Disclaimer: The City Clerk's Office has the official version of the Harrisburg Planning & Zoning Code.

Users should contact the City Clerk's Office for official copies of said ordinances.

Planning Bureau staff may be contacted at (717) 255-6407 with technical and substantive questions.

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE SEVEN - PLANNING AND ZONING CODE

(Editor's Note: At the time these Codified Ordinances were being considered for adoption, the City was reviewing the first draft of a totally revised Planning and Zoning Code (including Subdivisions) which is expected to be adopted prior to January 1, 1997. Accordingly, this Title has not been edited with the care and precision of the nine others, although it is substantively correct.)

PART ONE	**7-100**	**PLANNING**
Chapter	7-101	Planning Commission
Chapter	7-103	Master Plan
Chapter	7-105	Easement in Public Right Away
PART THREE	**7-300**	**ZONING CODE**
Chapter	7-301	Administration
Chapter	7-303	Nonconforming Buildings and Uses
Chapter	7-305	Zoning Hearing Board
Chapter	7-307	Zone Districts and Map
Chapter	7-309	Residence Zones
Chapter	7-311	Business Zones
Chapter	7-313	Industry Zones
Chapter	7-315	Open Space Zones
Chapter	7-317	Architectural Conservation Overlay Districts
Chapter	7-319	Off-Street Parking and Loading
Chapter	7-321	Planned Residential Development
Chapter	7-323	Accessory Buildings and Uses
Chapter	7-325	Signs and Billboards
Chapter	7-327	Miscellaneous Provisions
Chapter	7-329	Flood Plain Zoning
Chapter	7-331	Historic District
Chapter	7-333	Intensity of Development
Chapter	7-335	Midtown Market Overlay District
PART FIVE	**7-500**	**SUBDIVISION REGULATIONS**
Chapter	7-501	Purpose, Authority and Jurisdiction

Chapter 7-503 Plan Requirements and Processing Procedures
Chapter 7-505 Information to be Shown on or Submitted with Subdivision and Land Development Plans
Chapter 7-507 Design Standards
Chapter 7-509 Flood Plain Provisions
Chapter 7-511 Improvements and Construction Requirements
Chapter 7-513 Traffic Impact Assessment
Chapter 7-515 Improvement Construction Assurances
Chapter 7-517 Mobile Home Parks

PART SEVEN 7-700 EXECUTION OF LEGISLATION

Chapter 7-701 Enforcement and Penalties

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE SEVEN - PLANNING AND ZONING CODE

PART ONE	**7-100**	**PLANNING**
Chapter	7-101	Planning Commission
Chapter	7-103	Master Plan
Chapter	7-105	Easement in Public Right-of-Way

CHAPTER 7-101

PLANNING COMMISSION

Section 7-101.1 Creation
Section 7-101.2 Composition and Appointment
Section 7-101.3 Powers and Duties

CROSS REFERENCES

Planning agencies: see Pa. Municipalities Planning Code §201 et seq. (53 P.S. §10201 et seq).
Powers and duties: see Pa. Municipalities Planning Code §209 (53 P.S. §10209)

7-101.1 CREATION

There is hereby created a Planning Commission pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101 et seq. (Ord. 3-1970.)

7-101.2 COMPOSITION AND APPOINTMENT

The Planning Commission hereby created shall have seven (7) members, to be appointed by the Mayor with the advice and consent of Council, in accordance with the provisions of the Administrative Code. (Ord. 8-1975.)

7-101.3 POWERS AND DUTIES

The Planning Commission shall exercise all the powers and duties conferred on planning agencies by the Pennsylvania Municipalities Planning Code. (Ord. 3-1970.)

CHAPTER 7-103

MASTER PLAN

Section 7-103.1 Community Development Objectives

CROSS REFERENCES

Nonconforming uses: see Chapter 7-303
Zoning Hearing Board: see Chapter 7-305

7-103.1 COMMUNITY DEVELOPMENT OBJECTIVES

The objectives of this Planning and Zoning Code shall be to implement the goals and objectives of the General Plan for the City as adopted by the Council of the City pursuant to Resolution No. 42 of 1974 and as from time to time amended. (Ord. 26-1977.)

CHAPTER 7-105

EASEMENTS IN THE PUBLIC RIGHT-OF-WAY

Section 7-105.1 Easements in the Public Right-of-Way

CROSS REFERENCES

1993 BOCA National Building Code

7-105.1 EASEMENTS IN THE PUBLIC RIGHT-OF-WAY

(a) Easements in the public right-of-way are allowed by permit on approval of City Council.

(b) The approval of City Council shall be in the form of a resolution.

(c) An easement approved by City Council is needed any time private property encroaches on the public right-of-way at, above or below ground level, except as described below:

(A) projecting building signage allowed in Chapter 7-325 of this Code;

(B) utility easement permits approved by the Director of Public Works, as provided in Chapter 9-103 of these Codified Ordinances;

(C) easements for building projects, as defined by the 1993 BOCA National Building Code, Sections 7-507.2 through 7-507.10, including cornices and eaves, architectural decorations, ornamental columns, entrance steps, oriel windows, balconies, awnings, awning covers, or boxes and marquees approved by the staff of the Planning Commission;

(D) easement permits for handicap access to an existing structure and in conformance with the Uniform Federal Accessibility Standards approved by the staff of the Planning Commission.

(Ord. 43-1992.)

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE SEVEN - PLANNING AND ZONING CODE

PART THREE 7-300 ZONING CODE

Chapter	7-301	Administration
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Chapter	7-319	Off-Street Parking and Loading
Chapter	7-321	Planned Residential Development
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Chapter	7-327	Miscellaneous Provisions
Chapter	7-329	Flood Plain Zoning
Chapter	7-331	Historic District
Chapter	7-333	Intensity of Development

CHAPTER 7-301

ADMINISTRATION

Section	7-301.1	Minimum Requirements
Section	7-301.2	Duties of Zoning Administrator
Section	7-301.3	Permits Required
Section	7-301.4	Zoning Permit
Section	7-301.5	Compliance Certificate
Section	7-301.6	Fees
Section	7-301.7	Construction Regulated
Section	7-301.8	Temporary Permits
Section	7-301.99	Penalty

CROSS REFERENCES

Appeals from Zoning Administrator: see Pa. Municipalities Planning Code §909 (53 P.S. §10909)
Appointment and powers of Zoning Administrator: see Pa. Municipalities Planning Code §614 (53 P.S. §10614)
Enforcement, penalty and remedy: see Pa. Municipalities Planning Code §616, 617 (53 P.S. §10616, 10617)
Nonconforming uses: see Chapter 7-303
Zoning Hearing Board: see Chapter 7-305

7-301.1 MINIMUM REQUIREMENTS

The provisions of this Zoning Code shall be the minimum requirements for the promotion, protection and facilitation of public health, safety, morals, and general welfare, coordinated and practical community development, property density of population, provision of adequate light and air, and for the prevention of blight, congestion and overcrowding. (Ord. 26-1977.)

7-301.2 DUTIES OF ZONING ADMINISTRATOR

The provisions of this Zoning Code shall be enforced by the Zoning Administrator who shall be appointed pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §§10101 et seq. It shall be the duty of the Zoning Administrator to keep a record of all applications for permits and a record of all permits issued, with a notation of any special conditions involved. The

Zoning Administrator shall file and safely keep copies of all plans submitted, and these plans shall be available for the use of Council and other officials of the City. (Ord. 26-1977.)

7-301.3 PERMITS REQUIRED

(a) A zoning permit and a compliance certificate shall be obtained from the Zoning Administrator prior to any or all of the following:

(A) construction, erection, reconstruction, alteration, expansion, or enlargement of any building or structure or portion thereof when such construction, erection, reconstruction, alteration, expansion, or enlargement is reasonably valued at one hundred dollars ($100.00) or more;

(B) any change of use of any building or structure or portion thereof, or of any lot or other land, including the conversion of land for parking purposes or the improvement of land incidental to its use for parking purposes;

(C) construction or erection of any sign or billboard.

(b) All requests for permits required by the provisions hereof shall be made in writing by the owner or by an authorized agent and shall include a statement of the use or intended use of the land, lot, building, structure, or portion thereof after construction, erection, reconstruction, alteration, expansion, enlargement, or change of use. Said statement shall be accompanied by a plan, drawn to scale, showing, in the case of new construction, the proposed building or structure in its relation to the lot and street lines; in the case of alteration, expansion or enlargement, the existing building or structure together with all changes thereto in relation to the lot and street lines; and in the case of change of use, the portion(s) of the building, structure, lot, or other land affected by the change of use. (Ord. 26-1977.)

(c) Plans for changing the use of land to parking facilities or for the improvement, modification or enlargement of parking facilities shall fully describe surface water drainage facilities and the other requirements relative thereto as set forth in Subsection 7-319.8(e). (Ord. 19-1985.)

(d) Plans for stationary signs or billboards shall be accompanied by a sketch or photograph of the building, structure or lot indicating the location of the proposed sign or billboard in relation thereto. (Ord. 26-1977.)

7-301.4 ZONING PERMIT

(a) A zoning permit shall only authorize the construction, erection, reconstruction, alteration, expansion, or enlargement of a building or structure or portion thereof or the change of use of a building, structure, lot, other land, or portion thereof; a zoning permit shall not authorize the occupancy of any building, structure, lot, other land, or portion thereof, nor shall it authorize the utilization of any newly established or changed use.

(b) Pursuant to a complete and accurate application filed in accordance with the provisions hereof, the Zoning Administrator shall determine whether or not the proposed action(s) for which a permit is requested fully and completely complies with the provisions and requirements of this Zoning Code, and said determination shall be made by the Zoning Administrator not later than ten (10) days following the date on which the application is made. If the Zoning Administrator determines that the application fully and completely complies with the provisions hereof, he shall issue a zoning permit as applied for; however, if the Zoning Administrator determines that the application does not fully and completely comply with the provisions hereof, he shall deny the issuance of a zoning permit and shall supply written evidence of the same to the applicant together with the reason(s) for the denial.

(c) The Zoning Administrator shall have the power, and it shall be said official's duty, to void any zoning permit at any time not sooner than ninety (90) days following the date of issuance thereof, when he has determined that the permittee has not substantially initiated and pursued the action(s) for which the permit was issued; the issuance of a compliance certificate as provided hereinafter shall terminate the power of the Zoning Administrator to void a zoning permit. Appeals from any action of the Zoning Administrator voiding a zoning permit in accordance with the provisions hereof shall be made to the Zoning Hearing Board as provided in Chapter 7-305; in lieu of appeal, the permittee may file a new application for a permit. (Ord. 26-1977.)

7-301.5 COMPLIANCE CERTIFICATE

(a) A compliance certificate shall be required prior to the occupancy of any building, structure, lot, other land, or portion thereof or the utilization of any newly established or changed use. Denial of a compliance certificate by the Zoning Administrator pursuant to the provisions hereof shall be deemed an automatic voiding of the zoning permit, and any subsequent occupancy of the building, structure, lot, other land, or portion thereof, or any utilization of the newly established or changed

use, shall be deemed a further violation of this Zoning Code and shall be subject to the penalty as provided herein.

(b) A compliance certificate shall be required pursuant to any zoning permit authorized by an action of the Zoning Hearing Board; in all such cases, the compliance certificate shall also certify compliance with all special conditions or requirements set forth in the ruling of the Board.

(c) Upon receipt of a written request for a compliance certificate from an applicant to whom a zoning permit has previously been issued, the Zoning Administrator shall determine whether or not the applicant has fully and completely complied with all applicable provisions of this Zoning Code and the conditions under which the permit was issued. The Zoning Administrator shall make this determination no later than ten (10) days following the date of receipt of the written request therefor. If the Zoning Administrator determines that said provisions and conditions have been fully and completely complied with, he/she shall issue a compliance certificate to the original applicant; if the Zoning Administrator determines that said provisions and conditions have not been fully and completely complied with, he/she shall deny the issuance of a compliance certificate. In the event of such denial, the Zoning Administrator shall supply written evidence of the reasons therefor to the original applicant, together with the reason(s) therefor. (Ord. 26-1977.)

7-301.6 FEES

(a) The fee for a zoning permit shall be two dollars ($2.00) plus an additional eight cents (8¢) for each one hundred dollars ($100.00) in excess of one thousand dollars ($1,000.00) estimated cost or value of the contemplated structure or building, improvement, sign, or alteration. The fee shall be payable at the Office of the City Treasurer upon making application for such permit. No permit shall be issued until the fee is paid. Any part of the fee in excess of two dollars ($2.00) shall be refunded to the applicant if the application is refused. Estimated fees shall be based upon an estimate of costs approved by the Zoning Administrator.

(b) Prior to occupancy or utilization of the changed use, the Zoning Administrator shall again evaluate the improvements or alterations made by the permittee. In the event the value of the improvements or alterations exceeds the amount set forth on the original application for which the permit was issued, an additional fee shall be charged at the same rate as set forth in subsection (a) hereof.

(c) Following the final evaluation and payment of all fees due, the Zoning Administrator shall issue a compliance certificate without additional charge. (Ord. 26-1977.)

(d) Appeals to the Zoning Hearing Board shall be filed with the Zoning Administrator. The fee for filing an appeal shall be as established from time to time. (Ord. 8-1995.)

7-301.7 CONSTRUCTION REGULATED

The provisions of the Building, Mechanical, Electrical, and Plumbing Codes of the City, as amended and supplemented, shall govern and control the classes, types and manner of construction, erection, reconstruction, alteration, expansion, or enlargement of all buildings, structures or uses in the City. (Ord. 26-1977.)

7-301.8 TEMPORARY PERMITS

Temporary permits may be issued by the Zoning Administrator for a period not to exceed one year for nonconforming uses and structures incidental to construction projects, including such structures and uses as storage of building supplies and machinery and maintenance of an office located on a tract being offered for sale, provided the permits are issued only upon agreement by the owner to remove the use or structure upon expiration of the permit. Application for renewal of the permit may be made at

expiration of the first permit. The renewal application shall set forth the date for removal of the structure. (Ord. 26-1977.)

7-301.99 PENALTY

See Chapter 7-701.

CHAPTER 7-303

NONCONFORMING BUILDINGS AND USES

Section	7-303.1	Continuance of Nonconforming Structures, Buildings and Uses
Section	7-303.2	Reversion of Nonconforming Structures, Buildings and Uses
Section	7-303.3	Registration of Nonconforming Structures, Buildings and Uses
Section	7-303.99	Penalty

CROSS REFERENCES

Nonconforming use and structure defined: see Pa. Municipalities Planning Code §612 (53 P.S. §10612)
Registration of nonconforming uses: see Pa. Municipalities Planning Code §613 (53 P.S. §10613)
Special exceptions in certain zones: see Section 7-305.2.
Temporary permits for nonconforming uses: see Section 7-301.8.

7-303.1 CONTINUANCE OF NONCONFORMING STRUCTURES, BUILDINGS AND USES

(a) The following provisions shall hereafter apply to all nonconforming structures, buildings and uses, except as further provided hereinafter:

(A) repairs, maintenance, alterations, and modernization may be made to such building or structure; provided, however, that no structural alteration shall be made in or to such building or structure except those required by law or those not increasing the degree of nonconformance;

(B) any enlargement or extension of a nonconforming structure, building or use shall not extend beyond the boundaries of the lot upon which said structure, building or use was located at the date when the structure, building or use effectively became nonconforming;

(C) a nonconforming structure or building shall not be moved to another location on the same lot or

another lot unless it becomes conforming by such a move;

(D) a nonconforming use or any portion thereof shall only be continued as the same use, except that such nonconforming use or any portion thereof may be changed to any use specifically permitted by the regulations of the zone in which located;

(E) a permitted use of a nonconforming structure or building or portion thereof may be reasonably expanded to accommodate increased trade, business or industry.

(b) The following provisions shall hereafter apply only after the issuance of a special exception permit therefor pursuant to the provisions of Chapter 7-305 and in each such case only, provided that the Zoning Hearing Board finds that the special exception granted under the provisions of this subsection will not be more detrimental to, or tend to alter more greatly, the character of the neighborhood in which the structure, building or use is located than an expansion of a nonconforming use, building or structure granted under the provisions of subsection (a) above:

(1) A nonconforming structure or building may be reasonably enlarged or extended to provide for the natural expansion thereof to accommodate increased trade, business or industry.

(2) A nonconforming use, or a lot used for a nonconforming use, may be reasonably enlarged or extended beyond the boundaries of the lot upon which said use is located at the effective date that it became nonconforming in order to accommodate natural expansion due to increased trade, business or industry; provided, however, that any expansion of a lot used for a nonconforming use shall be contiguous with the boundaries of the original lot.

(3) A nonconforming use of a portion of a structure or building may be expanded or extended into any other portion of said structure or building to provide for increased trade, business or industry.

(4) A nonconforming use may be changed to another nonconforming use of the same or a more restrictive zone classification; provided, however, that in no case shall a permitted use occupying a portion of the same structure,

building or lot be converted to a nonconforming use by this provision.

(Ord. 26-1977.)

7-303.2 REVERSION OF NONCONFORMING STRUCTURES, BUILDINGS AND USES

(a) A nonconforming structure, building or use shall not be altered, rebuilt or resumed except in full conformance with the regulations of the zone with which it is located if it has once been changed to a conforming structure, building or use.

(b) A nonconforming building or structure which is destroyed or damaged by fire or other casualty or by act of God shall not be restored if the cost of restoration to its condition prior to the occurrence exceeds fifty percent (50%) of the cost of restoring the entire building or structure to new condition, unless said building or structure and the use thereof shall thereafter conform to all the regulations of the zone in which it is located. In the event that such damage or deterioration is fifty percent (50%) or less of the cost of restoring the entire building or structure to new condition, the building or structure may be restored to its original nonconforming condition only if construction is started within one hundred eighty (180) days from the date of the partial damage or destruction and only if such construction is diligently pursued to completion. (Ord. 26-1977.)

(c) Any nonconforming use or portion thereof which becomes unoccupied, unused or discontinued and remains unoccupied, unused or discontinued during any continuous period of twelve (12) months shall be deemed an abandonment of the nonconforming use, and such use or portion thereof shall thereafter not be reoccupied, used or continued again except in full conformance with the regulations of the zone in which it is located. For the purpose of implementing the intent of this subsection, the following additional provisions shall apply to all unoccupied nonconforming uses:

(1) The aforesaid twelve (12) month period shall commence when the Zoning Administrator determines that reasonable efforts to reestablish the nonconforming use have ceased. At such time, the Zoning Administrator shall notify the property owner that the City considers the use discontinued and that the property owner has twelve (12) months in which to file a report with the Codes Administrator refuting the Zoning Administrator's determination.

(2) If any portion of the twelve month period of discontinuance is due solely to fire, other casualty, act of God, or action by a governmental jurisdiction including, inter alia, a proposal submitted to City officials for consideration of either a reuse of or a continuation of the same use of the structure, then such portion of time shall not be counted in the aforesaid twelve month period following which nonconforming use shall be deemed abandoned.

(3) Any previously nonconforming use which is unoccupied, unused or discontinued as of November 13, 1995 and which has been so unoccupied for a period greater than twelve months shall be deemed abandoned as of said November 13, 1995.

(Ord. 27-1995.)

7-303.3 REGISTRATION OF NONCONFORMING STRUCTURES, BUILDINGS AND USES

The Zoning Administrator shall identify all nonconforming structures, buildings and uses; said information shall be maintained in a permanent inventory or record of nonconforming structures, buildings and uses and shall include facts pertaining to the property location and the nature and degree of nonconformance of each said structure, building, or use. (Ord. 26-1977.)

7-303.99 PENALTY

See Chapter 7-701.

CHAPTER 7-305

ZONING HEARING BOARD

Section	7-305.1	Creation and Membership
Section	7-305.2	Special Exceptions in Certain Zones
Section	7-305.3	Special Exception Requirements and Conditions
Section	7-305.4	Special Exception Review and Comment Procedures
Section	7-305.99	Penalty

CROSS REFERENCES

Appeals to be filed with Zoning Administrator: see Chapter 7-301
Special exception: see Pa. Municipalities Planning Code §913 (53 P.S. §10913)
Variances: see Pa. Municipalities Planning Code §912 (53 P.S. §10912)
Zoning appeals to court: see Pa. Municipalities Planning Code §1001 et seq. (53 P.S. §11001-A et seq.)
Zoning Hearing Board: see Pa. Municipalities Planning Code §901 et seq. (53 P.S. §10901 et seq.)

7-305.1 CREATION AND MEMBERSHIP

There is hereby created a Zoning Hearing Board of the City of Harrisburg, as authorized by the Pennsylvania Municipalities Planning Code, which shall consist of three (3) members. (Ord. 13-1977.)

7-305.2 SPECIAL EXCEPTIONS IN CERTAIN ZONES

(a) The Zoning Hearing Board may authorize the issuance of a permit by special exception for institutional uses as follows:

(1) residential institutional: in any CCG, SPD or ML Zone;
(2) health care institutional: in any PB1, PB2, SPD, CCG, or ML Zone;
(3) religious institutional: in any residential or commercial zone in a detached structure;

(4) primary and secondary educational institutional: in any residential zone in a detached structure or in an SPD, CCG, or CCL Zone;
(5) post secondary education institutional: in any PB1, PB2, SPD, or ML Zone;
(6) day care institutional: in any RPO, RPC, ROP, RCP, SPD Zone in a detached or semi-detached structure; in any other commercial or industrial zone as an accessory use;
(7) institutional uses shall be permitted pursuant to the conditions and standards of Section 7-305.3, except that no existing single-family dwelling in the RPO, RPC, ROP, and RCP Zones shall be converted to an institutional use.

(b) The Zoning Hearing Board may authorize the issuance of a permit in any zone for any building, structure or use which is of the same general character as any building, structure or use specifically permitted in such zone, provided that the applicable conditions and standards of Section 7-305.3 are satisfied.

(c) The Zoning Hearing Board may authorize the issuance of a permit in a residence zone, for conversion of an existing building only, to allow multiple dwelling use pursuant to the provisions of Section 7-305.3 subject, however, to the following requirements:
(1) the Board finds as a condition precedent to the granting of such permit that the existing characteristics of such building vary sufficiently from the typical building type(s) of the zone in which located so that such building may not be economically converted to a dwelling type permitted in that zone; and
(2) the Board further finds that the proposed conversion is to the minimum number of dwelling units which will permit the economical conversion of such building to residential use.

(Ord. 26-1991.)

(d) In establishing the existence of facts or conditions relative to the possible granting of any special exception, the burden of proof shall be on the applicant. (Ord. 23-1979.)

