-family dwellings or 4 sf when associated with a single-family or two-family dwelling use. Freestanding signs shall not exceed 6 feet in height above grade, except that such signs associated with single-family or two-family dwellings are limited to 4 feet in height above grade.
- (b) Temporary signs not to exceed 4 sf in the aggregate.
- (c) One flag not to exceed 15 sf.
- (d) Roof signs shall be prohibited.

(2) R uses are permitted:

- (a) One permanent sign per street frontage for any use other than single-family or two-family dwelling uses, not to exceed 32 sf. Permanent signs shall be prohibited for single-family or two-family dwelling uses except as otherwise permitted or required by law.
- (b) Temporary signs not to exceed 4 sf in the aggregate.

- (c) One flag not to exceed 15 sf.
  - (d) Roof signs, pole signs, and projection signs shall be prohibited.
- (B) In addition to the signs provided above, home occupation or nameplate signs shall be permitted, provided that not more than one such sign shall be erected; and provided, that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not closer than 10 feet from a lot line. Such signs shall not be illuminated by any means.
- (C) In addition to the signs provided above, signs, bulletin board, announcement board or identification signs for schools, churches, hospitals, multi-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution(s) and its/their activities or services shall be permitted; provided, that the sign shall be erected on not more than one street frontage. Such signs shall be no more than 32 sf in size and only be illuminated by indirect means.

**§1309.03. I-C Campus Institutional and I-S Special Institutional Districts.**

- (A) In the I-C and I-S districts, signs will be permitted as follows:
- (1) One permanent sign per street frontage not to exceed 32 sf when associated with uses other than single-family and two-family dwellings.
  - (2) Dispersed permanent signs of less than 6 sf each when associated with institutional uses.
  - (3) Temporary signs of less than 4 sf each.
  - (4) Flags not to exceed 15 sf each.
  - (5) Roof signs, pole signs, and projection signs shall be prohibited.
- (B) All non-dwelling uses may otherwise additionally maintain up to two signs per vehicular access drive for informational or identification purposes, provided the total area of such signs does not exceed 64 square feet. Only wall signs, as defined by this code, may be self-illuminated. All other sign types shall employ indirect means of lighting, except as provided for under Section 1309.07.

**§1309.04. MU-2, MU-3, GB-M and EDC Districts.**

- (A) In the MU-2, MU-3, GB-M and EDC districts, signs will be permitted as follows:
- (1) MU-2 uses are permitted:
    - (a) One permanent sign per street frontage, not to exceed 32 sf when associated with uses other than single-family or two-family dwellings or 4 sf when associated with a single-family or two-family dwelling use. Freestanding signs shall not exceed 8 feet in height, except that such signs associated with single-family or two-family dwelling are limited to 4 feet in height.
    - (b) Temporary signs not to exceed 10 sf in the aggregate.
    - (c) One flag not to exceed 15 sf.
    - (d) Roof signs shall be prohibited.

(2) MU-3 uses are permitted:

- (a) Two permanent signs per street frontage not to exceed 32 sf each when associated with uses other than a single-family or two-family dwelling, or 1 sign not to exceed 6 sf when associated with a single-family or two-family dwelling. Freestanding signs shall not exceed 15 feet in height, except that such signs associated with single-family or two-family dwellings are limited to 4 feet in height.
- (b) Temporary signs cumulatively not to exceed 10 sf.
- (c) One flag not to exceed 15 sf.
- (d) Roof signs shall be prohibited.

(3) GB-M uses are permitted:

- (a) Three permanent signs, not to exceed 32 sf each when associated with uses other than a single-family or two-family dwelling, or 1 permanent sign not to exceed 6 sf when associated with a single-family or two-family dwelling use. Freestanding signs shall not exceed 25 feet in height, except that such signs associated with single-family residences are limited to 4 feet in height.
- (b) Temporary signs not to exceed 10 sf in the aggregate.
- (c) Two flags, each not to exceed 15 sf.
- (d) Roof signs shall be prohibited.

(4) EDC uses are permitted:

- (a) Three permanent signs, not to exceed 100 sf each when associated with uses other than a single-family or two-family dwelling or 6 sf when associated with a single-family or two-family dwelling. Freestanding signs shall not exceed 35 feet in height, except that such signs associated with single-family or two-family dwelling are limited to 4 feet in height.
- (b) Temporary signs not to exceed 10 sf in the aggregate.
- (c) Flags not to exceed 48 sf in the aggregate.