(e) The Zoning Hearing Board may authorize the issuance of a permit for any building, structure or use in any zone involving a requested change of the specific dimensional or quantitative provisions of this Code including, but not limited to, setback, yard, open space, height, floor area ratio, floor space, parking and loading, screening and buffering, and signage, provided that

the applicable standards of Section 7-305.3 are satisfied and further provided that:

(1) in the case of buildings, structures or uses permitted by right in such zone, the Board shall apply the applicable standards of Section 7-305.3 only to the requested dimensional or quantitative change;

(2) in the case of buildings, structures or uses permitted by special exception in such zone, the Board shall review the requested dimensional or quantitative change as part of and simultaneously with the special exception review of the building, structure or use.

(f) The Zoning Hearing Board may authorize the issuance of a permit in any zone, other than in a Planned Business Zone, a Special Intensity District or an Open Space Recreation Zone, for a public or commercial parking structure, provided that the applicable conditions and standards of Section 7-305.3 are satisfied. (Ord. 26-1991.)

(g) The Zoning Hearing Board may authorize the issuance of a permit for accessory parking on lots abutting the principal use. (Ord. 19-1985.)

(h) The Zoning Hearing Board, provided the other requirements of this chapter are met, shall authorize the issuance of a permit for a Group Child Care Home or a Child Care Center which does not have an on-site outdoor secure play area, subject, however, to the following requirements:

(1) the child care facility meets all of the other requirements for permit;

(2) the applicant provides an off-site outdoor play area which is under the care and control of the applicant;

(3) the off-site outdoor play area is within one hundred (100) feet of the child care facility;

(4) the off-site outdoor play area can be reached safely; and

(5) the outdoor play area is not located within two hundred (200) feet of a business selling alcoholic beverages regulated by the Liquor Code.

(Ord. 37-1994.)

7-305.3 SPECIAL EXCEPTION REQUIREMENTS AND CONDITIONS

(a) Special permits, as provided for in this chapter and as further provided for elsewhere in this Code, may be authorized by

the Board in each such instance only pursuant to the following conditions and requirements:

(1) The Board shall determine that the minimum requirements of this Code as set forth in Section 7-301.1 have been met.

(2) The Board shall find that the use, structure or action authorized by the special permit will not be contrary to the preservation of the general character of the neighborhood involved.

(3) The Board shall duly consider the following factors, as appropriate:
   (A) ingress and egress to property and existing and proposed structures thereon, with particular attention paid to automotive and pedestrian safety and convenience; traffic generation, flow and control relative to existing and future vehicular capacity or nearby public rights of way; and access in case of fire, flood or other catastrophe;
   (B) off-street parking and loading areas where required, with particular attention paid to the factors in paragraph (A) above and the noise, glare, odor, or traffic effects of the special exception on adjoining properties and properties generally in the neighborhood;
   (C) refuse and service areas;
   (D) utilities, with reference to locations, availability and compatibility;
   (E) screening and other buffering with reference to type, dimensions and character;
   (F) signs, if any, and existing and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with properties in the neighborhood;
   (G) required yards, setbacks and other open space;
   (H) size, bulk, use, and general character of a proposed building, structure, expansion, or enlargement in relation to adjacent properties and the neighborhood generally;
   (I) other factors, if any, which have a bearing on the compatibility of the special exception with adjacent properties and the neighborhood generally.

(4) The Board may attach to the granting of any special exception such additional conditions as it

deems necessary to further the purposes and intent of this Code. Such additional conditions may include, but are not limited to, the following:

(A) limitations on periods of use and operation;
(B) imposition of operational controls or performance sureties;
(C) screening and other buffering requirements;
(D) yards, setbacks and other open space requirements;
(E) limitations on future enlargement, modification or change of use.

(b) Prior to appearing before the Planning Commission and the Zoning Hearing Board, the applicant for a residential, health or education institutional use permit shall file a Neighborhood Impact Assessment Statement with the Zoning Administrator. Such assessment shall contain the applicant's analysis and conclusions regarding the relationship of the proposed facility's activities, programs and use to the impact on the surrounding neighborhood. Criteria such as those listed in subsection (c) of this section should be incorporated into the required statement. The Neighborhood Impact Assessment Statement shall not be used to determine the validity of any program, but it shall only be used to establish the relationship of the proposed use to the surrounding neighborhood. The Neighborhood Impact Assessment Statement may include, but shall not consist solely of, a petition of support. The assessment shall include at a minimum a consideration of such issues as parking, trash, noise, and demand for police and fire services.

(c) In deciding upon the issuance of a special permit authorized under subsection (a) of this section, the following criteria or standards should be satisfied:

(1) The institutional use provides for the general welfare of the City as an essential community service.

(2) The institutional use is accessible to employment, education and vocational opportunities (as necessary to the facility's programs), to public transportation and to other such specialized functions as may be necessary to the facility's operation.

(3) No institutional use shall be located within one thousand five hundred (1500) feet of any other institutional use as measured between the property lines, except when such premises are considered a

single facility by reason of their common management and mutually supportive functions.

(4) A residential facility shall include the minimum floor area requirements for living and sleeping space equalling seventy-five (75) square feet per resident and community spaces as required in Chapter 8-101.

(5) The facility, if converted from any existing structure, shall conform to the City's Building Code for all improvements.

(6) The facility shall meet the parking requirements of Chapter 7-319.

(7) Public visitation of a facility by guests and/or other visitors shall not occur between designated hours which may be specified by the Board.

(8) The institutional use shall have received or will receive prior to operation all appropriate certifications and/or licenses.

(d) An institutional user may apply for an exception to these requirements, and such exception may be granted, provided that the Board finds that the exception promotes, protects and facilitates the public health, safety and general welfare to at least the same degree that would have been afforded if the above stated criteria or standards had been adhered to. (Ord. 26-1991.)

7-305.4 SPECIAL EXCEPTION REVIEW AND COMMENT PROCEDURES

Prior to the authorization of any special exception permit pursuant to the provisions of this chapter and the other provisions of this Code relative thereto, the Zoning Hearing Board shall allow a minimum period of thirty (30) days from the receipt by the Zoning Administrator of the completed application therefor until the holding of a hearing on such application for the purpose of providing opportunity for review and comment by the Planning Commission. In all such cases, the following procedures shall apply:

(1) Within two (2) days of receipt of the application therefor, the Zoning Administrator shall inform the staff of the Planning Commission in writing of the full particulars thereof.

(2) If the Planning Commission elects to review and comment upon the proposal for which an application has been submitted, the results of that action shall be made available in writing to the Zoning Administrator prior to the hearing of the Zoning Hearing Board held thereon.

(Ord. 26-1991.)

(3) In the event of the submission of a report by the Planning Commission in accordance with the provisions hereof, the Zoning Administrator shall enter such report as an exhibit on behalf of the City at the hearing of the Zoning Hearing Board held therefor. (Ord. 28-1978.)

7-305.99 PENALTY

See Chapter 7-701.

CHAPTER 7-307

ZONE DISTRICTS AND MAP

Section 7-307.1 Zones Created
Section 7-307.2 Zoning Map

CROSS REFERENCES

Classifications to be uniform: see Pa. Municipalities Planning Code §605 (53 P.S. §10605)
Official Map: see Pa. Municipalities Planning Code §401 et seq. (53 P.S. §10401 et seq.)

7-307.1 ZONES CREATED

For the purpose of this Zoning Code, the City is divided into the following Zones:

ZONE NAME	
Residential Single Family Zone	(RSF)
Residential Semi-Detached Zone (Ord. 7-1988)	(RSD)
Residence Zone No. 3	(R-3)
Residence Zone No. 4	(R-4)
Residence Zone No. 5 (Ord. 26-1977)	(R-5)
Residential Single Family Zone A	(R1A)
Residential Single Family Zone B	(R1B)
Residential Single Family Zone C	(R1C)
Residential Single Family Zone D	(R1D)
Residential Two Family Zone A	(R2A)
Residential Mixed Vertical Zone	(RMV)
Residential Vertical Mixed Zone	(RVM)
Residential Limited Zone A	(RLA)
Residential Limited Zone B	(RLB)
Residential Professional Office Zone	(RPO)
Residential Office Professional Zone	(ROP)
Residential Planned Conversion Zone	(RPC)
Residential Conversion Planned Zone (Ord. 7-1988)	(RCP)
Neighborhood Conservation Overlay Zone	(NCOD)

(Ord. 25-1993)

Business Local Zone	(BL)
Business General Zone	(BG)
Business General Outlying	(BGO)
Planned Business Zone No. 1	(PB-1)
Planned Business Zone No. 2	(PB-2)
Special Planned Development District	(SPD)
Community Commercial Limited Zone	(CCL)
Community Commercial General Zone	(CCG)
Light Industry Zone	(ML)
Heavy Industry Zone	(MH)
Open Space Recreation Zone	(OSR)

(Ord. 7-1988)

7-307.2 OFFICIAL ZONING MAP

The boundaries of zones shall be as shown upon the map made a part of this Code, which shall be designated "Zoning Map - City of Harrisburg, Pennsylvania." The Map and all notations, references and other data shown thereon are hereby incorporated by reference into this Code and shall be as much a part of this Code as if all were fully described herein. (Ord. 112-1964.)

CHAPTER 7-309

RESIDENCE ZONES

Section	7-309.1	Residential Single Family Zone	(RSF)
Section	7-309.2	Residential Semi-Detached Zone	(RSD)
Section	7-309.3	Residence Zone No. 3	(R-3)
Section	7-309.4	Residence Zone No. 4	(R-4)
Section	7-309.5	Residence Zone No. 5	(R-5)
Section	7-309.6	Residential Single Family Zone A	(R1A)
Section	7-309.7	Residential Single Family Zone B	(R1B)
Section	7-309.8	Residential Single Family Zone C	(R1C)
Section	7-309.9	Residential Single Family Zone D	(R1D)
Section	7-309.10	Residential Two Family Zone A	(R2A)
Section	7-309.11	Residential Vertical Mixed Zone	(RVM)
Section	7-309.12	Residential Office Professional	(ROP)
Section	7-309.13	Residential Conversion Planned Zone	(RCP)
Section	7-309.14	Residential Limited Zone A	(RLA)
Section	7-309.15	Residential Mixed Vertical Zone	(RMV)
Section	7-309.16	Residential Limited Zone B	(RLB)
Section	7-309.17	Residential Professional Office Zone	(RPO)
Section	7-309.18	Residential Planned Conversion Zone	(RPC)
Section	7-309.19	Neighborhood Conservation Overlay Zone	(NCO)
Section	7-309.99	Penalty	

CROSS REFERENCES

Home occupations: see Chapter 7-323
Off-street parking facilities in residence zones: see Chapter 7-319
Planned Residential Development: see Pa. Municipalities Planning Code §701 et seq. (53 P.S. §10701 et seq.)
Setbacks for dwellings on narrow streets: see Section 7-329.5
Signs in residence zones: see Chapter 7-325
Special exceptions for residence zones: see Section 7-305.2

7-309.1 RESIDENTIAL SINGLE FAMILY ZONE (RSF)

(a) Principal Uses. In an RSF Zone, only the following buildings, structures and uses shall be permitted:

(1) single-family detached dwellings with floor space of not less than four hundred (400) square feet or more; (Ord. 26-1977.)

(2) churches and religious buildings; public, private or parochial schools offering courses in general education; accredited colleges; libraries; community assembly halls; and governmental buildings and public utility buildings or structures, provided the Zoning Hearing Board, upon appeal, finds that their location is necessary to the service of the zone and approves the location and design; (Ord. 35-1985.)

(3) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses; and

(4) home occupations as defined and regulated in Chapter 7-323. (Ord. 26-1977.)

(b) No Conversion. No existing single family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an RSF Zone, no building or structure shall exceed thirty-five (35) feet in height and each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, forty (40) feet or conforming to existing setback;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;

(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, fifteen (15) feet or ten percent (10%) of lot depth, whichever is greater.

(d) Signage. In an RSF Zone, all signs shall conform to the provisions of the Residential Limited Zone B as set forth in Section 7-309.16. (Ord. 26-1977.)

7-309.2 RESIDENTIAL SEMI-DETACHED ZONE (RSD)

(a) Principal Uses. In an RSD Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in an RSF Zone;

(2) two-family detached dwellings, having a separate outdoor or vestibule entrance on the ground floor, front and rear, for each family and having a floor area of four hundred (400) square feet or more for each family;

(3) pairs of single-family semi-detached dwellings where the attachment extends not over seventy-two (72) feet deep, including porches, and having a floor area of four hundred (400) square feet or more for each family;

(4) three- or four-family manor-group dwellings;

(5) home occupations as defined and regulated in this Code.

(Ord. 26-1977.)

(b) No Conversion. In an RSD Zone, no existing single-family dwelling shall be converted into two or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an RSD Zone, no building or structure shall exceed forty-five (45) feet in height, and each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, twenty (20) feet or conforming to existing setback;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;

(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, fifteen (15) feet or ten percent (10%) of lot depth, whichever is greater.

(d) Signage. In an RSD Zone, all signs shall conform to the provisions of the Residential Limited Zone B as set forth at in Section 7-309.16. (Ord. 26-1977.)

7-309.3 RESIDENCE ZONE NO. 3 (R-3)

(a) Principal Uses. In an R-3 Zone, only the following buildings, structures, and uses shall be permitted:

(1) all buildings, structures and uses permitted in an RSD Zone;

(2) two- or three-family semi-detached dwellings, provided that each family unit has floor space of four hundred (400) square feet or more and a separate outdoor or vestibule entrance, front and rear, except that in case of conversion or remodeling of existing buildings, the separate entrances may be from a common hall or stairhall;

(3) detached multiple dwellings;

(4) hospitals or other similar institutions for human beings for other than contagious or mental diseases if in detached buildings twenty (20) feet or more distant from any line of another lot;

(5) detached or semi-detached buildings used for studios, offices or laboratories for doctors, dentists, or other professionals; (Ord. 79-1965.)

(6) professional offices, studies, studios, or galleries when contained partially or wholly within a new building or an expansion or extension of an existing building. In no case, however, shall the floor area ratio devoted to such use exceed two to one (2:1);

(7) commercial and vocational schools when contained partially or wholly within a new building or an expansion or extension of an existing building.

(Ord. 5-1981.)

(b) No Conversion. In an R-3 Zone, no existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R-3 Zone, no building or structure shall exceed forty-five (45) feet in height unless

each required side yard is increased in width by two (2) feet for every unit of ten (10) feet of additional height above forty (40) feet and each lot has front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, fifteen (15) feet or conform to existing setbacks;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;

(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, ten (10) feet or ten percent (10%) of the lot depth, whichever is greater.

(Ord. 79-1965.)

7-309.4 RESIDENCE ZONE NO. 4 (R-4)

(a) Principal Uses. In an R-4 Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in an R-3 Zone;

(2) attached single-family dwellings;

(3) group dwellings;

(4) detached or semi-detached buildings used for central offices or headquarters of a regional nature for public, quasi-public, civic, fraternal, financial or business agencies, involving no manufacture, buying or selling of goods or manual services other than supplies incidental to such permitted principal uses and involving no street or window display;

(5) detached or semi-detached lodging or boarding houses, rooming houses, fraternities, or sororities;

(6) banks, insurance agencies, realty offices, building and loan societies, and other like uses housed in detached or semi-detached buildings.

(Ord. 79-1965.)

(b) No Conversion. In an R-4 Zone, no existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R-4 Zone, no building or structure shall exceed forty-five (45) feet in height, unless each required side yard is increased in width by one and one half (1½) feet for every unit of ten (10) feet of additional height above forty (40) feet and each lot has front, side, and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, ten (10) feet or conform to existing setback within the block;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;

(ii) width of a side yard abutting a major street shall equal the required depth of the front yard.

(C) **rear yard:** depth, ten (10) feet or ten percent (10%) of the lot depth, whichever is greater.

(Ord. 79-1965.)

7-309.5 RESIDENCE ZONE NO. 5 (R-5)

(a) Principal Uses. In the R-5 Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in an R-4 Zone;

(2) attached and semi-detached dwellings;

(3) attached buildings for any of the non-dwelling uses permitted in an R-3 Zone.

(Ord. 79-1965.)

(b) No Conversion. In an R-5 Zone, no existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R-5 Zone, no building or structure shall exceed forty-five (45) feet in height, unless each required side yard is increased in width by one (1) foot for every unit of ten (10) feet of additional height above forty (40) feet, and each lot has front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, five (5) feet or conform to existing setback within the block;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;

(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, five (5) feet or ten percent (10%) of the lot depth, whichever is greater.

(Ord. 79-1965.)

7-309.6 RESIDENTIAL SINGLE-FAMILY ZONE A (R1A)

(a) Purpose. In areas where single-family residential development has already occurred and in logical extensions to these areas, Residential Single-Family Zone A Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached residences and residential supportive land uses.

(b) In an R1A Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Use. Single-family detached dwellings with floor space of nine hundred (900) square feet or more.

(2) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(3) Uses by Special Exception.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be both in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play space and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R1A Zone:

(1) No new building, structure, expansion or enlargement in the zone shall exceed thirty-five feet (35') in height, and no new principal building or structure shall be less than twenty feet (20') in height; provided, however, within these limitations no new principal building or structure shall vary more than fifteen percent (15%) from the average height of the principal building on all abutting properties.

(2) Principal structures shall have a minimum floor space area of nine hundred (900) square feet.

(3) Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yards:** depth, forty feet or conforming to existing setbacks;

(B) **side yards:**

(i) width, ten percent (10%) of the lot width;
(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, fifteen (15) feet or ten percent (10%) of the lot depth, whichever is greater.

(4) The minimum lot size must not be less than seventy-five percent (75%) of the average lot size on the street which the property fronts (both sides), for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(d) Signage. In an R1A Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
(A) each number shall be not less than two inches (2") in height, but not greater than three inches (3") in height, and made of an architectural quality of material such as wood or metal;
(B) street numbers may be rendered in painted/stained or etched glass in an historically accurate manner on the door-glass or transom.

(2) Only one (1) wall sign shall be permitted on any building, as follows:
(A) no other sign shall be permitted;
(B) no sign shall exceed thirty-six (36) square inches in area;
(C) no sign shall be illuminated in any manner;
(D) no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade;
(E) no portion thereof shall extend beyond the perimeter of the signable wall area; and
(F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Principal structures registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:

(A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted. In wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less, no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; no portion thereof shall extend beyond the perimeter of such signable wall area;

(B) only one wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door signs shall be limited to the name of the business, proprietors or firms, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), in accordance with the provisions stated herein;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be constructed and located so that no portion of an adjacent property shall be illuminated and so that no

glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted per Section 7-325.4;

(G) if the parking area is in front of the principal structure, one (1) no parking sign and one (1) legal warning sign not greater than two (2) square feet in area shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two square feet (2 sq. ft.) in area and elevated not higher than three and a half (3½) feet above grade;

(H) any signage within this zone that does not conform to this Subsection 7-309.6(d) shall be removed.

(4) All other structures shall conform to specification for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.7 RESIDENTIAL SINGLE-FAMILY ZONE B (R1B)

(a) Purpose. In areas where the construction of single-family semi-detached dwellings has already occurred and is predominant, Residential Single-Family Zone B Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached and semi-detached residences and residential-supportive land uses.

(b) In an R1B Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Uses.
- (A) all buildings, structures and principal uses permitted in an R1A Zone;
- (B) single-family detached dwellings with a floor space of nine hundred (900) square feet or more;
- (C) pairs of single family semi-detached dwellings where the attachment extends not over seventy-two (72) feet deep, including the porches, and having a floor area of six hundred (600) square feet or more for each family.

(2) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(3) Uses by Special Exception.
- (A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;
- (B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R1B Zone:

(1) No new building, structure, expansion or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, within these limitations no new principal building or structure shall vary more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) Principal structures shall have a minimum floor space area of six hundred (600) space feet.

(3) Each lot shall have front, side and rear yards of not less than the depth or width indicated below:
(A) **front yard:** depth, twenty (20) feet or conforming to existing setbacks;
(B) **side yards:**
(i) width, ten percent (10%) of the lot width.
(ii) width of a side yard abutting a major street shall equal the required depth of the front yard;
(C) **rear yard:** depth, fifteen (15) feet or ten percent (10%) of the lot depth, whichever is greater.

(4) The minimum lot size shall not be less than seventy-five percent (75%) of the average lot size on the street on which the property fronts (both sides) for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be governed by the wider of the two streets.

(d) Signage. In an R1B Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
(A) each number must be a minimum of two (2) inches in height to a maximum of three (3)

inches in height and of an architectural quality of material such as wood or metal; or

(B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:

(A) no other sign shall be permitted;

(B) no sign shall exceed thirty-six (36) square inches in area;

(C) no sign shall be illuminated in any manner;

(D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;

(E) no portion thereof shall extend beyond the perimeter of a signable wall area;

(F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Principal structures registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:

(A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;

(B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and

door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325;

(G) if the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) Any signage within this zone that does not conform to this Subsection 7-309.7(d) shall be removed.

(5) All other structures shall conform to specifications for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.8 RESIDENTIAL SINGLE-FAMILY ZONE C (R1C)

(a) Purpose. In areas where the construction of single-family attached dwellings has already occurred and is predominant, Residential Single-Family Zone C Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached and attached residences and residential-supportive land uses; accessory uses or home occupations are not permitted. This zone is designed to restrict uses inappropriate to narrow, limited-access streets with densely packed housing. Its intent is to protect the residential environment in a location where:

(1) even a minor addition of on-street parking generated by an accessory use would cause further parking congestion; and/or

(2) where equipment used in the accessory use could create fire or health hazards in housing sharing a common "party wall."

(b) In an R1C Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Uses.
- (A) all buildings, structures and principal uses permitted in an R1B Zone:
  - (i) single-family detached dwellings with the floor space of nine hundred (900) square feet or more;
  - (ii) pairs of single-family semi-detached dwellings where the attachment extends not over seventy-two (72) feet deep, including the porches in such measurements, and having a floor area of six hundred (600) square feet or more for each family;
- (B) single-family attached dwellings having a floor area of six hundred (600) square feet or more;
- (C) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through

contractual agreement with any agency of the City.

(2) Accessory Uses. Accessory uses or home occupations are not permitted.

(3) Uses by Special Exception.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district, and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R1C Zone:

(1) No new building, structure, expansion, or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, within these limitations no new principal building or structure shall vary more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) Principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** must conform to existing setback within the block and on the street which it faces;

(B) **side yards:**

(i) width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall, where no side yard is required;

(ii) the width of a side yard abutting a major intersection shall be at least five (5) feet;

(C) **rear yard:** a depth of at least ten (10) feet.

(4) Minimum lot size must not be less than seventy-five percent (75%) of the average lot size on the street which the property fronts (both sides) for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(d) Signage. In an R1C Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:

(A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or

(B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:

(A) no other sign shall be permitted;

(B) no sign shall exceed thirty-six (36) square inches in area;

(C) no sign shall be illuminated in any manner;

(D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;

(E) no portion thereof shall extend beyond the perimeter of a signable wall area;

(F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Principal structures registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:

(A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;

(B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325;

(G) if the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) Any signage within this zone that does not conform to this Subsection 7-309.8(d) shall be removed.

(5) All other structures shall conform to specifications for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.9 RESIDENTIAL SINGLE-FAMILY ZONE D (R1D)

(a) Purpose. In areas where the construction of single-family attached dwellings has already occurred and is predominant, Residential Single-Family Zone D Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached and attached residences and residential-supportive land uses including the accessory use of a home occupation.

(b) In an R1D Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Uses.

(A) all principal uses, buildings and structures permitted in an R1C Zone;

(B) single-family detached dwellings, with the floor space of nine hundred (900) square feet or more;

(C) pairs of single family semi-detached dwellings where the attachment extends not over seventy-two (72) feet deep, including the porches, and having a floor area of six

hundred (600) square feet or more for each family;

(D) single-family attached dwellings having a floor area of six hundred (600) square feet or more;

(E) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through contractual agreement with any agency of the City.

(2) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(3) Uses by Special Exception.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R1D Zone:

(1) No new building, structure, expansion, or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal building on all abutting properties.

(2) Principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:
   (A) **front yard:** must conform to existing setback within the block and on the street which it faces;
   (B) **side yards:**
      (i) width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall where no side yard is required;
      (ii) the width of a side yard abutting a major street shall be at least five (5) feet;
   (C) **rear yard:** depth of at least ten (10) feet.

(4) Minimum lot size must not be less than seventy-five (75%) of the average lot size on the street which the property fronts (both sides), for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(d) Signage. In an R1D Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
   (A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or
   (B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:
   (A) no other sign shall be permitted;
   (B) no sign shall exceed thirty-six (36) square inches in area;
   (C) no sign shall be illuminated in any manner;
   (D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;

(E) no portion thereof shall extend beyond the perimeter of a signable wall area;

(F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Principal structures registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:

(A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;

(B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which

is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325;

(G) if the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) Any signage within this zone that does not conform to this Subsection 7-309.9(d) shall be removed.

(5) All other structures shall conform to specifications for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.10 RESIDENTIAL TWO-FAMILY ZONE A (R2A)

(a) Purpose. In areas where the construction of one- and two-family dwellings has already occurred and is predominant, Residential Two-Family Zone A Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for one-and two-family detached and attached residences and residential-supportive land uses, including the accessory use of home occupation.

(b) In an R2A Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Uses.

(A) all principal uses, buildings and structures permitted in an R1D Zone;

(i) single-family detached dwellings with floor space of nine hundred (900) square feet or more;

(ii) pairs of single family semi-detached dwellings where the attachment extends not over seventy-two (72) feet deep, including the porches, and having a floor area of six hundred (600) square feet or more for each family;

(iii) single-family attached dwellings having a floor area of six hundred (600) square feet or more;

(iv) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through contractual agreement with any agency of the City;

(B) two-family detached, semi-detached and attached dwellings having a floor area of six hundred (600) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance, front and rear, for each family; provided, however, that, in the case of conversion or remodeling of existing buildings, the separate entrances may be from a common hall or stair hall.

(2) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(3) Uses by Special Excepion.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities

with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements. In an R2A Zone:

(1) No new building, structure, expansion, or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal building on all abutting properties.

(2) Principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** must conform to existing setback within the block and on the street which it faces;

(B) **side yards:**

(i) width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall where no side yard is required;

(ii) the width of a side yard abutting a major street shall be at least five (5) feet;

(C) **rear yard:** depth of at least ten (10) feet.

(4) Minimum lot size must not be less than seventy-five (75%) of the average lot size on the street which the property fronts (both sides), for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(d) Signage. In an R2A Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
   (A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or
   (B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:
   (A) no other sign shall be permitted;
   (B) no sign shall exceed thirty-six (36) square inches in area;
   (C) no sign shall be illuminated in any manner;
   (D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;
   (E) no portion thereof shall extend beyond the perimeter of a signable wall area;
   (F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Principal structures registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:
   (A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;
   (B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325;

(G) if the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) Any signage within this zone that does not conform to this Subsection 7-309.10(d) shall be removed.

(5) All other structures shall conform to specifications for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.11 RESIDENTIAL VERTICAL MIXED ZONE (RVM)

(a) Purpose. The RVM Zone provides for the introduction into residential areas of secondary nonresidential uses such as professional offices or limited commercial uses, under certain prescribed circumstances. In a RVM Zone the owner-operator must reside on the premises, and the structure must be either detached or semi-detached. The secondary use is permitted in the basement or on ground level.

(b) In an RVM Zone, the following buildings, structures and uses shall be permitted:

(1) Principal Uses. All principal uses, buildings and structures permitted in an R2A Zone:

(A) single-family detached dwellings with the floor space of nine hundred (900) feet or more;

(B) pairs of single family semi-detached dwellings, where the attachment extends not over seventy-two (72) feet deep, including the porchesn, and having a floor area of six hundred (600) square feet or more for each family;

(C) single-family attached dwellings having a floor area of six hundred (600) square feet or more;

(D) two-family semi-detached and attached dwellings having a floor area of six hundred (600) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance, front and rear, for each family; provided, however, that in the case of conversion or remodeling of existing buildings, the separate entrances may be from a common hall or stair hall;

(E) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through contractual agreement with any agency of the City.

(2) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(3) Uses by Special Exception.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 6-1988.)

(4) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(5) Secondary Uses. Designated mixed vertical uses containing a principal, mandatory use and a secondary, optional use, delineated as follows:

(A) residential-professional use allowed in detached, semi-detached and attached structures:

(i) **principal use:** residential, single-family dwelling unit containing a usable floor space of at least nine hundred (900) square feet;

(ii) **secondary use:** office, study, studio or gallery, for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect or city planner, or other like professional person residing on the premises;

(iii) **secondary use floor area:** secondary uses are permitted to occupy the first floor and basement area of any existing structure. In new construction the total floor area devoted to secondary uses shall not exceed fifty percent (50%) of the total usable floor area of

the structure, or two (2) times the total lot area, whichever is less;

(iv) **secondary use hours:** secondary uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(v) **secondary use employees:** the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted secondary use on a ratio of two hundred fifteen (215) square feet per each paid employee or assistant;

(B) residential-neighborhood specialty service uses permitted in detached and semi-detached structures:

(i) **principal use:** residential, single-family dwelling unit containing a usable floor space of at least nine hundred (900) square feet;

(ii) **secondary uses:** neighborhood speciality service stores principally operated by a person residing on the premises, defined to include grocery, dairy store, confectionery store, delicatessen, pharmacy, and newspaper stand;

(iii) **secondary use floor area:** secondary uses are permitted to occupy the first floor and basement of any existing structure. A secondary use may not occupy more than forty-five percent (45%) of the net floor area of any new structure;

(iv) **secondary use hours:** secondary uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(v) **secondary use employees:** the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted secondary use, on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant.

(Ord. 6-1988.)

(c) Dimensional Requirements. In an RVM Zone:

(1) No new building, structure, expansion, or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal building on all abutting properties.

(2) All detached principal structures shall have a minimum floor space area of nine hundred (900) square feet, and all semi-detached and attached principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** must conform to existing setback within the block and on the street which it faces;

(B) **side yards:**

(i) width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall where no side yard is required;

(ii) the width of a side yard abutting a major street shall be at least five (5) feet;

(C) **rear yard:** depth of at least ten (10) feet.

(4) Minimum lot size must not be less than seventy-five (75%) of the average lot size on the street which the property fronts (both sides), for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(d) Signage. In an RVM Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:

(A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or

(B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building used entirely for residential purposes, as follows:
   (A) no other sign shall be permitted;
   (B) no sign shall exceed thirty-six (36) square inches in area;
   (C) no sign shall be illuminated in any manner;
   (D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;
   (E) no portion thereof shall extend beyond the perimeter of a signable wall area;
   (F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) Any permitted secondary use or principal structure registered as non-conforming uses (Section 7-303.2) shall be permitted to have signs that meet the requirements which follow:
   (A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;
   (B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;
   (C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and

door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325;

(G) if the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) Any signage within this zone that does not conform to this Subsection 7-309.11(d) shall be removed.

(5) All other structures shall conform to specifications for signs in Chapter 7-325.

(Ord. 6-1988.)

7-309.12 RESIDENTIAL OFFICE PROFESSIONAL ZONE (ROP)

(a) Purpose. The ROP Zone provides for residential-professional offices to exist without the owner/operator residency requirement in areas where the current building types would lend themselves to either residential or professional office use. This zone is intended for application in areas near existing clusters of professional offices, in or near hospitals or similar complexes or along major arterials, and is particularly intended for where the characteristics (such as size) of the existing structures make unlikely their long-term extension as one and two-family structures.

(b) In an ROP Zone, only the following buildings, structures and uses shall be permitted:

(1) All principal uses, buildings and structures permitted in an R2A Zone:

(A) single-family detached dwellings, with the floor space of nine hundred (900) square feet or more;

(B) pairs of single-family semi-detached dwellings, where the attachment extends not over seventy-two (72) feet deep, including the porches, and having a floor area of six hundred (600) square feet or more for each family;

(C) single-family attached dwellings having a floor area of six hundred (600) square feet or more;

(D) two-family detached, semi-detached and attached dwellings having a floor area of six hundred (600) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance, front and rear, for each family; provided, however, that in the case of conversion or remodeling of existing buildings, the separate entrances may be from a common hall or stair hall;

(E) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through contractual agreement with any agency of the City.

(2) Professional offices, studies, studios, or galleries for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect, city planner, landscape architect, or other like professional person. This primary use shall be permitted subject to the following use regulations:

(A) **floor area:** professional office, study, studio or gallery uses are permitted to occupy only the first floor and basement of any existing structure. In new construction the total floor area devoted to such use shall not exceed fifty percent (50%) of the total usable floor area of the structure, or two (2) times the total lot area, whichever is less;

(B) **hours of operation:** professional offices, studies, studios, or galleries uses may be open to the public Monday through Saturday only between 7:00a.m. and 9:00 p.m.;

(C) **number of employees:** the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted professional office, study or gallery uses on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant.

(Ord. 6-1988.)

(3) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units, or converted into office, retail, institutional or any commercial use with the exception of home occupations as defined and regulated herein. (Ord. 23-1994.)

(4) Accessory Uses. Home occupations as defined and regulated in Chapter 7-323.

(5) Uses by Special Exception. These may be permitted only if authorized as a special exception by the Zoning Hearing Board pursuant to he provisions of Chapter 7-305:

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility

buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses;

(C) speciality boutique use, in detached or semi-detached structures only, and in each case subject to the following requirements:

(i) as a condition precedent to the authorization of a special exception for any boutique use, the Board shall find that the proposed use by reason of its nature and operational characteristics will be compatible with the preservation of the residential character of the zone in which it is located and the general character of the neighborhood involved; and

(ii) any such use, if authorized, shall conform at a minimum to the regulations regarding floor area, hours of operation and number of employees for professional office use in an ROP Zone specified herein; and

(iii) any such use, if authorized, shall conform at a minimum to the off-street parking requirements for a permitted mixed vertical use in an RPO Zone specified in Section 7-309.17, regardless of the place of residence of the principal operator of the use; and

(iv) any such use, if authorized, shall further conform to such additional requirements and conditions as the Board deems necessary to preserve the residential character of the zone in which it is located and general character of the neighborhood involved.

(e) <u>Dimensional Requirements</u>. In an ROP Zone:

(1) No new building, structure, expansion or enlargement in the zone shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet

in height; provided, however, within these limitations no new principal building or structure shall vary more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) All detached principal structures shall have a minimum floor space area of nine hundred (900) square feet, and all semi-detached and attached principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yards of not less than the depth or width indicated below:
   (A) **front yard:** must conform to existing setback within the block and on the street which it faces;
   (B) **side yards:** shall be determined by an approved site plan indicating a total building coverage not exceeding seventy-five percent (75%) of the total lot area; provided that the width of a side yard abutting a major street shall be at least five (5) feet;
   (C) **rear yard:** depth of at least ten (10) feet.

(4) Minimum lot size must not be less than seventy-five percent (75%) of the average lot size on the street which the property fronts (both sides), for a block and one-half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(f) Signage. In an ROP Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
   (A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or
   (B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:
   (A) no other sign shall be permitted;
   (B) no sign shall exceed thirty-six (36) square inches in area;

(C) no sign shall be illuminated in any manner;
(D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;
(E) no portion thereof shall extend beyond the perimeter of a signable wall area;
(F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) If the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) For a professional office, study, studio, gallery, specialty boutique, or other principal structure with a registered nonconforming use, signs shall be permitted as follows:
(A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;
(B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;
(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of

operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not restricted and are permitted pursuant to Chapter 7-325.

(5) Any signage within this zone that does not conform to this Subsection 7-309.12(d) must be removed.

(Ord. 6-1988.)

7-309.13 RESIDENTIAL CONVERSION PLANNED ZONE (RCP)

(a) Purpose. The RCP Zone is appropriate for areas where redevelopment is planned, where there are numerous parcels of vacant land or where existing structures are too large to be used as one (1) or two (2) family residences. The RCP Zone is the only residential zone in this Code which provides for Planned Residential Development (PRD.) The PRD land use control has made it easier for the City to work with architects and developers to fit a building or development into an existing residential

environment. This zone also provides for professional office use as well as residential use.

(b) In an RCP Zone, only the following buildings, structures and uses shall be permitted:

(1) Principal Uses.

(A) all principal uses, buildings and structures permitted in an R2A Zone:

(i) single-family detached dwellings, with a floor space of nine hundred (900) square feet or more;

(ii) pairs of single-family semi-detached dwellings, where the attachment extends not over seventy-two (72) feet deep, including the porches, and having a floor area of six hundred (600) square feet or more for each family;

(iii) single-family attached dwellings having a floor area of six hundred (600) square feet or more;

(iv) two-family detached, semi-detached and attached dwellings having a floor area of six hundred (600) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance, front and rear, for each family; provided, however, that in the case of conversion or remodeling or existing buildings, the separate entrances may be from a common hall or stair hall;

(v) public parking lot(s) as defined in Chapter 1-302 for residents of that neighborhood as an accessory parking lot, provided it meets the design standards established in Section 7-319.8 and is sponsored by a recognized neighborhood group of the City through contractual agreement with any agency of the City;

(B) professional office, study, studio, or gallery uses for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect, city planner, landscape architect or other like professional person. These primary uses shall be permitted subject to the following use regulations:

(i) **floor area:** professional office, study, studio or gallery uses are permitted to occupy only the first floor and basement of any existing structure;

(ii) **hours of operation:** professional office, study, studio, or gallery uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(iii) **number of employees:** the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted professional office, study or gallery uses on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant;

(iv) planned residential developments approved pursuant to the provisions of Chapter 7-321;

(Ord. 6-1988.)

(C) No Conversion. No existing single-family dwelling shall be converted into two (2) or more dwelling units, or converted into office, retail institutional or any commercial use with the exception of home occupations as defined and regulated herein. (Ord. 23-1994.)

(2) Accessory Uses.

(A) home occupations as defined and regulated in Chapter 7-323; (Ord. 6-1988.)

(C) Group Child Care Homes, subject to Section 7-327.8(b). (Ord. 37-1994.)

(3) Uses by Special Exception.

(A) in detached buildings: churches and religious buildings; public or parochial schools offering courses in general education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the district and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities

with customary incidental buildings, structures and uses;

(C) professional office, study, studio, or gallery uses when contained partially or wholly within a new building or an expansion or extension of an existing building. In no case, however, shall the floor area ratio devoted to such use exceed two to one (2.0:1.0.);

(D) in detached buildings: commercial and vocational schools when contained in an existing structure or partially or wholly within a new building or an expansion or extension of an existing building;

(Ord. 6-1988.)

(E) Child Care Centers, subject to Section 7-327.8(c)(2). (Ord. 37-1994.)

(c) Dimensional Requirements. In an RCP Zone:

(1) No new building, structure, expansion or enlargement in the zone shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, within these limitations no new principal building or structure shall vary more than fifteen percent (15%) from the average height of the principal building on all abutting properties.

(2) All detached principal structures shall have a minimum floor space area of nine hundred (900) square feet, and all semi-detached and attached principal structures shall have a minimum floor space area of six hundred (600) square feet.

(3) Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** must conform to existing setback within block and on the street which it faces;

(B) **side yards:**

(i) width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall, where no side yard is required;

(ii) the width of a side yard abutting a major street shall be at least fifteen (15) feet;

(C) **rear yard:** depth of at least ten (10) feet or ten percent (10%) of the lot depth, whichever is greater.

(4) Minimum lot size must not be less than seventy-five percent (75%) of the average lot size on the street which the property fronts (both sides), for a block and half adjacent each side of the lot. Lot size for any lot facing two streets shall be guided by the wider of the two streets.

(Ord. 6-1988.)

(d) Signage. In an RCP Zone:

(1) The street number must be displayed on the mail box or on or abutting the front door of the principal structure, as follows:
   (A) each number must be a minimum of two (2) inches in height to a maximum of three (3) inches in height and of an architectural quality of material such as wood or metal; or
   (B) each number may by painted/stained or etched glass in an historically accurate manner on the door or door transom.

(2) Only one wall sign shall be permitted on any building, as follows:
   (A) no other sign shall be permitted;
   (B) no sign shall exceed thirty-six (36) square inches in area;
   (C) no sign shall be illuminated in any manner;
   (D) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;
   (E) no portion thereof shall extend beyond the perimeter of a signable wall area;
   (F) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(3) If the parking area is in front of the principal structure, one (1) no-parking sign and one (1) legal warning sign, not greater than two (2) square feet in area, shall be permitted and may be mounted as an additional wall sign on the principal structure on the wall adjacent to the parking area. If the City Engineer requires that entrance and exit signs for traffic safety are necessary, they may be freestanding, not greater than two (2) square feet in area and elevated not higher than three and a half (3 1/2) feet off the ground.

(4) For a professional office, study, studio, gallery, specialty boutique, or other principal structure with a registered nonconforming use, signs shall be permitted as follows:
   (A) the content of any wall sign shall be limited to the name of the business, including symbols, trademarks and designs directly

related to that business; no other advertising or communication content shall be permitted; wall signs having a maximum area of four (4) square feet, or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story lintels exist, not higher than ten (10) feet above grade; and no portion thereof shall extend beyond the perimeter of such signable wall area;

(B) only one (1) wall sign shall be permitted on any structure frontage having a width of one hundred (100) feet or less abutting any public street;

(C) the content of any permanent window and door sign shall be limited to the name of the business, proprietor or firm, hours of operation, phone and emergency information; no other advertising or communication content shall be permitted. Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door are allowed. The number of permanent window and door signs shall be limited to two (2), which shall both be in accordance with the limitations stated in this section;

(D) every sign shall be designed as an integral architectural element of the building to which it principally relates;

(E) signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not such light(s) is used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon the public right-of-way;

(F) the content of temporary real estate signs and temporary political signs are not

restricted and are permitted pursuant to Chapter 7-325.

(5) Any signage within this zone that does not conform to this Subsection 7-309.13(d) must be removed.

(Ord. 6-1988.)

7-309.14 RESIDENTIAL LIMITED ZONE A (RLA)

(a) In an RLA Zone, only the following buildings, structures and uses shall be permitted:

(1) one or two-family detached dwellings having a floor area of four hundred (400) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance on the ground floor, front and rear, for each family;

(2) one or two-family semi-detached and attached dwellings having a floor area of four hundred (400) square feet or more for each family. Two-family dwellings require separate outdoor or vestibule entrance, front and rear, for each family; provided, however, that in cases of conversion or remodeling of existing buildings, the separate entrances may be from a common hall or stair hall;

(Ord. 26-1977.)

(3) Special Exceptions.

(A) in detached buildings: churches and religious buildings; public, private or parochial schools offering courses in general education, accredited colleges; libraries; community assembly halls and governmental buildings and public utility buildings or structures; provided the Zoning Hearing Board, upon appeal, finds that their location is necessary to the service of the zone and approves the location and design; (Ord. 35-1985.)

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(Ord. 26-1977.)

(4) No Conversion. In an RLA Zone, no existing single family dwelling shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements.

(1) No new building, structure, expansion or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal building on all abutting properties. (Ord. 26-1977.)

(2) In an RLA Zone, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yards:** a depth of at least five (5) feet or conform to existing setback within block;

(B) **side yards:**

(i) a width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall where no side yard is require;

(ii) the width of a side yard abutting a major street shall be at least five (5) feet;

(C) **rear yard:** a depth of at least ten (10) feet.

(e) Signage. In an RLA Zone all signs shall conform to the provisions of the Residential Limited Zone B as set forth at Subsection 7-309.16(d) and (e). (Ord. 26-1977.)

7-309.15 RESIDENTIAL MIXED VERTICAL ZONE (RMV)

(a) In an RMV Zone, only the following buildings, structures and uses shall be permitted:

(1) all uses permitted in an RLA Zone;

(2) home occupations as defined and regulated herein;

(3) designated mixed vertical uses containing both a primary, mandatory use and a secondary, optional use. Allowable mixed vertical uses are delineated

as follows in detached, semi-detached and attached structures:

(A) **primary use:** residential, single-family dwelling unit containing a usable floor space of at least nine hundred (900) square feet;

(B) **secondary uses:** office, study, studio or gallery for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect or city planner, or other like professional person residing on the premises; (Ord. 26-1977.)

(C) **secondary use floor area:** secondary uses are permitted to occupy the first floor and basement of any existing structure. In new construction the total floor area devoted to secondary uses shall not exceed fifty percent (50%) of total usable floor area of the structure, or two (2) times the total lot area, whichever is less;

(D) **secondary-use hours:** secondary uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(E) **secondary-use employees:** the total number of paid employees or assistants permitted on the premises shall be determines by the existing or proposed net floor area allocated to a permitted secondary use, on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant.

(Ord. 26-1977.)

(4) No existing single-family dwelling shall be converted into two (2) or more dwelling units or into an institutional use. (Ord. 23-1994.)

(b) Residential-neighborhood specialty service use allowed in detached and semi-detached structures in RMV Zones are as follows:

(1) Primary use: residential, single-family dwelling unit containing a usable floor space at least nine hundred (900) square feet.

(2) Secondary uses: neighborhood specialty service stores principally operated by a person residing

on the premises, defined to include grocery, dairy store, confectionery store, delicatessen, pharmacy and newspaper stand,

(3) Secondary-use floor area: secondary uses are permitted to occupy the first floor and basement of any existing structure. A secondary use may not occupy more than forty-five percent (45%) of the net floor area of any new structure.