(B) Projection of Permanent Signs into Rights-of-Way. Under no circumstances shall a projecting sign be placed nearer than two feet vertically from a vehicular cartway, loading zone, or on-street parking lane, and no part of the sign shall be within 8 feet vertically from grade.

#### **§1309.05. Sign Regulations and Nonconforming Uses.**

Nonconforming uses may keep all permanent, pre-existing signs; provided, that such signs do not obstruct vehicular lines of sight or threaten public safety. If the signage for the use is changed, all future signs shall comply with regulations for the district in which the nonconforming use is located.

#### **§1309.06. Awnings.**

No structural support or portion of the awning is within eight feet of grade as measured vertically from the right-of-way line. Under no circumstances shall any such projecting awning be placed nearer than

two feet from a vehicular cartway, loading zone, or on-street parking lane. Awnings shall comply with the requirements of all applicable building codes.

**§1309.07. Electronic Signs.**

- (A) Electronic signs are not permitted within the following zoning districts: DPH, MU-1, MU-2 and R.
- (B) Electronic signs within the MU-3, GB-M, and EDC districts outside of historic district except the portion of the historic district on Park Avenue north of Cherry Street shall be permitted by special exception and shall be subject to all other sign regulations provided for in this ordinance. Further:
  - (1) No electronic sign may be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.
  - (2) Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation other than scrolling during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading or other animations other than scrolling shall not be permitted.
  - (3) Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty-two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet. The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the zoning officer.
  - (4) Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
  - (5) Electronic signs which malfunction shall be turned off except for testing during any correction or repair.
- (C) Electronic signs shall be permitted in the I-C and I-S district by special exception subject to the following requirements:
  - (1) Signs must be screened so that no illumination source from the sign is visible from any residence within 500 ft. of the sign.
  - (2) No sign may be illuminated or functioning between the hours of 10 p.m. and 7a.m.
  - (3) The total sign area, including support structure, shall conform to the size requirements for the district in which it is located, and the height of the sign, including support structure, may not exceed 10 feet.
  - (4) The content of a digital display must transition by changing instantly, with no transition graphics or animation (e.g., no fade-out or fade-in).

- (5) An image or graphic may be displayed but must be stationary. Any digital display containing animation, streaming video, or text or images which flash, pulsate or move in any manner other than text scrolling is prohibited.
  - (6) Text may scroll. No other animation or manipulation of text is permitted.
  - (7) No sound may be used.
  - (8) The sign shall be housed in a support structure made of brick, stone or similar material and be appropriately landscaped so as to limit its impact in the residential neighborhood.
  - (9) No electronic sign may be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.
  - (10) Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation other than scrolling during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading or other animations other than scrolling shall not be permitted.
  - (11) Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty-two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet. The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the zoning officer.
  - (12) Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
  - (13) Electronic signs which malfunction shall be turned off except for testing during any correction or repair.
- (D) Electronic signs within the Historic District except the portion of the historic district on Park Avenue north of Cherry Street shall be permitted as a special exception, subject to the following restrictions:
- (1) Color shall be limited to white lights.
  - (2) Images, text or graphics shall be static for a minimum of 1 minute and shall contain no animation or movement in any manner, including during transitions (e.g., no fade-out or fade-in).
  - (3) No sound may be used.
  - (4) No electronic sign may be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

- (5) **Illumination:** The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty-two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of thirty-nine (39) feet. The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the zoning officer.
- (6) **Dimming Capabilities:** All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
- (7) **Electronic signs which malfunction shall be turned off except for testing during any correction or repair.**

**ARTICLE 1310**  
**Administration and Enforcement**

**§1310.01. Administration.**

(A) Zoning administrator.

The City of Meadville shall appoint the zoning administrator who shall administer and enforce the provisions of this code and shall do so in accordance with the provisions of this code and of the Pennsylvania Municipalities Planning Code. The zoning administrator shall also have the duties as set forth by this code. The zoning administrator shall not hold any elective office in the city.

(B) Duties of the zoning administrator.