(4) Secondary-use hours: secondary uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(5) Secondary-use employees: the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted secondary use, on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant. (Ord. 26-1977.)

(c) Dimensional Requirements. In an RMV Zone:

(1) No new building, structure, expansion, or enlargement shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) Each lot shall have front, side and rear yards of not less depth or width than as follows:
   (A) **front yards:** depth of at least five (5) feet or conforming with the existing setback within block;
   (B) **side and rear yards:** as determined by an approved building site plan indicating a total building coverage not exceeding seventy-five percent (75%) of the total lot area; provided, however, that the width of a side yard abutting a major street shall be at least five (5) feet.

(Ord. 26-1977.)

(d) Signage. In an RMV Zone, all signs shall conform to the provisions of the Residential Professional Office Zone as set forth at Subsection 7-309.17(d) and (e). (Ord. 26-1977.)

7-309.16 RESIDENTIAL LIMITED ZONE B (RLB)

(a) In an RLB Zone, only the following buildings, structures and uses shall be permitted:

(1) all uses, buildings and structures permitted in an RLA Zone;

(2) home occupations as defined and regulated in this Code.

(Ord. 26-1977.)

(b) No Conversion. In an RLB Zone, no existing single-family shall be converted into two (2) or more dwelling units or an institutional use. (Ord. 23-1994.)

(c) Dimensional Requirements.

(1) No new building, structure, expansion, or enlargement in an RLB Zone shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) In an RLB Zone, each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yards:** a depth of at least five (5) feet or conforming to the existing setback within the block;

(B) **side yards:**

(i) a width of at least ten percent (10%) of the lot width, except in the case of permitted structures sharing a party wall where no side yard is required;

(ii) the width of a side yard abutting a major street shall be at least five (5) feet;

(C) **rear yard:** depth of at least ten (10) feet.

(Ord. 26-1977.)

(d) Signage. In an RLB Zone only one wall sign shall be permitted on any building, as follows:

(1) no other sign shall be permitted;

(2) no sign shall exceed thirty-six (36) square inches in area;

(3) no sign shall be illuminated in any manner;

(4) no portion thereof shall be elevated higher than the first story window lintel line or, if no first story lintels exist, not higher than ten (10) feet above grade;

(5) no portion thereof shall extend beyond the perimeter of a signable wall area;

(6) the content of any sign shall be limited to information regarding the name of the person residing therein and the home occupation conducted therein, if any.

(Ord. 26-1977.)

7-309.17 RESIDENTIAL PROFESSIONAL OFFICE ZONE (RPO)

(a) In an RPO Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in an RMV Zone, including designated mixed vertical uses subject to the provisions of that section specifying and regulating such uses;

(2) professional office, study, studio, or gallery for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect, city planner, landscape architect or other like professional person. This primary use shall be permitted subject to the following use regulations:

(A) **floor area:** professional office, study, studio, or gallery uses are permitted to occupy only the first floor and basement of any existing structure. In new construction the total floor area devoted to such uses shall not exceed fifty percent (50%) of the total usable floor area of the structure, or

two (2) times the total lot area, whichever is less;

(B) **hours of operation:** professional office, study, studio, or gallery uses may be open to the public Monday through Saturday only between the hours of 7:00 a.m. and 9:00 p.m.;

(C) **number of employees:** the total number of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted professional office, study, studio or gallery use, on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant; (Ord. 26-1977.)

(3) specialty boutique use in detached or semi-detached structures may be permitted only if authorized as a special exception by the Zoning Hearing Board pursuant to the provisions of Chapter 7-305 and, in each such case, subject to the following requirements:

(A) as a condition precedent to the authorization of a special exception for any specialty boutique use, the Board shall find that the proposed use by reason of its nature and operational characteristics will be compatible with the preservation of the residential character of the zone in which located and the general character of the neighborhood involved; and

(B) any such use, if authorized, shall conform at a minimum to the regulations regarding floor area, hours of operation and number of employees for professional office use in an RPO zone specified herein; and

(C) any such use, if authorized, shall conform at a minimum to the off-street parking requirements for a permitted mixed vertical use specified in Chapter 7-319, regardless of the place of residence of the principal operator of the use; and

(D) any such use, if authorized, shall further conform to such additional requirements and conditions as the Board deems necessary to preserve the residential character of the zone in which located and the general character of the neighborhood involved.

(Ord. 26-1977.)

(4) Group Child Care Home, subject to Section 7-327.8(b).

(5) Child Care Center, allowed only if authorized by the Zoning Hearing Board pursuant to the provisions of Chapter 7-305 and the criteria of Section 7-327.8(c)(2).

(Ord. 37-1994.)

(6) No Conversion. In an RPO Zone no existing single-family dwelling shall be converted into two (2) or more dwelling units or converted into office, retail, institutional or any commercial use, with the exception of mixed vertical uses subject to the provisions of Section 7-309.15. (Ord. 23-1994.)

(7) Accessory Uses.
(A) home occupations as defined and regulated in Chapter 7-323;
(B) Group Child Care Home, subject to Section 7-327.8(b).

(8) Uses by Special Exception.
The following use may be permitted only if authorized as a special exception by the Zoning Hearing Board pursuant to the provisions of Chapter 7-305: Child Care Center, subject to Section 7-327.8(c)(2).

(Ord. 37-1994.)

(b) Dimensional Requirements.

(1) No new building, structure, expansion or enlargement in an RPO Zone shall exceed forty-five (45) feet in height, and no new principal building or structure shall be less than twenty (20) feet in height; provided, however, that within these limitations no new principal building or structure shall vary by more than fifteen percent (15%) from the average height of the principal buildings on all abutting properties.

(2) In an RPO Zone, each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yards:** depth of at least five (5) feet or conform to existing setback within the block.

(B) **side and rear yards:** as determined by an approved building site plan indicating a total building coverage not exceeding seventy-five percent (75%) of the total lot area; provided, however, that the width of a side yard abutting a major street shall be at least five (5) feet.

(c) Signage. In an RPO Zone, only the following types of signs, subject to the restrictions attached thereto, shall be permitted:

(1) Wall signs having a maximum area of four (4) square feet or thirty percent (30%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story window lintels exist, no higher than ten (10) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area.

(2) Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the glass area of any one window or door.

(3) Only one (1) wall sign shall be permitted on any sign frontage or lot having a width of one hundred (100) feet or less abutting any public street.

(4) There shall be no limit to the number of permanent window and door signs installed in accordance with the provisions stated herein.

(5) Signs may be lighted by direct or indirect white light illumination only during the hours of operation of the advertising use; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not said light(s) are used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be so constructed and and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon any public right-of-way.

(6) Except for temporary real estate signs, all signs may contain information regarding the property address, identification of building, use or service offered therein, and the names of persons or firms occupying the building only; no other advertising or communication content shall be permitted.

(Ord. 26-1977.)

7-309.18 RESIDENTIAL PLANNED CONVERSION ZONE (RPC)

(a) In an RPC Zone, only the following buildings, structures, and uses shall be permitted:

(1) all uses, buildings and structures permitted in an RSF Zone;

(2) planned residential development approved pursuant to the provisions of Chapter 7-321;

(3) one and two-family dwellings;

(4) home occupations as defined and regulated in this Code;

(5) professional offices, studies, studios, or galleries for a physician or surgeon, optometrist, chiropractor, chiropodist, osteopath, podiatrist, dentist, artist, musician, attorney-at-law, accountant, engineer, architect, city planner, landscape architect or other like professional person. These primary uses shall be permitted subject to the following use regulations:

(A) **floor area:** professional office, study, studio or gallery uses are permitted to occupy only the first floor and basement of any existing structure. In new construction the total floor area devoted to such use shall not exceed fifty percent (50%) of the total usable floor area of the structure, or two (2) times the total lot area, whichever is less;

(B) **hours of operation:** professional offices, studies, studios, or galleries uses may be open to the public Monday through Saturday only between 7:00a.m. and 9:00 p.m.;

(C) **number of employees:** the total number

of paid employees or assistants permitted on the premises shall be determined by the existing or proposed net floor area allocated to a permitted professional office, study or gallery uses on the ratio of two hundred fifteen (215) square feet per each paid employee or assistant.

(Ord. 33-1980.)

(6) Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305, including the following:

(A) professional office, study, studio, or gallery uses when contained partially or wholly within a new building or an expansion or extension of an existing building. In no case, however, shall the floor area ratio devoted to such use exceed two to one (2.0:1.0.);

(B) commercial and vocational schools when contained partially or wholly within a new building or an expansion or extension of an existing building.

(Ord. 5-1981.)

(7) Group Child Care Homes, subject to Section 7-327.8(b). (Ord. 37-1994.)

(b) No Conversion. In an RPC Zone, no existing single-family dwelling shall be converted into two (2) or more dwelling units, or converted into office, institutional or any commercial use with the exception of home occupations as defined and regulated herein. (Ord. 23-1994.)

(c) Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305, include the following:

(1) professional office, study, studio, or gallery uses when contained partially or wholly within a new building or an expansion or extension of an existing building. In no case, however, shall the floor area ratio devoted to such use exceed two to one (2.0:1.0.); (Ord. 26-1977.)

(2) Child Care Centers subject to Section 7-327.8(c)(2). (Ord. 37-1994.)

(d) In an RPC Zone no new building, structure, expansion or enlargement shall exceed forty-five (45) feet in height with the exception of any new building, structure, expansion or enlargement authorized pursuant to either Chapter 7-321 or Chapter 7-333, in which case a new building, structure, expansion or enlargement may be erected to the maximum height allowable under each of those specified chapters.

(e) In an RPC Zone, each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** depth of at least fifteen (15) feet or conform to existing setback within the block;

(B) **side yards:**

(i) width of not less than ten percent (10%) of the lot width;

(ii) the width of a side yard abutting a major street shall be at least fifteen (15) feet;

(C) **rear yard:** depth of ten (10) feet or ten percent (10%) of the lot depth, whichever is greater.

(f) In an RPC Zone, all signs shall conform to the provisions of the Residential Professional Office Zone as set forth at Section 7-309.17(d) herein. (Ord. 26-1977.)

7-309.19 NEIGHBORHOOD CONSERVATION OVERLY ZONE (NCOD)

(a) The purpose of this section is to create overlay zoning districts to impose special restrictions governing increased intensity of development in designated residential neighborhoods of the City.

(b) These special restrictions are necessary to protect neighborhoods where existing dwelling unit densities and land use mixes are desirable and should be preserved:

(1) Scope: This section shall apply to all zoning districts within the City as determined from time to time by amendments to the Official Neighborhood Conservation Overlay District Zoning Maps.

(2) Amendment to Official Zoning Map: A neighborhood conservation district overlay of the Official Zoning Map together with all explanatory matter thereon and attached thereto shall be made a part of the Official Zoning Map of the City.

(3) Definitions: "ARTERIAL STREETS" means those publicly-owned and -maintained streets that are major transportation corridors with rights-of-way at least sixty (60) feet in width which connect the City to surrounding communities or link neighborhoods within the City, such as Downtown, Uptown, Allison Hill and South Harrisburg, to one another.

(4) Permitted Uses: Within a NCOD, all uses shall be permitted pursuant to the regulations and restrictions of the zoning district(s) in which such NCOD is located, except that any construction or alteration shall comply with Subsections (b)(6) and (7) of this Section 7-309.19. No use of any structure or unimproved land shall hereafter be changed and no structure shall be erected, extended, converted or structurally altered unless such use is in full compliance with the terms of this section and other applicable regulations and restrictions which apply to uses within the purview of this chapter.

(5) Limitations on Conversion of Existing Buildings: In areas designated as Neighborhood Conservation Overlay Districts, the following special restrictions shall apply to the use of existing buildings:

(A) no existing single-family detached, semi-detached or attached dwelling or associated accessory building shall be altered in such a way as to create additional dwelling units;

(B) no dwelling or accessory building shall be converted to another use;

(C) conversions to the following non-dwelling uses may be permitted by Special Exception:

(i) churches, religious buildings, public or parochial schools offering courses in education; community centers; and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the NCOD and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zoning district;

(ii) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses;

(iii) Community Commercial uses as defined in Section 7-311.8(a)(1) through (12) and consisting of no more than five thousand (5000) square feet may be located in existing buildings that possess a design associated with small-scale commercial use, provided that these buildings are located at the intersection of two streets, at least one of which is an arterial street.

(6) Limitations on Uses of New Buildings: Development of new buildings and improvements shall be limited to single-family detached, semi-detached or attached dwellings. The following new building construction may be permitted by Special Exception:

(A) churches, religious buildings, public or parochial schools offering courses in education and community centers and such public utility buildings or structures as the Zoning Hearing Board, upon appeal, finds are necessary to serve the NCOD and whose location and design are determined to be in the public interest and consistent with the general uses permitted in the zone;

(B) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses.

(7) Effect of NCOD on Existing Zoning Code: This section shall not be interpreted to repeal, abrogate or impair the existing Zoning Code; however, where this section imposes greater restrictions, the provisions of this section shall prevail. All other provisions of the Zoning Code not inconsistent herewith shall remain in full force and effect.

(c) The neighborhood conservation areas shown on the overlay of the Official Zoning Map of the Midtown/Uptown area are hereby designated Neighborhood Conservation Overlay Districts, and the Official Zoning Map shall be amended to reflect such amendment. (Ord. 25-1993.)

7-309.99 PENALTY

See Chapter 7-701.

CHAPTER 7-311

BUSINESS ZONES

Section	7-311.1	Business Local Zone (BL)
Section	7-311.2	Business General Zone (BG)
Section	7-311.3	Business General Outlying Zone (BGO)
Section	7-311.4	Planned Business Zone No. 1 (PB-1)
Section	7-311.5	Planned Business Zone No. 2 (PB-2)
Section	7-311.6	Special Planned Development District (SPD)
Section	7-311.7	Community Commercial Limited Zone (CCL)
Section	7-311.8	Community Commercial General Zone (CCG)
Section	7-311.99	Penalty

CROSS REFERENCES

Parking: see Chapter 7-317
Signs in business zones: see Section 7-325.1
Signs in other zones: see Section 7-325.2

7-311.1 BUSINESS LOCAL ZONE (BL ZONE)

(a) Principal Uses. In a BL Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in any Residence Zone;

(2) neighborhood retail stores, groceries, dairies, or confectioneries;

(3) service and repair shops for household and personal effects, appliances and equipment; (Ord. 79-1965.)

(4) personal service shops such as barber, beautician and shoe shine shops; (Ord. 31-1980.)

(5) drug stores, refreshment stands, snack shops, cut rate stores, or card shops;

(6) dance halls or gymnasiums;

(7) printing shops;

(8) theaters and auditoriums;

(9) the following artisan uses if not more than ten (10) persons are employed on the site and if there is no open storage of stock, raw material, waste or equipment visible from a street or alley:
(A) carpentry, cabinet making and upholstery;
(B) electrical work;
(C) pest exterminating or fumigating;
(D) painting or decorating;
(E) plumbing;
(F) auto repairing and polishing;
(G) laundromats or dry cleaning pick-up and delivery not open all night;
(H) machinist and general repairman;
(I) bakery when at least fifty percent (50%) of the produce is sold at retail on the site to the ultimate consumer;
(J) local ice, wood or coal dealer.

(Ord. 17-1965.)

(b) Special Exception. Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305, include the parking lots and structures (public or commercial). (Ord. 19-1985.)

(c) Dimensional Requirements.

(1) In a BL Zone, no building or structure shall exceed sixty (60) feet in height.

(2) In a BL Zone, each lot shall have front, side, and rear yards of not less than the depth or width indicated below:
(A) **front yard:** depth, five (5) feet.

(B) **side yards:**

(i) width, ten (10) feet each side of a principal building, provided that when a written agreement is reached by adjoining property owners, no side yard shall be required where commercial uses abut side to side; provided, however, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the depth of a front yard;

(C) **rear yard:** five (5) feet.

(Ord. 79-1965.)

(d) Miscellaneous Provisions. No use pursuant to Chapter 7-327.6 shall be permitted in a BL Zone. (Ord. 31-1980.)

7-311.2 BUSINESS GENERAL ZONE (BG)

(a) Principal Uses. In a BG Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in any Residence Zone;

(2) all buildings, structures and uses permitted in a BL Zone, without any restriction as to the number of persons employed;

(3) sales shops, stores and markets, both wholesale and retail;

(4) cigar making shops;

(5) fur and fabric storage buildings;

(6) lithography, book binding and printing plants;

(7) radio broadcasting stations and studios;

(8) storage or parking garages;

(9) express freight offices;

(10) recreation halls, poolrooms, billiard rooms, etc.;

(11) filling stations;

(12) bar rooms, taverns or restaurants;

(13) curtain, upholstery, rug cleaning or garment cleaning, when adequately housed to prevent nuisance;

(14) clubs or fraternal homes;

(15) home beverage and beer distributors;

(16) laundromats or dry cleaning pick-up and delivery;

(17) office buildings.

(Ord. 29-1974.)

(b) Dimensional Requirements.

(1) In the BG Zone, this chapter prescribes no height limitations.

(2) In a BG Zone, each lot shall have front, side, and rear yard of not less than the depth or width indicated below:

(A) **front yard:** depth, five (5) feet or conform to existing setbacks, within the block;

(B) **side yards:**

(i) width, ten (10) feet each side of a principal building, provided that when a written agreement is reached by adjoining property owners, no side yard shall be required where commercial uses abut side to side; provided, however, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, five (5) feet.

(Ord. 79-1965.)

(c) Miscellaneous Provisions. All uses permitted in a BG Zone which are deemed to be regulated uses pursuant to Section 7-327.6 shall be additionally subject to all prerequisites contained herein. (Ord. 4-1981.)

7-311.3 BUSINESS GENERAL OUTLYING ZONE (BGO)

(a) Principal Uses. In a BGO Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in a BG Zone, except that any building, structure or use shall not be permitted closer than twenty (20) feet to any line along a major street;

(2) display and sale of automotive equipment, machinery, boats, airplanes, farm equipment and other like uses, equipment, implements or appliances;

(3) commercial laundries;

(4) warehouses, as an accessory to a business, either wholesale or retail, conducted entirely on the same premises;

(5) animal homes or hospitals, including veterinarian's office or laboratory;

(6) garment cleaning and dyeing plants.

(b) Dimensional Requirements.

(1) In the BGO Zone, this section prescribes no height limitations.

(2) In a BGO Zone, each lot shall have front, side, and rear yards of not less than the depth or width indicated below:
(A) **front yard:** depth, twenty (20) feet;

(B) **side yard:**

(i) width, ten (10) feet each side of a principal building, provided that when a written agreement is reached by adjoining property owners, no side yard shall be required where commercial uses abut side to side; provided, however, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **rear yard:** depth, five (5) feet.

(Ord. 79-1965.)

(c) Miscellaneous Provisions. All uses permitted in a BGO Zone which are deemed to be regulated uses pursuant to Section 7-327.6 shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

7-311.4 PLANNED BUSINESS ZONE NO. (PB-1)

(a) Principal Uses. In a PB-1 Zone, only the following building, structures and uses shall be permitted:

(1) office buildings;

(2) stores and shops for conducting of any retail business;

(3) personal services shops;

(4) banks and savings and loans;

(5) radio or television broadcasting studios;

(6) restaurants, cafes, tea rooms, bars and taverns;

(7) private clubs;

(8) theatres, assembly halls, bowling alleys, etc. for public recreational use;

(9) telegraph, express freight or airline offices;

(10) public parking structures and public parking lots;

(11) public, civic or cultural buildings;

(12) churches;

(13) Planned Residential Development subject to Chapter 7-321;

(14) craft shops for custom work making articles or products to be sold at retail on the premises, employing not more than ten persons;

(15) open or covered pedestrian plazas;

(16) laundromats or dry cleaning pick-up delivery, or garment cleaning only when adequately housed to prevent a nuisance;

(17) hospitals or other similar institutions for human beings other than contagious of mental diseases in detached building twenty (20) feet or more distant from any line of another lot;

(18) other uses which, pursuant to the review and comment of the Planning Commission, receive the approval of Zoning Hearing Board. Such uses shall be of the same general character as those listed in this section and shall not be detrimental to any planned business zone or to the zone in which located. Action of the Board shall be in accordance with Section 7-305.2. (Ord. 19-1985.)

(b) Dimensional Requirements.

(1) In a PB-1 Zone, no structure or building shall exceed one-hundred (100) feet in height.

(2) In a PB-1 Zone, each lot shall have front, side and rear yards of not less than the width and depth indicated below:

(A) **front yard:** depth, ten (10) feet or conform to existing setback within the block;

(B) **side yard:**

(i) width, five (5) feet ach side; provided, however, no side yard shall be required where commercial uses abut side to side; provided further, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of a front yard;

(C) **rear yard:** depth five (5) feet.

(3) In a PB-1 Zone, the maximum floor area ratio of any building or structure, except for multiple dwelling use, shall not exceed five to one (5.0:1.0); the maximum floor area ratio of any building or structure for multiple dwelling use shall not exceed six to one (6.0:1.0). In any structure which incorporates more than one permitted use, the maximum floor area ratio for each such use shall be the same as that specified herein for that use in a separate structure; provided, however, that the maximum floor area ratio for the structure as a whole shall not exceed that specified herein for the individual use which occupies the largest percentage of the gross floor area of such structure.

(4) In a PB-1 Zone, the limitations of height, gross area and lot coverage shall not apply to parking garages or structures.

(Ord. 29-1974.)

(c) Nonconforming Use. In a PB-1 Zone, continuance of nonconforming uses shall be in accordance with Chapter 7-303 of this Code, provided that such uses may not be expanded, enlarged or extended due to renovation, rehabilitation or rebuilding beyond the height and area of the existing building or structure or the lot area upon which such use is located as of the effective date of this section, and as amended. (Ord. 29-1974.)

(d) Miscellaneous Provisions. All uses permitted in a PB-1 Zone which are deemed to be regulated uses pursuant to Section 7-327.6, shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

7-311.5 PLANNED BUSINESS ZONE NO. 2 (PB-2)

(a) Principal Uses. In a PB-2 Zone, only the following buildings, structures and uses shall be permitted:

(1) office buildings;

(2) stores and shops for conducting of any retail business;

(3) personal services shops;

(4) banks and savings and loans;

(5) radio or television broadcasting studios;

(6) restaurants, cafes, tea rooms, bars and taverns;

(7) private clubs;

(8) theatres, assembly halls, bowling alleys, etc. for public recreational use;

(9) hotels or motels (with adequate off-street parking);

(10) telegraph, express freight or airline offices;

(11) public transportation stations and offices;

(12) public parking structures and public parking lots;

(13) public, civic or cultural buildings;

(14) churches;

(15) Planned Residential Development subject to Chapter 7-321;

(16) craft shops for custom work, for making articles or products to be sold at retail on the premises and employing not more than ten persons;

(17) open or covered pedestrian plazas;

(18) laundromats or dry cleaning pick-up delivery, or garment cleaning only when adequately housed to prevent a nuisance;

(19) other uses which pursuant to the review and comment of the Planning Commission receive the approval of Zoning Hearing Board. Such uses shall be of the same general character as those listed in this section and shall not be detrimental to any planned business zone or to the zone in which located. Action of the Board shall be in accordance with Section 7-305.

(Ord. 19-1985.)

(b) Dimensional Requirements.

(1) In a PB-2 Zone, this chapter prescribes no height limitations.

(2) In a PB-2 Zone, each lot shall have front, side and rear yards of not less than the width and depth indicated below:

(A) **front yard:** depth, ten (10) feet or conform to existing setback within the block;

(B) **side yard:**

(i) a width of, five (5) feet each side, provided, however, no side yard shall be required where commercial uses abut side to side; provided further, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of a front yard;

(C) **rear yard:** depth, five (5) feet.

(3) The area, width and depth of lots shall provide adequate open space for off-street loading, unloading and/or for parking area and yards.

(4) In a PB-2 Zone, the minimum floor area ratio of any building or structure shall be five to one (5.0:1.0).

(Ord. 29-1974.)

(c) Nonconforming Uses. In a PB-2 Zone, continuance of nonconforming uses shall be in accordance with Chapter 7-303 of this Code, provided that such uses may not be expanded, enlarged or extended due to renovation, rehabilitation or rebuilding, beyond the height and area of the existing building or structure or the lot area upon which such use is located at the effective date of this section, as amended. (Ord. 29-1974.)

(d) Miscellaneous Provisions. All uses permitted in a PB-2 Zone which are deemed to be regulated uses pursuant to Section 7-327.6 shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

7-311.6 SPECIAL PLANNED DEVELOPMENT DISTRICT (SPD)

(a) Principal Uses. In a Special Planned Development District, the following uses shall be permitted in any building, whether existing, enlarged or newly constructed:

(1) Planned Residential Developments approved pursuant to the provisions of Chapter 7-321.

(2) one and two-family dwellings;

(Ord. 26-1977.)

(3) churches and religious buildings; public, private or parochial schools offering courses in general education, accredited colleges; libraries; community assembly halls; also governmental buildings and public utility buildings or structures, provided the Zoning Hearing Board, upon appeal, finds that their location is necessary to the service of the zone and approves the location and design. (Ord. 35-1985.)

(4) publicly owned or publicly operated parks, play spaces and other recreational facilities with customary incidental buildings, structures and uses;

(5) home occupations as defined and regulated in this Code. (Ord. 28-1978.)

(b) In a Special Planned Development District, the following uses shall be permitted only when contained entirely within an existing building:

(1) laboratories (Biochemical and X-rays);

(2) professional offices for the following: accountant, attorney-at-law, physician, osteopath, dentist, optometrist, optician, chiropractor, engineer, architect, landscape architect, city planner or other like professional person;

(3) studios for the following: interior designer, photographer, or artist;

(4) general commercial office use, provided that their use does not involve any retail activities. (Ord. 26-1977.)

(c) Special Exception. Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305 hereinbefore, include the following:

(1) any of the uses permitted in subsection (b) hereof, when contained partially or wholly within a new building, or an expansion or enlargement of an existing building; (Ord. 19-1985.)

(2) public or private parking structures. (Ord. 4-1993.)

(d) Dimensional Requirements.

(1) In an SPD Zone, no new building, structure, expansion or enlargement shall exceed forty-five (45) feet in height,and no new principal building or structure shall be less than twenty-five (25) feet in height; provided, however, that any new building, structure, expansion or enlargement authorized pursuant to either Chapter 7-321 or Chapter 7-333 may be erected to the maximum height allowable under each of those specified chapters. (Ord. 26-1977.)

(2) In a SPD Zone, each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** minimum of fifty (50) feet along Front Street north of Reily Street; fifteen (15) feet or conforming to existing setbacks within the block elsewhere;

(B) **side yard:** width of not less than ten percent (10%) of the lot width. The width of a side yard abutting a major street shall be at least fifteen (15) feet;

(C) **rear yard:** depth of fifteen (15) feet or ten (10%) percent of the lot depth, whichever is greater.

(e) Signage. In a SPD Zone, only the following types of signs, subject to the restrictions attached there to, shall be permitted:

(1) Wall signs having a maximum area of four (4) square feet or twenty percent (20%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story window lintels exist, not higher than ten (10) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area.

(2) Free-standing signs, as follows:

(A) permanently mounted free-standing signs having a maximum area of eight (8) square feet; no portion thereof shall be elevated higher than eight (8) feet above grade; no portion thereof shall extend closer than five

(5) feet to any public sidewalk or other public right-of-way; and

(B) temporary real estate signs posted on property being offered for sale or lease and having a maximum area of six (6) square feet; no portion thereof shall be elevated higher than five (5) feet above grade; no portion thereof shall extend closer than five (5) feet to any public sidewalk or other public right-of-way; such signs shall be removed not later than one (1) day following settlement on the sale or lease of the property.

(3) Permanent window and door signs having a maximum area not greater than fifteen percent (15%) of the glass area of any one window or door.

(4) Only one (1) wall sign and only one (1) free standing sign shall be permitted on any building or lot.

(5) There shall be no limit to the number of permanent window and door signs installed in accordance with the provisions stated herein.

(6) Signs may be lighted by direct or indirect white light illumination only; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not said light(s) are used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be constructed and located so that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon any public right-of-way.

(7) Except for temporary real estate signs, all signs may contain information regarding the property address, identification of building, use, or service offered therein, and names of persons or firms occupying the building only; no other advertising or communication content shall be permitted.

(Ord. 26-1977.)

(f) The following provisions shall apply to any lot or development which abuts the right-of-way of Front Street or any side street between Front and Second Streets:

(1) No building, structure or use located within a SPD District shall be permitted under any circumstances to be extended, expanded or enlarged onto any land zoned residential pursuant to Chapter 7-309 of this Code, whether by application for Special Exception pursuant to the provisions of Chapter 7-305 or otherwise; provided, however, that this exclusion shall not apply to any residential use expressly permitted by right in both the SPD District and the adjoining residential zone.

(2) The foregoing prohibition shall apply equally and completely to all buildings, structures and uses which are accessory or appurtenant to any building, structure or use located within the SPD District, including but not limited to accessory parking and driveways.

(Ord. 21-1991.)

7-311.7 COMMUNITY COMMERCIAL LIMITED ZONE (CCL)

(a) Principal Uses. In a CCL Zone, only the following buildings, structures and uses shall be permitted:

(1) bakeries;

(2) barber and beauty shops;

(3) confectionery stores with fountain;

(4) dairy product stores;

(5) delicatessens;

(6) dry cleaners (no on-site cleaning plant);

(7) florist shops;

(8) grocery stores;
(9) laundromats;

(10) pharmacy or drug stores;

(11) professional offices for the following: accountant, attorney, physician, osteopath, dentist, optometrist, optician, chiropractor, engineer, city planner, registered lobbyist, architect, landscape architect or surveyor, or other like professional person;

(12) studios for the following: interior designer, photographer, artist, tailor or dressmaker, or specialty boutique;

(13) one-and two-family dwellings;

(14) Planned Residential Development approved pursuant to the provisions of Chapter 7-321.

(Ord. 26-1977.)

(b) Special Exception. Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305, include the following:

(1) restaurants;

(2) cocktail lounges and bars;

(Ord. 19-1985.)

(3) public parking structures, private off-site accessory parking structures and commercial parking structures, except that commercial parking structures are not permitted by special exception in Special Intensity Districts governed by the provisions of Chapter 7-333. (Ord. 4-1993.)

(c) Dimensional Requirements.

(1) In a CCL Zone, no new building, structure, expansion, or enlargement shall exceed fifty (50) feet in height, with the exception of any new building, structure, expansion or enlargement authorized pursuant to either Chapter 7-321 or Chapter 7-333, in which case a new building, structure, expansion or enlargement may be erected to the maximum height allowable under each of those specified chapters.

(2) In a CCL Zone, each lot shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** depth of at least five (5) feet or conform to existing setback on the block;

(B) **side yards:** width of at least five (5) feet each side, except, where commercial properties adjoin, no side yard is required provided there is a written agreement between owners of said adjoining properties permitting the structures to abut. In no case, however, shall party walls be permitted between properties under separate ownership. The width of a side yard abutting a major street shall be at least five (5) feet.

(C) **rear yard:** depth of at least five (5) feet. In the case of commercial uses where loading or docking space is required, space designed to accommodate such activities must be set aside and provided for on the property. Adequate off-street parking shall also be provided in accordance with the provisions of Chapter 7-319.

(Ord. 26-1977.)

(d) Signage. In a CCL Zone, only the following types of signs, subject to the restrictions attached thereto, shall be permitted:

(1) Wall signs having a maximum area not greater than thirty-five percent (35%) of the signable wall area, but in no case greater than fifty (50) square feet; no portion thereof shall be elevated higher than the second-story windowsill line or, if no second-story windows exist, not higher than thirteen (13) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area.

(2) Projecting signs having a maximum area of six (6) square feet; no portion thereof shall extend farther than four (4) feet from the wall surface to which it is attached or not farther than one-third (1/3) the width of the public sidewalk below, whichever is less; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than the second-story windowsill line or, if no second-story windows exist, not higher than thirteen (13) feet above grade.

(3) Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the total glass area of any one window or door.

(4) Parking signs on commercial parking lots and parking structures, except that entrance and exit signs and legal warning signs not greater than two (2) square feet in area each shall be permitted on both commercial and noncommercial parking lots, as follows:

(A) free standing parking signs on commercial parking lots only and having a maximum area of twelve (12) square feet; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than fifteen (15) feet above grade; no portion thereof shall extend farther than four (4) feet over a public sidewalk or no further than one-third (1/3) the width of the public sidewalk below, whichever is less;

(B) projecting parking signs mounted on parking structures only and having a maximum area of twelve (12) square feet; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than fifteen (15) feet above grade; no portion thereof shall extend farther than four (4) feet over a public sidewalk or no further than one-third (1/3) the width of the public sidewalk below, whichever is less.

(5) Free standing signs not advertising parking and having a maximum area of four (4) square feet; no portion thereof shall be elevated higher than six (6) feet above grade; all portions thereof shall conform to the setbacks established in this zone for all structures.

(6) Only one (1) wall sign, projecting sign or free standing sign shall be permitted on any sign frontage or lot having a width of one hundred (100) feet or less abutting any public street.

(7) Only one (1) parking sign shall be permitted on any commercial parking lot or parking structure abutting any major street.

(8) There shall be no limit to the number of permanent window and door signs installed in accordance with the provisions stated herein.

(9) Signs may be lighted by direct illumination or indirect illumination; in lieu of direct or

indirect illumination, a wall sign may consist of a body and background surface which shall not be luminous but which may display or have applied to them individual letters, words, symbols, trademarks or designs which are luminous, and the luminous area of which in the aggregate does not exceed fifty percent (50%) of the total sign area; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not said light(s) are uses for purposes of illumination or for purposes incidental to the communication or advertising content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon any public right-of-way.

(Ord. 26-1977.)

(e) No use pursuant to Section 7-327.6 shall be permitted in a CCL Zone. (Ord. 31-1980.)

7-311.8 COMMUNITY COMMERCIAL GENERAL ZONE (CCG)

(a) Principal Uses. In a CCG Zone, only the following buildings, structures and uses shall be permitted:

(1) all uses, buildings and structures permitted in a CCL zones;

(2) antique shops;

(3) appliance sales and service stores;

(4) art supply stores;

(5) book stores;

(6) general commercial offices;

(7) clothing apparel shops;

(8) clubs, lounges and meeting halls;

(9) curio shops;

(10) data processing centers;

(11) department stores;

(12) drapery stores;

(13) dress and millinery shops;

(14) electrical and electronic supplies (retail);

(15) floor covering stores;

(16) printing shops;

(17) schools (public or private);

(18) sporting goods stores;

(19) shoe stores;

(20) studios and galleries;
(21) tailor shops;

(22) tobacco shops;

(23) toy stores;

(24) travel agencies;

(25) auditoriums and theatres;

(26) nightclubs;

(27) cocktail lounges or bars;

(28) recreation halls;

(29) restaurants;

(30) hardware stores;

(31) carpet, curtain and garment cleaning shops, when adequately housed to prevent nuisance;

(32) home beverage and beer distributors;

(33) the following artisan uses, if not more than ten (10) persons are employed on the site and if there is no open storage of stock, raw material, waste or equipment unscreened from any public right-of-way:
(A) carpentry, cabinet making and upholstery;
(B) electrical work;
(C) pest exterminating or fumigating;
(D) painting or decorating;
(E) plumbing;
(F) dry cleaning, including pick-up and delivery service;
(G) machinist and general repairman;
(H) bakery;
(I) local ice, wood or coal dealer;

(34) furniture stores.

(Ord. 26-1977.)

(b) Special Exception. Uses that may be permitted by special exception, pursuant to the provisions of Chapter 7-305 include the following:

(1) pet shops;

(2) repair garages and filling stations; (Ord. 19-1985.)

(3) public parking structures, private off-site accessory parking structures, and commercial parking structures, except that commercial parking structures are not permitted by special exception in Special Intensity Districts governed by the provisions of Chapter 7-333. (Ord. 4-1993.)

(c) Dimensional Requirements.

(1) In a CCG Zone, no new building, structure, expansion or enlargement shall exceed sixty (60) feet in height, with the exception of any new building, structure, expansion or enlargement authorized pursuant to either Chapter 7-321 or Chapter 7-333, in which case a new building, structure, expansion, or enlargement may be erected to the maximum height allowable under each of those specified chapters.

(2) In a CCG Zone, each lot shall have front, side and rear yard setbacks of not less than the width and depth indicated below:

(A) **front yard:** depth not less than ten (10) feet or conform to existing setbacks on the block;

(B) **side yard:** width of at least five (5) feet, except where commercial properties adjoin, no side yard is required provided there is a written agreement between owners of said adjoining properties permitting the structures to abut. In no case, however, shall party walls be permitted between properties under separate ownership. The width of a side yard abutting a major street shall be five (5) feet;

(C) **rear yard:** depth of at least five (5) feet. In the case of commercial uses where loading and docking space is required, space designed to accommodate such activities must be set aside and provided for on the property. Adequate off-street parking shall also be provided in accordance with the provisions of Chapter 7-319.

(Ord. 26-1977.)

(d) Signage. In a CCG Zone, only the following types of signs, subject to the restrictions attached thereto, shall be permitted:

(1) Wall signs having a maximum area not greater than fifty percent (50%) of the signable wall area, but in no case greater than one hundred (100) square feet; no portion thereof shall be elevated higher than the second-floor windowsill line or, if no second-story windows exist, not higher than twenty (20) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area.

(2) Projecting signs having a maximum area of twelve (12) square feet; no portion thereof shall extend farther than six (6) feet from the wall surface to which it is attached or no farther than one-half (1/2) the width of the public sidewalk below, whichever is less; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than the second-story windowsill line or, if no second-story windows exist, not higher than twenty (20) feet above grade.

(3) Permanent window and door signs having a maximum area not greater than twenty-five percent (25%) of the total glass area of any one window or door.

(Ord. 26-1977.)

(4) Parking signs on commercial parking lots and parking structures, except that entrance and exit signs and legal warning signs not greater than two (2) square feet in area each shall be permitted on both commercial and noncommercial parking lots, as follows:

(A) free standing parking signs on commercial parking lots only and having a maximum area of twenty (20) square feet; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than fifteen (15) feet above grade; no portion thereof shall project farther than six (6) feet over a public sidewalk or one-half (1/2) the width of the sidewalk below, whichever is less; and

(B) projecting parking signs mounted on parking structures only and having a maximum area of twenty (20) square feet; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than fifteen (15) feet above grade; no portion thereof shall extend farther than six (6) feet over a public sidewalk or no farther than one-half (1/2)

the width of the public sidewalk below, whichever is less.

(5) Free standing signs not advertising parking and having a maximum area of six (6) square feet; no portion thereof shall be elevated higher than six (6) feet above grade; all portions thereof shall conform to the setbacks established in this zone for all structures.

(6) Time and temperature signs, as follows:
   (A) wall mounted time and temperature signs having a maximum area not greater than fifty percent (50%) of the signable wall area, but in no case greater than one hundred (100) square feet; no portion thereof shall be elevated higher than the second-floor window-sill line or, if no second-floor windows exist, not higher than twenty (20) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area; any information not pertaining to the display of time and temperature shall not occupy more than one-third (1/3) of the sign area; and
   (B) projecting time and temperature signs having a maximum area of eighteen (18) square feet. Any information not pertaining to the display of time and temperature information shall not occupy more than fifty percent (50%) of the sign area; no portion thereof shall extend farther than six (6) feet from the wall surface to which it is attached or any farther than one-half (1/2) the width of the public sidewalk below, whichever is less; no portion thereof shall be elevated less than ten (10) feet above grade nor higher than the second story window sill line or, if no second story windows exist, not higher than twenty (20) feet above grade.

(7) Only one (1) wall sign, projecting sign, or free standing sign shall be permitted on any sign frontage or lot having a width of one hundred (100) feet or less abutting any public street.

(8) Only one (1) parking sign shall be permitted on any commercial parking lot or parking structure abutting any major street.

(9) There shall be no limit to the number of permanent window and door signs installed in accordance with the provisions stated herein.

(10) Only one (1) projecting time and temperature sign shall be permitted on any building and only if said building does not have a projecting sign, and only one (1) wall time and temperature sign shall be permitted on any building and only if said building does not have a wall sign; however, a time and temperature sign may be permitted on a building with a sign of different type provided that each adheres to the respective regulations set forth in this Code.

(11) Signs may be lighted by direct illumination or indirect illumination, or in lieu of direct or indirect illumination, a sign may consist of a body and background surface which shall not be luminous but which may display or have applied to them individual letters, words, symbols, trademarks or designs which are luminous and the luminous area of which in the aggregate does not exceed fifty percent (50%) of the total sign area; luminous wall signs are also permitted; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not said light(s) are used for purposes of illumination or for purposes incidental to the communication or advertising content of the sign; all illumination sources shall be so constructed and located that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon any public right-of-way.

(Ord. 26-1977.)

(e) All uses permitted in a CCG Zone which are deemed to be regulated uses pursuant to Section 7-327.6, shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

7-311.99 PENALTY

See Chapter 7-701.

CHAPTER 7-313

INDUSTRY ZONES

Section 7-313.1 Light Industry Zone (ML)
Section 7-313.2 Heavy Industry Zone (MH)

CROSS REFERENCES

Parking: see Chapter 7-319
Signs: see Section 7-325.1

7-313.1 LIGHT INDUSTRY ZONE (ML)

(a) The Light Industry Zone shall, in general, be used for industries making or handling goods that are light and compact, those involving largely manpower and light power operations housed in factory buildings.

(b) Principal Uses. In an ML Zone, only the following buildings, structures and uses shall be permitted:

(1) all buildings, structures and uses permitted in any residence zone;

(2) all buildings, structures and uses permitted in any business zone without any restrictions as may be specified therein;

(3) airplane shops or warehouses;

(4) automobile body works, painting, general repair shops and tire works;

(5) commercial bakeries;

(6) import beer distributors;

(7) blacksmithing;
(8) carpet and rug cleaning shops;

(9) ice cream factories and food processing plants generally;

(10) cold storage locker service and ice manufacture;

(11) dental laboratories;
(12) general and heavy construction;

(13) die cutting and machine shops;

(14) electroplating shops;

(15) feed stores for mixing, packaging, milling, or selling of feed;

(16) foundries for nonferrous metals, iron, steel, or aluminum fabrication for products of one-half (1/2) ton or less in weight;

(17) mill supplies, machinery and parts;

(18) moving and storage businesses;

(19) stone and monument works;

(20) outdoor advertising workrooms;

(21) pottery works;

(22) rubber and plastic processing works;

(23) welding shops;

(24) warehousing;

(25) motor transport business;

(26) coal and wood dealers, lumber yards, planing mills, furniture making, and wood manufacture.

(27) burial vault manufacture and sales;

(28) builders' supplies, house builders and re-modelers;

(29) heating and ventilating contractors;

(30) automobile dismantling and junking work, if the processing and storing of materials is entirely enclosed within approved masonry walls not less than eight (8) feet high;

(31) junkyards and businesses of the processing and storing of materials if entirely enclosed within approved masonry walls not less than eight (8) feet high;

(32) tire recapping and rubber vulcanizing works;

(33) assembling and disassembling of lightweight metal products such as aluminum, steel, etc., to manufacture doors, storm windows and like products.

(Ord. 61-1966.)

(c) Dimensional Requirements.

(1) In an ML Zone there are no height limitations.

(2) In an ML Zone each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, ten (10) feet or conform to existing setback within the block;

(B) **side yards:**

(i) width, ten (10) feet each side of a principal building, provided that when a written agreement is provided by adjoining property owners no side yard shall be required where commercial uses abut side to side. However in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of the front yard;

(C) **Rear yards:** depth, five (5) feet.

(Ord. 61-1966.)

(d) Miscellaneous Provisions. All uses permitted in a ML Zone which are deemed to be regulated uses pursuant to Section 7-327.6 shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

7-313.2 HEAVY INDUSTRY ZONE (MH)

(a) Principal Uses. In an MH Zone, all buildings, structures and uses shall be permitted except the following:

(1) distillation of bones;

(2) storage and incineration of dead animals, offal, garbage or refuse, except when performed by the City;

(3) dwellings, except living quarters for bona fide caretakers or watchmen and their families;

(4) manufacture of acids, ammonia, chlorine, bleach, explosives or fireworks, highly compressed inflammable gases, matches, viscose nylon, or celanese products.

(b) Dimensional Requirements.

(1) In an MH Zone, there are no height limitations.

(2) In an MH Zone, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(A) **front yard:** depth, ten (10) feet or conform to existing setback, within the block;

(B) **side yards:**

(i) width, ten (10) feet each side of a principal building, provided that when a written agreement is produced by adjoining property owners no side yard shall be required where commercial uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership;

(ii) the width of a side yard abutting a major street shall equal the required depth of the front yard.

(C) **rear yard:** depth, five (5) feet.

(Ord. 79-1965.)

(c) Miscellaneous Provisions. All uses permitted in a MH Zone which are deemed to be regulated uses pursuant to Section 7-327.6 shall be additionally subject to all prerequisites contained therein. (Ord. 31-1980.)