The zoning administrator shall administer this code in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this code. The administrator shall be considered as qualified to perform his/her duties by meeting the qualifications established by the city. In addition, the zoning administrator's duties, obligations and responsibilities include the following:

- (1) Application for Zoning Permits. The zoning administrator shall receive applications for zoning permits. A zoning permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable city ordinances and regulations. The zoning administrator shall consult with other city officials responsible for administering and enforcing other applicable regulations, including but not limited to building code officials. Applications conforming to this code shall be approved; those not conforming to this code shall be denied.
- (2) Inspections. The zoning administrator or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a zoning permit or a zoning permit has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction.
- (3) Appeals. The zoning administrator shall receive all applications for conditional uses, special exceptions, appeals and variances and forward same to the appropriate body.
- (4) Enforcement. The zoning administrator is authorized to institute civil enforcement proceedings as a means of enforcing this code.

**§1310.02. Permits and Certificates.**

(A) Zoning permits.

- (1) Permit Required. A zoning permit shall be required for and prior to:
  - (a) Construction, erection, placement, movement, alteration or enlargement of a walled building or structure that would block a line of sight between two points and larger than 100 sf, and for fences and carports.
  - (b) Placement of a mobile home.

- (c) Change in use of any building or structure.
  - (d) Use and development of land or change in the use, except the placing of vacant land under cultivation.
  - (e) Change in use or extension of a nonconforming use.
  - (f) Construction or alteration of a driveway or access drive.
- (2) Permits Not Required. Zoning permits are not required for:
- (a) Sidewalks, terraces, patios, flag poles, dog houses, and lawn and recreational equipment (such as swings, playhouses, benches, picnic tables and ornamental objects).
  - (b) Minor repairs to existing buildings or structures including minor alterations to the interiors of buildings and alterations involving exterior siding and roofing which do not affect the external form and size of a building.
- (3) Application for Permit. All applications for zoning permits shall be made, in writing, on a form furnished by the city and shall include a dated plot plan drawn as accurately as possible. This plan shall be scaled to a reasonable level of accuracy. The following information shall be provided, as applicable:
- (a) Name, address and phone number of applicant and the landowner or landowners, and relationship of applicant to landowner.
  - (b) Description of property, including geographic orientation.
  - (c) Existing use of property.
  - (d) Proposed use of property.
  - (e) Zoning district.
  - (f) Description of work contemplated.
  - (g) Estimated cost.
  - (h) Actual dimensions of the lot and dimensions and location of buildings or proposed additions (including such things as floor area, number of floors or stories, height, and other dimensions).
  - (i) Existing and proposed setbacks.
  - (j) Location of road access, curb cuts, and location and number of parking spaces and loading facilities, if applicable.
  - (k) The number of dwelling units, if applicable.
  - (l) Existing and proposed screening or buffering, including materials or plant types.
  - (m) A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.

- (n) A statement regarding other permits required and whether they have been obtained.
- (o) All other information necessary for the zoning administrator to determine compliance with this code and all other pertinent ordinances.

(4) Issuance of Permits.

- (a) No zoning permit shall be issued until the applicant has established that the proposed work or use will be undertaken in conformity with the requirements of this and all other applicable federal, state and local laws and regulations, including, but not limited to, the subdivision and land development regulations, any and all city building codes, Pennsylvania Sewage Facilities and Clean Streams Acts, Pennsylvania Dam Safety and Encroachments Act, Pennsylvania Fire and Panic Act, and that all other permits required have been, or will be, issued under these laws or regulations.
- (b) Within 15 days after receipt of the application, the zoning administrator shall issue or deny the permit or issue a written request for additional information required in order to determine whether a permit should be issued.
- (c) No permit shall be issued unless all required fees have been paid.
- (d) If, 90 days after receipt of the application, sufficient information has not been received to determine whether the permit should be issued, the application shall be denied unless the zoning administrator finds there is good cause for allowing additional time for consideration of the application and grants a written extension of time.

(5) Expiration of Permit. If work described in the permit application has not begun within one year from the date of issuance, the permit shall expire.

(B) Sign permit.

A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement by this code.

- (1) Application for a sign permit shall be made, in writing, to the zoning administrator, and shall contain all information necessary for such administrator to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this code.
- (2) No sign permit shall be issued except in conformity with the regulations of this code, except after written order from the zoning hearing board or the courts.
- (3) All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
  - (a) Dimensions of lot or building upon which the sign is proposed to be erected.
  - (b) Exact size, dimensions and location of the said sign on lot or building.
  - (c) Any other lawful information which may be required by the zoning administrator.