CHAPTER 7-315

OPEN-SPACE ZONES

Section	7-315.1	Purposes
Section	7-315.2	Open Spaces Recreational Zone (OSR)
Section	7-315.3	Conditional Uses

CROSS REFERENCES

Flood Plain Zoning: see Chapter 7-329
RSF Zone: see Section 7-309.1

7-315.1 PURPOSES

It is the intent of this chapter to:

(1) further implement the objectives of this Code;

(2) protect and preserve open-space land as a limited resource which benefits the public welfare;

(3) provide for the rational planning of urban development and the retention of land in its natural or near-natural states to protect life and property in the community from the hazards of fire and flood;

(4) allow for a reasonable range of uses for open-space land, subject to regulations which would insure the preservation and protection of its inherent open-space characteristics and continued availability for the following purposes: recreation land, conservation of natural resource land, natural habitat for wildlife and vegetation, scenic land, agricultural land or similar types of low-density uses.

(Ord. 26-1977.)

7-315.2 OPEN SPACE RECREATION ZONE (OSR)

(a) Principal Uses. In an OSR Zone, only the following buildings, structures and uses shall be permitted:

(1) public parks for general recreation or leisure time use;

(2) playgrounds and athletic fields and areas;

(3) game court areas;

(4) bleachers;

(5) camping and picnic areas;

(6) archery ranges;

(7) public golf courses;

(8) public swimming pools;

(9) outdoor ice skating or roller skating rinks;

(10) boat landing and docking facilities;

(11) bandshells and open air amphitheaters;

(12) botanical gardens, arboretums and other ornamental open spaces;

(13) historic sites and monuments;

(14) aquatic and wildlife preserves;

(15) agricultural uses;

(16) land in its natural state;

(17) all other uses which are primarily intended to be accessory to the above-named uses and which are located on the same lot as the primary use.

(Ord. 26-1977.)

(b) Dimensional Requirements.

(1) In an OSR Zone, no new building, structure, expansion or enlargement shall exceed twenty-five (25) feet in height.

(2) In an OSR Zone, the minimum open space required for each lot shall be seventy percent (70%) of the

total gross lot area. For the purpose of this section, open space shall be considered to include only the land area of the lot, including any water areas which comprise a portion thereof, which is not covered by buildings, parking garages or surface parking areas, or any accessory structures.

(3) In an OSR Zone, each lot other than a lot which is owned and developed by a municipality shall have front, side and rear yard setbacks of not less than the depth or width indicated below:

(A) **front yard:** minimum fifteen (15) feet or conforming to existing setback within the block; provided, however, that a minimum setback of fifty (50) feet shall be required along the east side of Front Street north of Reily Street;

(B) **side yard:** width of not less than ten percent (10%) of the lot width. The width of a side yard abutting a major street shall be at least fifteen (15) feet;

(C) **rear yard:** depth of fifteen (15) feet or ten percent (10%) of the lot depth, whichever is greater.

(Ord. 26-1977.)

(c) Signage. In an OSR Zone, only the following types of signs other than those erected by a municipal agency, subject to the restrictions attached thereto shall be permitted:

(1) Wall signs having a maximum area of four (4) square feet or twenty percent (20%) of the signable wall area, whichever is less; no portion thereof shall be elevated higher than the first-story window lintel line or, if no first-story window lintels exist, not higher than ten (10) feet above grade; no portion thereof shall extend beyond the perimeter of said signable wall area.

(2) Permanently mounted free standing signs, containing the following information only: name of the property, the property's uses or services offered therein, and the name of persons or organizations occupying some portion of a building on the property. In no case shall this type of free standing sign exceed a maximum area of eight (8) square feet. No portion thereof shall extend

higher than eight (8) feet above grade nor closer than five (5) feet to any public right-of-way.

(3) Temporary free-standing real estate signs posted on property being offered for sale or lease and having a maximum area of six (6) square feet; no portion thereof shall be elevated higher than five (5) feet above grade; no portion thereof shall extend closer than five (5) feet to any public sidewalk or other public right-of-way; such signs shall be removed not later than one (1) day following settlement on the sale or lease of the property.

(4) Permanent window and door signs having a minimum area not greater than fifteen percent (15%) of the glass area of any one window or door.

(5) Only one (1) wall sign and only one (1) free-standing sign shall be permitted on any building or lot.

(6) There shall be no limit to the number of permanent window and door signs installed in accordance with the provisions stated herein.

(7) Signs may be lighted by direct or indirect white light illumination only; no portion of any sign shall be luminous; in no case shall any flashing or pulsating light(s) be permitted in, on or about any sign which is visible from any public way, whether or not said light(s) are used for purposes of illumination or for purposes incidental to the communication content of the sign; all illumination sources shall be constructed and located so that no portion of an adjacent property shall be illuminated and so that no glare shall be visible to pedestrian or vehicular traffic upon any public right-of-way.

(8) Except for temporary real estate signs, all signs permitted in this Section may contain information regarding the property address, identification of building, use or service offered therein, and names of persons or organizations occupying the building or the property; no other advertising or communication content shall be permitted.

(Ord. 26-1977.)

7-315.3 CONDITIONAL USES

(a) The Council of the City, upon application filed with the Zoning Administrator, pursuant to the review and recommendation of the City Planning Commission and pursuant to public notice and a public hearing held thereon, may authorize conditional use permits, to be issued by the Zoning Administrator in any Open Space Recreation Zone for the following uses subject to the provisions of Subsection 7-315.3(b) hereinafter:

(1) community centers;

(2) indoor recreation facilities;

(3) schools and colleges;

(4) art and natural science museums;

(5) planetariums;

(6) public libraries;

(7) flood protection structures;

(8) public utility structures and facilities;

(9) other like buildings, structures or uses whose express purpose is to promote the general welfare;

(10) single family detached dwellings subject to the provisions of the Residential Single Family (RSF) Zone, specified hereinbefore.

(b) In acting upon requests for conditional uses, the Council shall consider all relevant factors including but not limited to the following:

(1) the proposed use will be in keeping with the purposes and intent of this chapter;

(2) the proposed use will be compatible with the general character of the surrounding environment; and

(3) the proposed change will result in no significant adverse environmental impacts.

(c) Upon reaching a determination, the Council shall pass a resolution either authorizing or rejecting the proposed use. Said resolution may stipulate additional requirements that shall be required of the property owner. In no case shall the period

between the date on which the application for the granting of a conditional use is made to the Zoning Administrator and the date upon which City Council issues a final decision exceed one hundred twenty (120) calendar days. (Ord. 26-1977.)

CHAPTER 7-317

ARCHITECTURAL CONSERVATION OVERLAY DISTRICTS

Section	7-317.1	Purpose
Section	7-317.2	Definitions
Section	7-317.3	Scope
Section	7-317.4	Official Zoning Map
Section	7-317.5	Compliance
Section	7-317.6	Permitted Uses
Section	7-317.7	District Creation
Section	7-317.8	Administration of the District
Section	7-317.9	Appeal of Examiner's Determinations
Section	7-317.10	Statutory Construction

CROSS REFERENCES

7-317.1 PURPOSE

(a) The purpose of these special regulations is to create an overlay zoning classification for instances in which:

(1) there exists a sense of place and identity in a neighborhood that is fostered by the physical character of its streetscape;

(2) the criteria to be designated a Municipal Historic District cannot be met, but the character of the neighborhood warrants preservation; or

(3) the enforcement of Historic District regulations would discourage proper maintenance or property ownrship.

(b) These special regulations are necessary to:

(1) promote, protect and facilitate the general welfare; and
(2) assure coordinated and practical community development; and

(3) protect the existing physical character of neighborhoods.

(Ord. 26-1995.)

7-317.2 DEFINITIONS

(a) "DESIGN GUIDELINES" means a set of standards and specifications which define the parameters to be followed in site and/or building design and development within a specific Architectural Conservation Overlay Zoning District.

(b) "PRIMARY FACADE" means the exterior wall of a structure which faces a street and contains the principal entrance to the structure.

(c) All other definitions of terms used herein shall be those applicable to the Planning and Zoning Code. (Ord. 26-1995.)

7-317.3 SCOPE

An Architectural Conservation Overlay of the Official Zoning Map is hereby made a part thereof. (Ord. 26-1995.)

7-317.5 COMPLIANCE

Any Architectural Conservation Overlay District (hereinafter "ACO District") designated by the City Council shall be shown on the overlay created by Section 7-317.4, and the provisions hereof shall serve as a supplement to the underlying zoning district regulations. Thus, the use of any structure or land shall hereafter not be changed, and no structure shall be located, extended, converted or structurally altered, without full compliance with the provisions of this chapter as well as those regulating the existing underlying zoning district. (Ord. 26-1995.)

7-317.6 PERMITTED USES

The use, bulk, and yard requirements within an ACO District shall be determined by the regulations applicable to the underlying zoning district(s) upon which such ACO District is superimposed, except that any new construction or alterations to existing structures shall additionally comply with Section 7-317.7. (Ord. 26-1995.)

7-317.6 DISTRICT CREATION

(a) A neighborhood shall be designated and ACO District if it meets the following criteria and complies with the following procedures:

(1) A petition shall be submitted to the Deputy Director for Planning or designee affirming community support for the creation of the ACO District. This petition shall contain the signatures of representatives of:
   (A) no less than sixty percent (60%) of all housing units located within the proposed ACO District boundaries;
   (B) no less than fifty-one percent (51%) of all owner-occupied housing units located within the proposed ACO District boundaries; and
   (C) the petition shall list all neighborhood groups located within the proposed ACO District and shall include each group's current presiding officer and mailing address. For purposes of this section, a representative of a housing unit shall be one (1) adult person living on the premises whose name appears on either the deed or the lease to such premises.

(2) Petitioners shall submit a map which clearly delineates all boundaries within as well as without the proposed ACO District tax and all parcels therein.

(3) Petitioners shall submit a set of proposed Design Guidelines for alterations to facades, new construction and demolition, which guidelines shall be adopted coincident with the adoption of the ACO District. The Design Guidelines for each ACO District shall be registered with the Bureau of Planning and shall:
   (A) govern alterations to the architectural features of primary facades and of side walls facing a City thoroughfare having a right-of-way of no less than twenty (20) feet;
   (B) be written to ensure that new construction will be compatible with existing patterns of development in the neighborhood and the massing, proportion and fenestration patterns of existing buildings; and
   (C) specify the treatment that must be given to lots left vacant by the demolition of free-standing buildings. In the case of the demolition of an attached building, the

design guidelines shall require that the newly exposed party wall be stabilized, made weather-tight, waterproofed and finished in a workmanlike manner.

(b) Additional considerations for approval include, but are not limited to, the following:

(1) An ACO District shall cover no less than twelve (12) blocks.

(2) A minimum of eighty percent (80%) of the residential buildings within the ACO District shall be no less than forty (40) years old.

(3) A minimum of seventy-five percent (75%) of the residential buildings shall be occupied.

(c) Upon receipt of the petition, map and proposed Design Guidelines, which together constitute an ACO District Proposal, and prior to review by the Harrisburg Architectural Review Board (hereinafter "HARB"), the Deputy Director for Planning or a designee shall make arrangements for an hold a neighborhood meeting. The ACO District Proposal shall then be reviewed according to the following process:

(1) the HARB will forward a recommendation to the Harrisburg Planning Commission;

(2) the Harrisburg Planning Commission, in turn, will forward a recommendation to City Council; and

(3) City Council shall hold a public hearing prior to taking final action to approve or deny the ACO District Proposal.

(d) Notice and advertisements shall be governed by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §§10101, et seq.

(e) The Deputy Director for Planning or a designee shall send written notice of the ACO District designation to the owners of each building within the designated ACO District and also to any neighborhood groups located within the ACO District, if listed on the petition. (Ord. 26-1995.)

7-317.8 ADMINISTRATION OF THE DISTRICT

(a) The Deputy Director for Planning or a deisgnee shall act as an Examiner to administer each ACO District's regulations.

(b) No person shall receive a building permit to alter, demolish or construct a residential building within an ACO District without first filing an application for same with the Examiner.

(c) At the time that a building permit application is filed for alteration, demolition or construction, the applicant shall submit to the Examiner the following:

(1) a narrative description of the proposed work;

(2) photographs of existing conditions;

(3) plans and illustrations of the proposed work;

(4) plans and specifications for any construction proposed after demolition, if applicable; and

(5) such other information as the Examiner may reasonably require to exercise his or her duties and responsibilities under this section.

(d) In making a determination as to the appropriateness of the proposed alterations, demolition, or construction, the Examiner shall consider:

(1) the purpose of this chapter;

(2) the effect of the proposed work on the building and on the ACO District;

(3) the design of the proposed work; and

(4) the extent to which the proposal is in accordance with the ACO District's design guidelines.

(e) Within ten (10) days of receipt of the application, the Examiner shall act to approve, approve with conditions, or deny the application, and shall notify the applicant accordingly. If a neighborhood group is designated in the petition creating the ACO District, the Examiner shall notify the group of the application at the time of filing and of his or her decision at the same time that notice of the decision is sent to the applicant. (Ord. 26-1995.)

7-317.9 APPEAL OF EXAMINER'S DETERMINATION

All appeals of the Examiner's determinations will be made to the HARB. Appeals must be filed within seven (7) days of the

Examiner's action. If HARB recommends denial of an application, the case shall then be forwarded to City Council for final approval or denial. If HARB approves the application, its decision will be deemed the final action of the City on said application. (Ord. 26-1995.)

7-317.10 STATUTORY CONSTRUCTION

It is not intended by this chapter to repeal, abrogate or impair the existing Planning and Zoning Code. However, where a conflict arises between the provisions of this ordinance and those of any underlying zoning classification, the more restrictive provision shall control. All other provisions of the Planning and Zoning Code not inconsistent herewith shall remain in full force and effect. (Ord. 26-1995.)

CHAPTER 7-319

OFF-STREET PARKING AND LOADING

Section	7-319.1	Off-Street Parking Facilities in Residence Zones
Section	7-319.2	Residential Accessory Off-Street Parking Facilities
Section	7-319.3	Nonresidential Accessory Off-Street Parking Facilities
Section	7-319.4	Standards for Provision of Accessory Off-Street Parking
Section	7-319.5	Change of Accessory Parking Use
Section	7-319.6	Loading and Unloading Facilities
Section	7-319.7	Parking Facility Design Standards
Section	7-319.8	Off-Street Parking as a Conditional Use
Section	7-319.9	Compliance with Design Standards

CROSS REFERENCES

Accessory parking permit by board: see Chapter 7-305
Accessory off-street parking defined: see Chapter 1-302
Parking structure defined: see Chapter 1-302
Parking structure permit by board: see Chapter 7-305
Special Exception: see Chapter 7-311

7-319.1 OFF-STREET PARKING FACILITIES IN RESIDENCE ZONES

No one-(1) or two-(2) family dwellings or multiple dwellings shall be erected, nor shall any building or structure be converted to use as, two (2) or more dwelling units in any zone unless there is provided as accessory thereto off-street parking facilities in accordance with the provisions of Section 7-319.5, herein. Residential parking facilities shall at all times be used exclusively for parking purposes. In addition, dwellings or multiple dwellings enlarged to accommodate additional family units shall provide additional parking facilities for each unit added incident to such enlargement as herein required. (Ord. 19-1985.)

7-319.2 RESIDENTIAL ACCESSORY OFF-STREET PARKING FACILITIES

(a) In case of newly constructed dwelling units in any zone, residential accessory off-street parking shall be located on the same lot as the principal use. Accessory parking may be permitted on a lot abutting the principal use by Special Exception subject to the provisions of Chapter 7-305 hereinbefore. Accessory parking may be waived in a Planned Business Zone or Special Intensity District, in whole or in part, by the granting of a Special Exception pursuant to the provisions of Chapter 7-305, provided that the Zoning Hearing Board finds that adequate commercial or public parking is available in the vicinity and that public transportation is deemed adequate to provide the needs for such use.

(b) In the case of the conversion of an existing building to residential use in any Planned Business Zone or Special Intensity District established pursuant to Chapter 7-311 or Chapter 7-305 of this Zoning Code, residential accessory off-street parking shall be located on the same lot as the principal use and shall not be located on an abutting lot which has been consolidated with said use for the obvious purpose of establishing accessory parking. Accessory parking may be permitted on a lot abutting the principal use by Special Exception, subject to the provisions of Chapter 7-305. Accessory parking may be waived, in whole or in part, by the granting of a Special Exception pursuant to the provisions of Chapter 7-317, provided that the Zoning Hearing Board finds that adequate commercial or public parking is available in the vicinity and that public transportation service is deemed adequate to provide the needs for such use.

(c) In the case of dwelling units resulting from the conversion of an existing building or portion thereof to residential use in any zone other than a Planned Business Zone or Special Intensity District, residential accessory off-street parking shall be located within three hundred (300) feet of the principal use as measured from any point of the property containing the principal use along the shortest available route of the public right-of-way to any point of the property containing the off-street parking, provided that the accessory parking is not located with a Planned Business Zone or Special Intensity District.

(d) In the case of continuous operation of any building, or portion thereof, for residential use in any zone, off-street parking requirements shall adhere to Chapter 7-319.2(b) or (c), whichever subsection is pertinent to the particular zone in which the subject building is located, if the establishment of off-street parking is initiated by the owner or tenant of a continuously operated principal use.

(e) Residential accessory parking facilities shall at all times be used exclusively for parking purposes.

(f) All newly established, modified or enlarged residential accessory off-street parking facilities shall conform with the provisions of this section. (Ord. 19-1985.)

7-319.3 NON-RESIDENTIAL ACCESSORY OFF-STREET PARKING FACILITIES

(a) No building or other structure intended for non-residential use, including commercial, industrial, professional, institutional, office, or business use, shall hereafter be erected, nor shall any building or structure hereafter be enlarged or converted to such use in any zone, unless there is provided as accessory thereto off-street parking facilities to accommodate persons having business thereat in accordance with the provisions of Section 7-319.5.

(b) In the case of a newly constructed building erected to accommodate non-residential use in any zone, accessory off-street parking shall be located on the same lot as the principal use. Accessory parking may be permitted on a lot abutting the principal use by Special Exception, subject to the provisions of Chapter 7-305. Accessory parking may be waived in a Planned Business Zone or Special Intensity District, in whole or in part, by the granting of a Special Exception pursuant to the provisions of Chapter 7-305, provided that the Zoning Hearing Board finds that adequate commercial or public parking is available in the vicinity and that public transportation service is deemed adequate to provide the needs for such.

(c) In the case of the conversion of an existing building to accommodate non-residential use in any Residential, Special Planned Development, or Open Space Recreational Zone, accessory off-street parking shall be located on the same lot as the principal use and shall not be located on an abutting lot which has been consolidated with said use for the obvious purpose of establishing accessory parking. Accessory parking may be permitted on a lot abutting the principal use by Special Exception subject to the provisions of Chapter 7-305. Non-residential accessory parking in any Special Planned Development or Open Space Recreational Zone which is also in a Special Intensity District shall be regulated by Section 7-319.4.

(d) In the case of the conversion of an existing building to accommodate non-residential use in any Planned Business Zone or Special Intensity District established pursuant to Chapter 7-311 or Chapter 7-313 of this Zoning Code, non-residential accessory off-street parking shall be located on the same lot as

the principal use and shall not be located on a lot abutting the principal use which has been consolidated with said use for the obvious purpose of establishing accessory parking. Accessory parking may be permitted on a lot abutting the principal use by Special Exception subject to the provisions of Chapter 7-305. Accessory parking may be waived, in whole or in part, by the granting of a Special Exception pursuant to the provisions of Chapter 7-305, provided that the Zoning Hearing Board finds that adequate commercial or public parking is available in the vicinity and that public transportation service is deemed adequate to serve the needs for such use.

(e) In the case of a conversion of an existing building to accommodate non-residential use in any zone other than a Residential, Special Planned Development, Open Space Recreational, and Planned Business Zone or Special Intensity District, residential off-street parking shall be located within three hundred (300) feet of the principal use as measured from any point of the property containing the off-street parking, provided that the accessory off-street parking is not located within a Residential, Special Planned Development, Open Space Recreational, and Planned Business Zone, nor in a Special Intensity District.

(f) In the case of continuous operation of any building, or portion thereof, for non-residential use in any zone, off-street parking requirements shall adhere to Subsection 7-319.3(c), (d), or (e), whichever subsection is pertinent to the particular zone in which the subject use is located, if the establishment of off-street parking is initiated by the owner or tenant of a continuously operated principal use.

(g) Commercial, industrial and office building accessory off-street parking facilities shall at all times be used exclusively for parking purposes.

(h) All newly established, modified or enlarged off-street parking structures and lots shall conform with the provisions of Section 7-319.8, Parking Facility Design Standards, hereinafter. (Ord. 19-1985.)

7-319.4 STANDARDS FOR PROVISION OF ACCESSORY OFF-STREET PARKING

(a) Accessory off-street parking, as required by the provisions of this Zoning Code, shall be provided in accordance with the following standards:

(1) Residential Uses	Parking Spaces Required

(A)	Single Family, new construction	1 per dwelling unit
(B)	Single Family conversion	1 per additional dwelling unit
(C)	Multi-Family	1 per dwelling unit
(D)	Rooming House	1 per dwelling unit

(2) Commercial, Office Professional and Business Uses.

(A)	Office buildings, banks, business and professional services	1 per 800 sq. ft. G.F.A.
(B)	Medical and dental offices	1 per 400 sq. ft. G.F.A.
(C)	Retail establishments, personal services & repair shops	1 per 400 sq. ft. G.F.A.
(D)	Outdoor commercial area, including motor vehicle sales agency	1 per 1500 sq. ft. Gross Lot Area
(E)	Restaurant, bar, nightclub	1 per 200 sq. ft. G.F.A.
(F)	Drive-in and fast food restaurant	1 per 50 sq. ft. G.F.A.
(G)	Dancehall	1 per 100 sq. ft. G.F.A.
(H)	Trade schools such as barber, beauty, dance, art, music & stenographic	1 per 200 sq. ft. G.F.A.
(I)	Private clubs & other places of recreation & amusement	1 per 6 members or patrons, facility is designed to accom-modate
(J)	Bowling alley	3 per bowling lane
(K)	Theatre, auditorium	1 per 6 seats
(L)	Hotel, motel	0.75 per bedroom

		plus 1 per 200 sq. ft. G.F.A. for restaurants bars, nightclubs
	(Ord. 19-1985.)	
(M)	Group Child Care Home	1 per employee
(N)	Child Care Center	1 per employee, 1 per every 10 children registered
	(Ord. 37-1994.)	
(3)	Institutional Uses	Parking Spaces Required
(A)	Church, synagogue	1 per 5 seats in principal place of worship
(B)	Hospital	1 per two beds
(C)	Convalescent or nursing home	1 per 4 beds
(D)	Housing for elderly units	1 per 6 dwelling
(E)	Nursery, Elementary, & Jr. High	1 per employee
(F)	High School	1 per employee plus 1 per 6 students
(G)	College or university	1 per 2 employees & students
(H)	Residential Institutional	1 per employee plus 1 per 4 adult residents
(4)	Industrial Uses	
(A)	Manufacturing, Warehouse, Wholesale (Ord. 26-1991.)	1 per 2 employees on largest shift

(5) Secondary Uses as defined in the RMV Zone and home occupations.

(A)	In existing buildings	No requirement for principal person residing on premises and engaged in secondary use or home occupation and no more than one paid employee or assistant; thereafter 2 per each additional paid employee or assistant.
(B)	In new building	1 person conducting or employed in conducting the secondary use or home occupation, however, secondary uses & home occupations classified as professional shall provide 2 per person practicing the profession.

(b) Provision for the joint usage of accessory off-street parking. Accessory off-street parking for two (2) or more uses may be provided on the same lot provided that the locational requirement for accessory parking for each use is met, and further provided that the number of parking spaces provided is equal to the number required for each use separately, except that the Zoning Administrator may permit the accessory off-street parking required for a nighttime or weekend use, such as a theatre, bowling alley, dancehall or church, to be supplied by the off-street parking provided by a daytime or weekday use, including a bank, business office, or retail store, or vice versa, provided that the applicants show there is no conflict in the operating hours of the uses for which joining use of off-street parking facilities is proposed, and that a properly drawn legal document executed by the parties concerned is filed with the Zoning Administrator. Such joint use parking privilege shall continue in effect only so long as such a document, binding on all parties, remains in force. If such document becomes legally ineffective, then parking shall be provided in accordance with Subsection 7-319.4(a). (Ord. 19-1985.)

7-319.5 CHANGE OF ACCESSORY PARKING USE

(a) No person shall change the use of an area set aside as an accessory off-street parking facility or loading and unloading area except as provided herein. In the event of a permitted change in the principal use which is legally conforming with respect to the provision of off-street parking, the Zoning Administrator may authorize the removal or change of use of off-street parking facilities, provided that adequate off-street parking remains for the use in conformance with the requirements of Section 7-319.4(a). To change the use of an area or facility and the continuation of such changed use for other than parking or loading, except as provided herein, shall be a violation of this Zoning Code, and the penalty provided herein shall be imposed.

(b) In the event of a change in the characteristics of an existing use of such a nature as to reduce the need for off-street parking, the Zoning Administrator may authorize a reduction of the area set aside as an off-street parking facility, provided that adequate off-street parking remains for the use in accordance with the requirements of Section 7-319.4(a).

(c) The Zoning Administrator may authorize the conversion of an existing use which is lawfully non-conforming with respect to the provision of off-street accessory parking to another use permitted by the zone in which the use is located, or the Zoning Hearing Board may authorize the conversion of such use to another non-conforming use pursuant to the provisions of Chapter 7-303, without providing additional accessory parking, subject to the following requirements:

(1) The accessory parking requirements of this Zoning Code with respect to the proposed use shall be the same as or less than the same requirements with respect to the existing use.

(2) Any reduction of the accessory parking requirement by reason of a permitted change of use shall be deemed a termination, in whole or in part as appropriate, of the non-conforming accessory parking, and any further change of use shall not be permitted to reestablish or increase the degree of non-conformance with the provision hereof.

(3) Any change to a proposed use having a greater accessory parking requirement than the existing use shall require the provision of the additional

amount of accessory parking which shall comply with all of the requirements hereof.

(Ord. 19-1985.)

7-319.6 LOADING AND UNLOADING FACILITIES

(a) No building or other structure for commercial, industrial, professional, institutional, office, or business use shall hereafter be erected in any zone unless there is provided as accessory thereto loading and unloading facilities adequate for the delivery of goods and material to and from such use(s).

(b) In the case of an enlargement or conversion of any building to accommodate the uses set forth in Section 7-319.6(a) hereinbefore, adequate accessory loading and unloading facilities shall be provided; however, such provision may be waived by the granting of a Special Exception. (Ord. 19-1985.)

7-319.7 PARKING FACILITY DESIGN STANDARDS

Prior to the establishment, modification or enlargement of any accessory, commercial or public parking lot, including filling stations, fast food businesses and other uses involving accessory parking lot facilities, and further including accessory, commercial or public parking structures as specified hereinafter, the following requirements shall be satisfied:

(1) Setbacks. Setbacks and side yards shall be provided as required by the zone in which the parking lot, space or structure is located, except in the case of parking lots, spaces, or structures in any residence zone, which shall be set back from any street a distance equivalent to the required building setback line or a distance of ten (10) feet, whichever is greater.

(A) To determine setback requirements, front, side and rear parking lots or spaces shall be considered part of the building or structure, and the setback shall be measured from the periphery of the parking lot, space or structure to the property line. Parking lots, spaces, or structures shall not be located within the prescribed setback; a driveway may traverse a setback.

(B) All setback areas shall be landscaped and maintained free from accumulation of refuse and debris; wheel stops or other approved barriers shall be provided so that no part of any parked vehicle shall intrude into the

setback area or over any portion of a sidewalk, street or other public right-of-way.

(2) Screening Line. Screening shall be erected and maintained along the setback lines of all sides of the parking lot or space, except where sides are abutted by structures or where openings for ingress or egress are approved. However, where a parking lot or space abuts premises having a nonconforming front yard setback, the screening line may conform to the established front yard setback line, and the Zoning Administrator may approve a screening line between the property line and the setback line only in order to include a parking lot driveway within the area screened from view. In the case of a parking structure the screening line shall be considered the same as the exterior wall of the structure.

(3) Screening Height. All screening shall be not less than four (4) feet in height and not greater than six (6) feet in height. Evergreen shrubbery, when used to meet the screening provisions of this Zoning Code, shall meet the minimum height limitation at the time of its planting. In cases where the parking lot is below grade, the height of the screening may be reduced one (1) foot for each two (2) feet that the finished surface elevation lies below grade; in no case, however shall the height of the screening be less than three (3) feet. In the case of a parking structure, the exterior screening wall of each floor shall not be less than four (4) feet in height.

(4) Screening Material.

(A) In a residential zone or in a Special Planned Development District, screening shall consist of a brick or stone wall, approved evergreen shrubbery hedge, approved ornamental iron fence or approved wooden fence.

(B) In any Business Zone except a Special Planned Development District, screening shall consist of a masonry wall, approved evergreen shrubbery hedge, approved wooden fence or approved similar material. However, any screening line on a parking lot abutting a

Residential Zone shall consist of a screening material permitted in a Residential Zone.

(C) In any Industrial Zone, screening shall consist of a masonry wall, approved evergreen shrubbery hedge, approved chain link fence or approved similar material. However, any screening line on a parking lot abutting a Residential Zone shall consist of a screening material permitted in a Residential Zone.

(5) Pavement and Drainage. All parking lot surfaces shall be paved with a hard-surfaced material approved by the City Engineer; parking lots shall also be graded and provided with surface water drainage facilities in a manner approved by the City Engineer.

(6) Parking Spaces. A parking facility, open-aired or enclosed, shall provide individual parking spaces with a minimum size of nine (9) feet by eighteen (18) feet, except that parking facilities designed to accommodate small or compact automobiles may be approved in whole or in part with smaller parking spaces if approved by the City Engineer and if the parking spaces are clearly and permanently designated for the use of compact cars only. Parking spaces designated for use by individuals with physical disabilities shall provide accessible parking spaces and access aisles as identified in the Americans with Disabilities Act and shall also provide a minimum depth of eighteen (18) feet. Each space shall be designated by painted lines or other approved permanent means applied to the finished surface material. This subsection shall not apply to valet parking.

(7) Lighting. All parking lots shall be adequately illuminated. Where illuminated from street lights located adjacent to a parking lot is adequate in the opinion of the Zoning Administrator, no additional light sources shall be required. However, where existing illumination is determined by the Zoning Administrator to be inadequate, approved lighting sources shall be provided and maintained in operating condition and shall be installed in such a manner as to prevent reflection or glare onto any other property or a public right-of-way.

(8) Curb Cuts. All parking lots shall have curb cuts approved by the City Engineer at all points of ingress and egress.

(9) Driveways. Parking lots or structures must provide the following minimum aisle width: twenty-four (24) feet where ninety degree (90°) parking spaces are provided, eighteen (18) feet where sixty degree (60°) parking spaces are provided, thirteen (13) feet where forty-five degree (45°) parking spaces are provided, and eleven (11) feet where thirty degree (30°) parking spaces are provided. Where sixty (60), forty-five (45), and thirty degree (30°) parking spaces are provided, the parking lot or structure must be designed and permanently designated for one-way traffic and must include separate means of ingress and egress; in addition, the parking spaces must be long enough so as to prevent any intrusion by a parked vehicle into the aisle.

(Ord. 19-1985.)

7-319.8 OFF-STREET PARKING AS A CONDITIONAL USE

(a) Council, upon application filed with the Zoning Administrator, pursuant to review and recommendation of the Planning Commission and pursuant to public notice and public hearing held thereon, may authorize conditional use permits to be issued by the Zoning Administrator in any Planned Business Zone or Special Intensity District for the following uses, subject to the provisions of this chapter and Chapter 7-311 or Chapter 7-333, as applicable: Commercial parking lots and Commercial parking structures. (Ord. 20-2005)

(b) In acting upon requests for such conditional uses, Council shall consider all relevant factors including but not limited to the following:

(1) that the minimum requirements of this Planning and Zoning Code as set forth in Section 7-301.1 have been supplied; and

(2) that the proposed use will be in keeping with the purposes and intent of this Chapter and Chapter 7-311 or Chapter 7-333, as appropriate; and

(3) that the proposed use will be compatible with the general character of the surrounding neighborhood and environmental impacts; and

(4) that the proposed use will not adversely affect the economic viability of any public investment in the public parking lots or structures located in any Planned Business Zone or Special Intensity District.

(c) Upon reaching a determination, Council shall pass a Resolution either authorizing or rejecting the proposed use. The resolution may stipulate additional requirements that shall be required of the property owner. In no case shall the period between the date on which the application for the granting of a conditional use is made to the Zoning Administrator and the date upon which Council issues a final decision exceed one hundred twenty (120) calendar days. (Ord. 19-1985.)

7-319.9 PUBLIC PARKING AS A PERMITTED USE WITHIN SPECIAL INTENSITY DISTRICTS

(a) Recognizing the need to provide adequate public parking within proximity to the downtown upon secondary streets, public parking lots and structures shall be permitted uses within Special Intensity Districts as established by Chapter 7-333 of these codified ordinances.

(b) Recognizing that parking facilities present special challenges to communities, in general, and to adjacent land owners, in particular, and recognizing that the purpose of Special Intensity Districts is to control appropriate development in the transition areas between the City of Harrisburg's central business district and its outlying residential areas, applications for each and every Public Parking facility shall receive the utmost scrutiny and at a minimum shall comply with the following regulations:

(1) The facility must be located within a business zoning district listed in Chapter 7-311 of these Codified Ordinances.

(2) The facility may not front upon any street having a right-of-way width greater than thirty (30) feet.

(3) The facility must be of a color compatible with the prevalent color scheme of adjacent buildings.

(4) The facility may, in the interest of preserving older buildings, be built to the property lines or beyond, provided City Council has previously approved easements, and to a height of 125 feet with no Floor Area Ratio to be applied.

(5) The facility must have been previously approved by a land development plan by the Harrisburg Planning Commission and City Council, in accordance with Chapter 7-501 of these codified ordinances.

(6) When situated within a municipal historic district, the facility must have been previously approved by the Harrisburg Architectural Review Board and City Council, in accordance with Chapter 7-331 of these codified ordinances.

(7) A traffic study proposing mitigating measures to any adverse effects, resulting in no loss of service level, must be prepared prior to permit submission. The mitigating measures must be implemented prior to a Certificate of Occupancy being issued for the proposed parking facility. (Ord. 20-2005)

7-319.10 COMPLIANCE WITH DESIGN STANDARDS

Any non-conforming surface parking lot which borders any public right-of-way fifty (50) feet or more in width shall be screened along the entire length of that portion of the lot which faces said right-of-way, with exception made for approved ingress and egress driveways in conformance with Chapter 7-319.7(c) and (d) herein. (Ord. 20-2005.)

CHAPTER 7-321

PLANNED RESIDENTIAL DEVELOPMENT

Section	7-321.1	Purposes
Section	7-321.2	Definitions
Section	7-321.3	PRD Coordination With General Zoning, Subdivision or Other Regulations
Section	7-321.4	Permitted and Accessory Uses and Structures
Section	7-321.5	Approval Process
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Section	7-321.11	Density
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Section	7-321.15	Parking Standards
Section	7-321.16	Residential Conversions
Section	7-321.17	Application of Chapter
Section	7-321.18	Compliance
Section	7-321.19	Abrogation and Greater Restrictions

CROSS REFERENCES

Planned residential development: see Pa. Municipalities Planning Code §701 et seq. (53 P.S. §10701 et seq.)
Residence Zones: see Chapter 7-309

7-321.1 PURPOSES

It is the intent of this chapter to:

(1) promote, protect and facilitate the general welfare; and

(2) assure and coordinate a practical community development, proper density of population, and provisions of adequate light, air, vehicle parking and loading space, and public grounds and other public requirements; and

(3) prevent the overcrowding of land and blight; and

(4) encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwelling; and

(5) extend greater opportunities for better housing and recreation to all citizens and residents of the City of Harrisburg (Ord. 26-1977); and

(6) encourage a more efficient use of land and of public services and reflect changes in the technology of land development so that economies may ensure to the benefit of those who need homes; and

(7) in aid of these purposes, provide a procedure which can relate the type, design and layout of residential 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 property values within existing residential areas, and insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards as shall encourage the disposition of proposals for land development without undue delay. (Ord. 26-1977.)

7-321.2 DEFINITIONS

(a) For the purposes of this chapter, a Planned Residential Development is any multiple dwelling, or any unified development of three (3) or more individual dwelling units, located in any

zone in which planned residential development is permitted. The following criteria shall constitute required elements of the planned residential development:

(1) land under unified control, to be planned and developed as a whole; and

(2) a single development operation or a definitely programmed series of development operations including all land and buildings; and

(3) principal and accessory structures and uses related to the character and purposes of the zone in which it is located; and

(4) a comprehensive and detailed development plan that include not only streets, utilities, lots, a building site and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, uses and related to each other and detailed plans for other uses and improvements on the land as related to the buildings; and

(5) a program for provision, operation and maintenance of such areas, facilities, and improvements as well as for the common use by some or all of the occupants of, or visitors to, the proposed development but which will not be provided, operated or maintained at general public expense.

(b) Definition of other terms used herein shall be as stated elsewhere in the Planning and Zoning Code or the Glossary in Chapter 1-302 of these Codified Ordinances. (Ord. 26-1977.)

7-321.3 PRD COORDINATION WITH GENERAL ZONING, SUBDIVISION OR OTHER REGULATIONS

The provisions of this chapter shall apply generally to the initiation and regulation of all Planned Residential Development. Where there are conflicts between the provisions of this chapter and general zoning, subdivision or other regulations and requirements, the provisions of this chapter shall apply to planned residential development unless the Planning Commission shall find in a particular case that the provisions contained in this chapter do not serve public purposes to a degree at least equivalent to such general zoning, subdivision or other regulations or requirements. (Ord. 26-1977.)

7-321.4 PERMITTED AND ACCESSORY USES AND STRUCTURES

Permitted uses are limited to:

(1) dwelling units in detached, semi-detached, attached or multi-storied structures, or in a combination thereof; or

(2) educational, religious, noncommercial, social, recreational, and cultural facilities when developed as accessory to the primary residential use; or

(3) non-residential uses and structures that are customarily accessory and incidental or deemed necessary for the service and convenience of the residents of the Planned Residential Development.

(Ord. 26-1977.)

7-321.5 APPROVAL PROCESS

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, the following shall constitute the process for approval of a Planned Residential Development:

(1) The Planning Commission shall, in accordance with the provisions hereof, review and approve or disapprove a Preliminary Development Plan.

(2) The Planning Commission shall subsequently review and approve or disapprove a Final Development Plan and shall forward the same to Council together with the results of the Planning Commission's action.

(3) The Council shall by Resolution approve or disapprove said Final Development Plan.

(Ord. 26-1977.)

7-321.6 APPLICATION FOR APPROVAL

(a) Each applicant shall confer with the Planning Commission's staff for the purpose of providing the staff with preliminary or sketch plans and basic site information for consideration and advice as to the relation of the proposal to general development objectives to be attained in the area and as to the policies and procedures of the Planning Commission.

(b) A formal application for planned residential development shall be submitted to the Planning Commission along with a preliminary development plan for review and recommendation by the Planning Commission's staff and formal review by the Planning Commission. (Ord. 26-1977.)

7-321.7 PRELIMINARY DEVELOPMENT PLAN

(a) A preliminary development plan shall include, as deemed necessary by the Planning Commission staff, the following items submitted in writing:

(1) a legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning requirements;

(2) a statement of development objectives to be achieved by the PRD through the particular approach proposed by the applicant. This should include a description of the character of the proposed development and reason behind the choices;

(3) a development schedule indicating the approximate date when construction of the PRD, or stages of the PRD if applicable can be expected to begin and be completed;

(4) a statement of the applicant's intentions with regard to the future selling or leasing of all portions of the PRD, such as land areas, dwelling units, etc.;

(5) a fact sheet indicating the following: where applicable, the total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures; approximate gross and net residential floor areas; total proposed common open space; non-residential uses and floor areas; and other information as recommended by the Planning Commission staff.

(b) A preliminary development plan shall also include, as deemed necessary by the Planning Commission staff, the following site plan and any supporting maps containing the following items:

(1) existing site conditions showing contours, flood plain areas and unique natural features;

(2) proposed lot lines and plot designs;

(3) the location and floor area of all existing and proposed buildings, structures, or other improvements including maximum heights, types of dwelling units, and non-residential structures and uses;

(4) the location and size of areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, schools, or similar public and semi-public uses;

(5) the existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, waiting areas, and major points of access to public rights-of-way (notation of proposed ownership should be included where appropriate);

(6) the existing and proposed pedestrian circulation system;

(7) the existing and proposed utility systems;

(8) a general landscape plan indicating the treatment of materials used for private and common open spaces;

(9) the proposed treatment of the perimeter, including materials and techniques used such as screens, fences, and walls.

(Ord. 26-1977.)

7-321.8 PRELIMINARY PLAN REVIEW, COMMENT AND ACTION

(a) The Planning Commission staff shall prepare a report to the Planning Commission containing the following findings:

(1) the suitability of the tract for the general type of PRD, physical characteristics of the land, and relationship of the proposed development to surrounding areas and existing and future development;

(2) the relationship to major roads and mass transit, utilities, and other facilities and services;

(3) the suitability of the proposed plans including any recommendations for amendments thereto; and

(4) the desirability of specific modifications in regulations based on determinations that such modifications are necessary or justified in the particular case, by demonstration that the public purposes of the PRD or other regulations would be met, to at least an equivalent degree, by proposals of the applicant.

(b) Based on such findings, the Planning Commission shall approve as proposed, approve conditionally on specific stated modifications, or disapprove the preliminary development plan. (Ord. 26-1977.)

7-321.9 FINAL DEVELOPMENT PLAN

The Final Development Plan shall be deemed in substantial compliance with the Preliminary Development Plan provided modification by the applicant does not involve a change of one or more of the following:

(1) violation of any provision of this chapter; or

(2) variance of the lot area requirement by more than ten percent (10%); or

(3) reduction or more than ten percent (10%) of the area reserved for the common open space and/or usable open space; or

(4) increasing the floor area proposed for non-residential use by more than ten percent (10%); or

(5) increasing the total ground area covered by buildings by more than five percent (5%).

(Ord. 26-1977.)

7-321.10 FINAL DEVELOPMENT PLAN REVIEW, COMMENT AND ACTION

(a) The Planning Commission staff shall prepare a report to the Planning Commission on the Final Development Plan evaluating the criteria set forth in Section 7-321.9.

(b) The Planning Commission shall approve as proposed, approve conditionally on specific stated modifications, or disapprove the Final Development Plan and shall forward the same

to the Council together with the results of the Planning Commission's action.

(c) Pursuant to receipt of the Planning Commission's report, the Council shall by Resolution approve or disapprove said Final Development Plan. In acting upon said Resolution, Council may require appropriate assurances, including but not limited to performance bonds or other sureties that the improvements and/or open space provisions set forth in the Final Development Plan will be provided and developed.

(d) Upon approval of final plans and reports, building and zoning permits shall be issued. (Ord. 26-1977.)

7-321.11 DENSITY

(a) The maximum Floor Area Ratio for Front Street shall be as follows:

(1) 3:1 from Forster Street to Reily Street; and

(2) 2:1 from Reily Street to the north City Line.

(b) The maximum floor area ratio elsewhere in the City of Harrisburg shall be 2:1, except in any Special Intensity District established pursuant to Chapter 7-333, in which case the appropriate floor area ratio set forth in said chapter shall apply. (Ord. 26-1977.)

7-321.12 HEIGHT LIMITATIONS

No structure shall exceed forty-five (45) feet in height, provided that a ten (10) foot increase in height for every five percent (5%) increase in usable open space beyond the minimum required to a maximum building height of one hundred (100) feet will be permitted for PRD in any Residence or Commercial Zone or Special Planned Development District. (Ord. 26-1977.)

7-321.13 OPEN SPACE

(a) Where applicable, minimum open space required shall be not less than thirty-five percent (35%) of the total gross lot area.

(b) Open space shall include the land area of the site not covered by buildings, parking garages or accessory structures except recreational structures and shall be accessible and available to all occupants of dwelling units for whose use the space is intended. (Ord. 26-1977.)

7-321.14 SITE PLANNING

(a) Where applicable, a general landscaping plan showing the proposed landscape treatment of the site shall be required at the time of the preliminary development plan.

(b) Once the preliminary development plan has been approved, a detailed landscaping plan showing the spacing, sizes, locations and specific types of landscaping materials shall be required.

(c) Existing trees shall be preserved whenever possible.

(d) Proposed structures shall be harmonious with the character of the neighborhood in the area that has a visual relationship with the PRD.

(e) With respect to vehicular and pedestrian circulation, special attention shall be given to principal vehicular access points, access for pedestrians and bicyclists and the design and location of parking areas with respect to safety, convenience and visual protection from the buildings and neighborhood.

(f) Appropriate yards, fences, or vegetative screening shall be provided on the PRD perimeter where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect the residential occupants of the neighborhood or general area from similar adverse effects. (Ord. 26-1977.)