(C) Variances, special exceptions and conditional uses.

- (1) Uses permitted by special exception and variance are only permitted when approved by the zoning hearing board in accordance with the criteria set forth in this code and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- (2) Uses permitted by conditional use are only permitted when approved by the city council in accordance with the criteria set forth in this code and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- (3) Applications. Requests for variance, special exception or conditional use shall be first presented to the zoning administrator for review by filing an application containing the information required by Section 1310.02, with the zoning administrator who shall determine whether a variance, special exception or conditional use is necessary.
- (4) Standards for Variance. A variance may be granted where the provisions of the code inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:
  - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning code in the neighborhood or district in which the property is located.
  - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (c) That such unnecessary hardship has not been created by the appellant.
  - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (5) Standards for Special Exception. Special exceptions shall be granted where the following findings are made:
  - (a) The use is permitted as a special exception under the terms of this code.
  - (b) The specific criteria, if any, for allowing the use by special exception will be met.
  - (c) The use, if permitted, will be consistent with the community and development objectives and plans, and suitable to the tract with respect to matters such as highway access,

availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.

- (d) It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare, that the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards, or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.
- (6) Standards for Conditional Use. A conditional use permit shall be granted where the following findings are made:
- (a) The use is permitted as a conditional use under the terms of the code.
  - (b) The specific criteria, if any, for allowing a conditional use will be met.
  - (c) The use conforms with the community and economic development objectives, would be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located, and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
  - (d) The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
  - (e) The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbance, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
  - (f) The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards.
  - (g) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
  - (h) The use will provide through maintenance of setbacks and screening by plantings, fences or other landscape features an effective buffer to block unsightly views and noise from adjacent properties and public roadways.
- (7) Conditions. The zoning hearing board may approve variances and special exceptions and the city council may approve conditional uses subject to reasonable and appropriate conditions.

### **§1310.03. Fees.**

Fees for zoning permits and sign permits, applications for special exceptions, variance and conditional use, appeal proceedings before the zoning hearing board or city council, and other matters of zoning administration shall be established in accordance with the Pennsylvania Municipalities Planning Code and other governing law and be adopted by resolution of the city council. These fees shall be set forth in a schedule of fees which shall be posted and made available to the public. The applicable fees shall be paid to the zoning administrator at the time of application, appeal or such other time as the zoning administrator may direct. Action on applications or appeals may be withheld if fees have not been paid in full.

### **§1310.04. Violations, Penalties, and Remedies.**

#### **(A) Violations.**

- (1) Enforcement Notice. When it appears to the city and/or the zoning administrator that a violation has occurred, the zoning administrator shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested, in writing, by the owner of record. The enforcement notice shall state the following:
  - (a) The name of the owner of record and any other person against whom the city intends to take action.
  - (b) The location of the property in violation.
  - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the code.
  - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in this code.
  - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

#### **(B) Causes of action.**

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

(C) Enforcement remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning code shall, upon being found liable therefor in a civil enforcement proceeding commenced by the city, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the city as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the city may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this code to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the city. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the city and its zoning administrator the right to commence any action for enforcement pursuant to this section.

## **ARTICLE 1311**

### **Zoning Hearing Board**

#### **§1311.01. Creation.**

There is hereby created a zoning hearing board, herein referred to as the "board," consisting of five residents of the city appointed by the city council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said board shall perform all the duties, and exercise all powers prescribed by said code and as herein further provided. It is the intention of this code that the currently constituted zoning hearing board of the City of Meadville shall be continued and the same members are hereby appointed to the zoning hearing board created by the code with the same terms as were provided under the previous code.

#### **§1311.02. Appointment.**

The terms of office of the board shall be five years and shall be so fixed that the term of office of one member shall expire each year. The board shall promptly notify the city council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the city, nor be a member of the planning commission. The city council may also appoint up to three alternate members to the board. The appointment, rights and duties of the alternates shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code. It is the intention of this code that the currently constituted zoning hearing board of Meadville shall be continued, and the same members are hereby appointed to the zoning hearing board created by the code with the same terms as were provided under the previous code.

#### **§1311.03. Removal of Members.**

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

#### **§1311.04. Organization of Board.**

The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the board, but where three members are disqualified to act in a particular matter, at least one alternate member shall be seated. The board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code. The board may make, alter and rescind rules and forms for its procedure, consistent with city ordinances and laws of the commonwealth. The board shall keep full public records of its business and shall submit a report of its activities to the city council as requested by the city council.

#### **§1311.05. Expenditures for Services.**

Within the limits of funds appropriated by the city council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed from time to time by the city council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the city council.

### **§1311.06. Legal Counsel.**

Where legal counsel is desired, an attorney, other than the city solicitor, shall be used.

### **§1311.07. Hearings.**

The board shall conduct hearings and make decisions in accordance with the following requirements:

- (A) Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the city. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing. Written notice shall be given to the applicant, the zoning administrator, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- (B) The city council may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (C) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
- (D) The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the board, but the parties may waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- (E) The parties to the hearing shall be the city, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the board for that purpose.
- (F) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (G) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (H) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (I) The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the

board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

- (J) The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the board's solicitor is exempt from this restriction, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (K) The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this code or the Municipalities Planning Code, or any rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this code or the Municipalities Planning Code, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the board shall give public notice of said decision within 10 days in the same manner as provided in Subsection 908(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
- (L) A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their names and addresses with the board no later than the last day of the hearing, the board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§1311.08. Board's Functions.**

- (A) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
- (B) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the city and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

- (C) Appeals from the determination of the zoning administrator, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- (D) Appeals from a determination by the city engineer or the zoning administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- (E) Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code.
- (F) Appeals from the zoning administrator's determination under Section 916.2 of the Municipalities Planning Code.
- (G) Appeals from the determination of the zoning administrator or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- (H) Variances. The board shall hear requests for variances where it is alleged that the provisions of this code inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning administrator. The board may grant a variance provided that all of the following findings are made where relevant in a given case:
  - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this code in the neighborhood or district in which the property is located;
  - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - (3) That such unnecessary hardship has not been created by the applicant;
  - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this code.
- (I) Hearing Applications for Special Exceptions. In hearing an application for special exception, the board shall refer to the specific criteria applicable for the particular use. If the use is not listed within the code, the board shall utilize the criteria set forth in §1305.01 and §1305.02. The board may also

attach reasonable safeguards in addition to specific criteria listed. These additional criteria may be based upon impacts addressed in §1305.01 and §1305.02.

**§1311.09. Parties Appellant Before Board.**

Appeals and proceedings to challenge the code may be filed with the board, in writing, by the landowner affected, any officer or agency of the city, or any person aggrieved. Requests for a variance may be filed with the board by any landowner or any tenant with the permission of such landowner.

**§1311.10. Time Limitations – Persons Aggrieved.**

No person shall be allowed to file any proceeding with the board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate city officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Municipalities Planning Code.

**§1311.11. Stay of Proceedings.**

Upon filing of any proceeding referred to in Section 1310.04(B) and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning administrator or of any agency or body, and all official action thereunder shall be stayed unless the zoning administrator or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning administrator or other appropriate agency or body. See also Section 915.1 of the Municipalities Planning Code.

## **ARTICLE 1312 AMENDMENTS**

### **§1312.01. General.**

The city council may introduce and/or consider amendments to this code and to the zoning map as proposed by a member of the city council, the planning commission, or person or persons residing or owning land in the City.

### **§1312.02. Reserved.**

### **§1312.03. Referral.**

Any proposed amendment presented to the city council without written findings and recommendations from the city planning commission and the Crawford County Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the city council. The board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the city and county planning commissions.

### **§1312.04. Action.**

Before acting upon a proposed amendment, the city council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the zoning map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Municipalities Planning Code at least one week prior to the date of the hearing.

### **§1312.05. Curative amendments.**

- (A) A landowner who desires to challenge on substantive grounds the validity of this zoning code or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the city council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The city council shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Meadville planning commission and the Crawford County planning commission at least 30 days before the hearing is conducted by the city council. Public notice shall be given in accordance with applicable provision of the Municipalities Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Municipalities Planning Code. The findings, actions and considerations of the city council shall be in accordance with Section 609.1 of the Municipalities Planning Code.
- (B) The City of Meadville may institute a municipal curative amendment in accordance with Section 609.2 of the Municipalities Planning Code.

**ARTICLE 1313**  
**Reserved**

**ARTICLE 1314**  
**Reserved**

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