7-321.15 PARKING STANDARDS

(a) For each dwelling unit, there shall be an off-street parking space consisting of at least two hundred (200) square feet each.

(b) Senior citizen PRD shall provide a minimum of one off-street parking space of at least two hundred (200) square feet for every four dwelling units.

(c) Parking for non-residential uses shall be provided as appropriate to the intensity of use.

(d) Parking areas shall be screened from adjacent structures and streets with hedges or other approved means. (Ord. 26-1977.)

7-321.16 RESIDENTIAL CONVERSIONS

(a) Two hundred (200) square feet of net floor area shall be required for each adult occupant.

(b) No PRD in an existing structure shall be approved unless it is adequately maintained and is free from any public health or safety problem.

(c) A single unified open space area of at least two hundred (200) square feet must be maintained, if available, prior to establishment of the PRD use. (Ord. 26-1977.)

7-321.17 APPLICATION OF CHAPTER

This chapter shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map as being located within the boundaries of any zone established pursuant to any chapter which designates "Planned Residential Development" as a permitted use. (Ord. 26-1977.)

7-321.18 COMPLIANCE

(a) The use of any structure or land shall hereafter not be changed, and no structure shall be located, extended, converted, or structurally altered, without full compliance with the terms of this chapter and other applicable regulations which apply to uses or structures within the jurisdiction of this chapter.

(b) Any PRD Final Development Plan approved pursuant to the provisions of this chapter shall become a part of the zoning permit issued therefor, and any subsequent deviation from the substantive specifications thereof shall constitute a violation of this Zoning Code and shall be subject to the penalty as provided. (Ord. 26-1977.)

7-321.19 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate or impair the existing Zoning Code. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other provisions of the Zoning Code, not inconsistent herewith, shall remain in full force. (Ord. 26-1977.)

CHAPTER 7-323

ACCESSORY BUILDINGS AND USES

Section	7-323.1	General Provisions
Section	7-323.2	Permitted Home Occupations
Section	7-323.3	Prohibited Home Occupations
Section	7-323.4	Home Occupation Provisions

CROSS REFERENCES

Off-Street Parking Facilities: see Chapter 7-319

7-323.1 GENERAL PROVISIONS

In all zones, except Residential Limited Zone A and Residential Single-Family Zone C, accessory uses and buildings shall be permitted. An accessory use may be conducted in the principal building or in an accessory building provided, that no use other than a permitted home occupation may occupy a floor area greater than that equal to one-half (1/2) the area of the first floor of the principal building. (Ord. 9-1988.)

7-323.2 PERMITTED HOME OCCUPATIONS

Permitted home occupational uses include, but are not limited to, the following:

(1) the office or studio of an accountant, architect, attorney, chiropractor, artist, engineer, insurance broker, interior designer, dentist, physician, osteopath, optician, landscape architect, planner, real estate broker, teacher, musician, photographer; or

(2) customary home uses, such as millinery, dressmaking, seamstressing, tailoring, and hairdressing uses; or

(3) the office of a minister, rabbi, priest, or official of a religious order (Ord. 56-1977); or

(4) family Child Care Homes, pursuant to the provisions of Section 7-327.8. (Ord. 37-1994.)

7-323.3 PROHIBITED HOME OCCUPATIONS

Prohibited Home Occupations include, but are not limited to, the following uses:

(1) animal hospitals;

(2) kennels;

(3) mortuaries;

(4) nursery schools;

(5) restaurants;

(6) tourist homes;

(7) clinics or hospitals;

(8) auto repair shops;

(9) repair shops or service establishments, except for the repair of electrical appliances, typewriters, cameras, or other small items;

(10) general retail sales;

(11) masseurs or masseuses, health spas or clubs, massage parlors, bath-houses or other like occupations or uses. (Ord. 26-1977.)

7-323.4 HOME OCCUPATION PROVISIONS

(a) Home Occupations may be established in all zones except the Residential Limited Zone A and the Residential Single-Family Zone C and shall be permitted only pursuant to the provisions of Chapter 7-301. (Ord. 9-1988.)

(b) The occupation or profession shall be carried on only by a resident of the premises.

(c) The building shall retain the characteristics of a residence.

(d) The use shall not detract from the residential character of the neighborhood.

(e) There shall not be more than a total of two (2) paid employees or assistants.

(f) There shall be no outside storage of any kind related to the home occupation.

(g) Signs or displays which indicate that the structure is being used for any purpose other than that of a dwelling shall conform to the provisions of sign control regulations for that zone.

(h) The use shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy under normal circumstances wherein no Home Occupation exists.

(i) The provisions hereof shall continue to be satisfied throughout the lifetime of the Home Occupation use as a condition for the continued validity of the zoning permit thereof. (Ord. 26-1977.)

CHAPTER 7-325

SIGNS AND BILLBOARDS

Section	7-325.1	Residence and Business Zones
Section	7-325.2	Other Zones
Section	7-325.3	Real Estate Signs
Section	7-325.4	Political Signs
Section	7-325.5	Conformance to Greater Residence Zone Restrictions
Section	7-325.6	Exemptions

CROSS REFERENCES

Billboard defined: see Chapter 1-302
Open Space Zone signs: see Chapter 7-315

7-325.1 RESIDENCE AND BUSINESS ZONES

(a) In an R-3, R-4 or R-5 Zone, all signs shall conform to the provisions of the Residential Professional Office Zone as set forth at Section 7-309.17(d).

(b) In a BL Zone, all signs shall conform to the provisions of the Community Commercial Limited Zone as set forth at Section 7-311.8(d).

(c) In a BG Zone, all signs shall conform to the provisions of the Community Commercial General Zone as set forth at Section 7-311.9(d).

(d) In a BGO Zone, all signs shall conform to the provisions of the Community Commercial General Zone as set forth at Section 7-311.9(d); provided, however, that free-standing signs not advertising parking shall be permitted to conform to the following requirements:

(1) maximum area: one hundred fifty (150) square feet;

(2) maximum elevation: no portion thereof higher than twenty (20) feet above grade;

(3) minimum elevation: no portion thereof lower than three (3) feet above grade;

(4) setback: no portion thereof closer than five (5) feet to a property line or public right-of-way;

(5) illumination: direct, indirect or luminous.

(Ord. 26-1977.)

7-325.2 OTHER ZONES

In all other zones, except as otherwise provided herein, there shall be no limitations upon the size, character and placement of signs except that:

(1) No sign shall extend more than six (6) feet over a sidewalk or other public way.

(2) Any sign projecting over a sidewalk or other public way of a six-foot (6') width or less shall be erected at least fourteen (14) feet above such sidewalk or other public way. All other projecting signs shall be at least ten (10) feet above ground level.

(3) All free-standing signs shall have an open space along an entire bottom three feet or wider. Latticing shall be regarded as satisfying this requirement.

(4) No free-standing sign, wall sign or roof sign shall hereafter be erected with an overlay area exceeding one hundred fifty (150) square feet, and no projecting sign shall have an overall single area exceeding seventy-five (75) square feet.

(5) All wall signs shall hereafter be erected at least six feet above the ground level.

(6) Only one (1) free-standing sign or wall sign may hereafter be erected on any lot or building being one hundred (100) feet or less in width.

(7) Billboards shall be permitted only in the ML or MH Zones and shall be placed not less than thirty (30) feet from any street line and not less than five (5) feet from any other property line.

(8) All signs shall conform to all other applicable ordinances of the City.

(9) A sign or billboard which rotates or is converted to rotate may be erected only in an industrial zone.

(10) All signs which are abandoned shall be removed within three (3) months of the date of the onset of their abandonment.

(11) In any one (1) location there shall be only one billboard of up to seven hundred (700) square feet of total face area or a combination of two (2) smaller, equal size signs not to exceed six hundred (600) square feet of total face area.

(12) Back to back billboards may be regarded as one (1) unit if they are three (3) feet or less apart, but each face shall be perfectly aligned. V-shaped installations shall be regarded as one location providing they have a maximum open space of five (5) feet.

(13) Billboards shall be placed at least ten (10) feet or more from any building.

(14) Billboard locations shall occur no more frequently than two hundred (200) feet from any other billboard location in any direction.

(15) Mobile or portable signs or billboards shall be controlled by special permit secured from the Zoning Administrator.

(16) No sign or billboard shall hereafter be painted on any wall, fence or other surface.

(Ord. 26-1977.)

7-325.3 REAL ESTATE SIGNS

Temporary real estate signs posted on property being offered for sale or lease shall be permitted in all zones and shall conform to the sign provisions of the zone in which located; provided, however, that in zones where free standing signs are not otherwise permitted, non-illuminated, temporary free-standing real estate signs shall be permitted and shall conform to the following requirements:

(1) maximum area of four (4) square feet;

(2) maximum height above grade of four (4) feet;

(3) number limited to one (1) such sign per sign frontage or lot;

(4) no portion thereof shall extend over a property line or public right-of-way;

(5) all temporary real estate signs shall be removed not later than one (1) day following settlement on the sale or lease of the property.

(Ord. 26-1977.)

7-325.4 POLITICAL SIGNS

The provisions of this Zoning Code shall not be construed to prohibit the public display of temporary political signs in any zone, provided that such temporary political signs are displayed not earlier than sixty (60) days prior to and not later than seven (7) days following a primary, general or special election. In any zone in which the sign provisions would otherwise be more restrictive, no one (1) political sign shall exceed sixteen (16) square feet, and the aggregate of all political signs placed or maintained on any lot shall not exceed eighty (80) square feet. (Ord. 26-1977.)

7-325.5 CONFORMANCE TO GREATER RESIDENCE ZONE RESTRICTIONS

Any sign which is placed on a sign frontage or lot which abuts to the front of a residence zone having more restrictive sign provisions than the zone in which located, shall conform to said more restrictive sign provisions. (Ord. 26-1977.)

7-325.6 EXEMPTIONS

The following signs are exempt from the provisions of this Zoning Code:

(1) Public service signs erected or approved by public agencies, of a size not larger than permitted by State Highway regulations or this or other City ordinances, including but not limited to the following:
   (A) signs for regulatory purposes such as traffic control signs, trespassing signs and parking control signs;
   (B) signs for directional or informational purposes, such as street name sign, location of public facilities or churches, historic signs or markers, and utility information signs.

(2) Memorial plaques, cornerstones, or historic markers that are built-in or attached to the walls of structures, bearing only the name or use of structure, the date of erection of the structure and/or information commemorating a person, event or other historical association.

(3) Temporary nonmechanical signs concerning civic, religious or charitable events subject to the approval of the Zoning Administrator and displayed for not longer than thirty (30) days.

(4) Signs indicating the private nature of a right-of-way, lot or other land, or trespassing signs, provided that the size of such signs shall not exceed four (4) square feet.

(Ord. 26-1977.)

CHAPTER 7-327

MISCELLANEOUS PROVISIONS

Section	7-327.1	Repairing or Storing Automobiles
Section	7-327.2	Vending Machines
Section	7-327.3	Fences
Section	7-327.4	Front Yard Setback; Screening Regulations; Waiver
Section	7-327.5	Setback for Dwellings on Narrow Thoroughfares
Section	7-327.6	Adult Entertainment Uses
Section	7-327.7	B.Y.O.B. Clubs
Section	7-327.8	Child Care Facilities
Section	7-327.99	Penalty

CROSS REFERENCES

7-327.1 REPAIRING OR STORING AUTOMOBILES

No person shall place or store a vehicle upon any street, highway, alley or open lot for the principal purpose of repairing, servicing, fueling, oiling, assembling, disassembling, wrecking or junking such vehicle, except for emergency repairs. Any vehicle or part thereof parked, placed or stored on any street, highway, alley, or open lot for a period of time in excess of fourteen (14) days is hereby declared to be a nuisance, detrimental to the public health and safety and in violation of this Zoning Code. (Ord. 112-1964.)

7-327.2 VENDING MACHINES

No vending machine dispensing products shall be placed within five (5) feet of any property line abutting on a street or alley, and all receptacles for any containers of the products must be placed at least seven (7) feet away from all property lines abutting on any street or alley. (Ord. 112-1964.)

7-327.3 FENCES

Fences may be erected within the boundaries of a lot with the issuance of a building and zoning permit, provided the following criteria are met:

(1) Fences shall not exceed a height of six (6) feet, though in no instance shall a fence located within the front yard exceed a height of forty-two (42) inches if the property is zoned or used residentially.

(2) Fences shall not be located or erected in such a way that they cause an obstruction to visibility for operation of various vehicles utilizing adjacent streets or driveways.

(3) Fences shall not be constructed of any material other than the type allowed for each respective zone:
   (A) in any residential zone or in a Special Planned Development District, fences shall be constructed of brick, stone, ornamental metal, or wood, or a combination thereof; provided, however, except in Historic Districts under Chapter 7-331, PVC fencing will also be allowed;
   (B) in any business zone, except a Special Planned Development District, fences shall be constructed of masonry material, or a combination thereof; provided, however, any fence or screening abutting a residential zone shall be constructed only of a material permitted in a residential zone;
   (C) in any industrial zone, fences shall be constructed of masonry material, wood, or chain link, or combination thereof; provided, however, any fence abutting a residential zone shall be constructed only of a material permitted in a residential zone;
   (D) fences containing barbed, razor or other security-type wire are allowed only in industrial zones, provided a special exception is granted by the Zoning Hearing Board pursuant to the requirements of Chapter 7-305. Barbed, razor or other security-type wire is prohibited in all other zones.

(4) screening requirements of parking areas are subject to the provisions of Section 7-317.8.

Under no circumstances shall a fence be allowed as a screen which does not provide one hundred percent (100%) view-restriction less than three (3) feet in height above the ground.

(Ord. 32-1994.)

7-327.4 FRONT YARD SETBACK; SCREENING REGULATIONS; WAIVER

(a) When lot(s) is/are situated in a block which is at least thirty-five percent (35%) occupied by principal buildings, the front yard setback of any new structures shall then conform to the established setback lines or, if they are not uniform, to the average setback established in the block.

(b) Where any zone other than a residence zone abuts a residence zone, the occupant thereof, in addition to observing the yard requirements along the entire boundary line abutting the residence zone, shall erect and maintain a protective shield of evergreens or a brick wall six (6) feet in height along the setback or yard line for its entire length. Landscaping shall be provided between the boundary line and the shield. (Ord. 79-1965.)

7-327.5 SETBACK FOR DWELLINGS ON NARROW THOROUGHFARES

No building shall be erected or converted for human habitation within ten (10) feet of any street or alley twenty-five (25) feet or less in width. (Ord. 79-1965.)

7-327.6 ADULT ENTERTAINMENT USES

(a) In any zone in which Adult Entertainment is otherwise permitted, the following additional requirements shall apply:

(1) No Adult Entertainment use shall be permitted:
- (A) within one thousand (1,000) feet of any other existing Adult Entertainment use; and/or
- (B) within five hundred (500) feet of any residential use or any of the following residentially related uses:
  - (i) churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores;
  - (ii) schools up to and including the twelfth (12th) grade and their adjunct play areas;
  - (iii) public playgrounds, public swimming

pools, public parks, and public libraries.

(2) All Adult Entertainment uses shall be permitted to have signs and visible messages based on the allowable sign area of the zoning district in which they are located, provided:
   (A) sign messages shall be limited to written description of material or services available on the premises; and
   (B) sign messages may not include any graphic or pictorial depiction of material or services available on the premises;
   (C) messages which are visible or intended to be visible from outside the property, such as on or within doors or windows, shall not display materials, items, clothing, lingerie, publications, pictures, films, or printed material available on the premises or pictures, films, or live presentation of persons performing or services offered on the premises. (Ord. 31-1980.)

(b) Non-conforming visible messages shall not be permitted. (Ord. 19-1981.)

7-327.7 B.Y.O.B. CLUBS

In any zone in which B.Y.O.B. Clubs are otherwise permitted, it shall be unlawful for any person who owns, operates, leases, manages, or controls a B.Y.O.B. Club to:

(1) remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day if said B.Y.O.B. Club is located in a residence zone or within five hundred (500) feet of a residence, school or hospital; or

(2) conduct activities to which this chapter applies without possessing a valid Club permit, issued in accordance with Chapter 3-501. (Ord. 15-1990.)

7-327.8 CHILD CARE FACILITIES

(a) Family Child Care Home shall meet the following criteria:

(1) the facility is only allowed as an accessory use to a primary residential use in zones where home occupations are permitted;

(2) the number of children does not exceed six (6), including those of the child care provider;

(3) the facility is registered with the Commonwealth of Pennsylvania Department of Public Welfare;

(4) the facility has received approval from the Commonwealth of Pennsylvania Department of Labor and Industry prior to the issuance of a building zoning permit; and

(5) the facility is approved by the Codes Administrator, the Fire Bureau and the Tax Enforcement Officer.

(b) Group Child Care Home shall meet the following criteria:

(1) the facility is only allowed as an accessory use to a primary residential use;

(2) the number of children is not less than seven (7) nor more than twelve (12);

(3) the use complies with the parking requirements listed in Section 7-319.4(a)(2)(m);

(4) the facility provides an on-site, secure outdoor play area. The requirement that the outdoor play area be on-site may be waived by special exception in accordance with Chapter 7-305;

(5) the facility is not located within three hundred (300) feet of an existing group child care home or child care center;

(6) the outdoor play area is not located within two hundred (200) feet of a business selling alcoholic beverages as defined in the Liquor Code;

(7) the facility is licensed by the Commonwealth of Pennsylvania Department of Public Welfare prior to the issuance of a building zoning permit;

(8) the facility has received approval from the Commonwealth of Pennsylvania Department of Labor and Industry prior to the application for a building zoning permit;

(9) the facility is approved by the Codes Administrator, the Fire Bureau and the Tax Enforcement Officer.

(c) Child Care Center shall meet the following criteria:

(1) When allowed as a permitted use:

(A) the facility services thirteen (13) or more children;

(B) the facility meets the following parking and loading/unloading requirements:

(i) the use complies with the parking requirements listed in Section 7-319.4(a)(2)(n);

(ii) loading and unloading of children is accomplished through the use of the parking area or the provision of a drop-off lane located to allow the safe delivery of children;

(iii) when the facility is an accessory use to an existing use, the parking and loading/unloading requirements may be waived by special exception;.

(C) the facility provides an on-site, secure outdoor play area. The requirement that the outdoor play area be on-site may be special exception in accordance with Chapter 7-305;

(D) the facility is not located within two hundred (200) feet of a business selling alcoholic beverages regulated by the Liquor Code;

(E) the facility is not located within three hundred (300) feet of an existing group child care home or child care center;

(F) the facility is licensed by the Commonwealth of Pennsylvania Department of Public Welfare prior to the issuance of a building zoning permit;

(G) the facility has received approval from the Commonwealth of Pennsylvania Department of Labor & Industry prior to the issuance of a building zoning permit;

(H) the facility has received approval from the Codes Administrator, the Fire Bureau and the Tax Enforcement Officer.

(2) When permitted as a special exception use:

(A) the facility meets the following parking and loading/unloading requirements:

(i) the use complies with the parking requirements of Section 7-319.4(a)(2)(n);

(ii) loading and unloading of children is accomplished through the use of the parking area or the provision of a drop-off lane located to allow the safe delivery of children;

(B) the facility provides an on-site outdoor secure play area;

(C) the facility is not located within three hundred (300) feet of an existing group child care home or child care center;

(D) the secure outdoor play area is not located within two hundred (200) feet of a business selling alcoholic beverages regulated by the Liquor Code;

(E) the facility is licensed by the Commonwealth of Pennsylvania Department of Public Welfare;

(F) the facility has received approval from the Commonwealth of Pennsylvania Department of Labor and Industry prior to the issuance of the issuance of a building zoning permit;

(G) the facility has received approval from the Codes Administrator, the Fire Bureau and the Tax Enforcement Officer.

(Ord. 37-1994.)

7-327.99 PENALTY

(a) In the event any of the unlawful activities specified in Section 7-327.7 are conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm, or association shall be deemed in violation of Chapter 7-327, as well as the person or persons engaged in the unlawful activity.

(b) In addition to any monetary penalties involved, the Chief of Police shall revoke the Club Permit required by Chapter 3-501 upon conviction of any unlawful activities specified in Section 7-327.7.

(c) The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted. (Ord. 15-1990.)

(d) These penalties shall be in addition to the General Code Penalties of these Codified Ordinances and the Enforcement and Penalty provisions of this Code in Chapter 7-701.

CHAPTER 7-329

FLOOD PLAIN ZONING

Section	7-329.1	Purpose
Section	7-329.2	Delineation of Flood Plain Zoning Districts
Section	7-329.3	Application
Section	7-329.4	Appendix to Official Zoning Map
Section	7-329.5	Rules for Interpretation of District Boundaries
Section	7-329.6	Compliance
Section	7-329.7	Abrogation and Greater Restrictions
Section	7-329.8	Warning and Disclaimer of Liability
Section	7-329.9	Establishment of Flood Plain Zoning Districts
Section	7-329.10	Definitions
Section	7-329.11	Floodway District
Section	7-329.12	Floodway District Uses by Special Exception
Section	7-329.13	Flood Fringe, Approximated Flood Plain and Shallow Flood Plain Districts
Section	7-329.14	Flood Fringe District
Section	7-329.15	Enforcement by Zoning Administrator
Section	7-329.16	Zoning Permit
Section	7-329.17	Powers of Zoning Hearing Board
Section	7-329.18	Special Exceptions
Section	7-329.19	Nonconforming Uses
Section	7-329.20	Mobile Homes
Section	7-329.21	Special Permit

CROSS REFERENCES

Subdivision flood plain provisions: see Chapter 7-500

7-329.1 PURPOSE

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize those losses from flood through provisions designed to:

(1) restrict or regulate uses which are dangerous to health, safety or property in times of flood or which cause excessive increase in flood heights or velocities;

(2) require that uses vulnerable to flooding, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

(3) protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. (Ord. 10-1977.)

7-329.2 DELINEATION OF FLOOD PLAIN ZONING DISTRICTS

This chapter delineates the flood hazard area affecting specific lands. An appendix to the Official Zoning Map, attached to original Ordinance 10-1977 and made a part hereof, adopted as part of this chapter by Section 7-329.9, provides for the delineation of a Flood Plain Zoning District determined to be subject to flooding based upon evidence of past flood events. This shall include all areas subject to inundation by floodwaters of the one hundred (100) year flood. The following information has been used to delineate these districts:

(1) Federal Insurance Administration Type 15 Flood Insurance Study (FIS) for the City of Harrisburg dated November, 1976;

(2) Federal Insurance Administration Type 15 Flood Insurance Study Maps for the City of Harrisburg, dated May 2, 1977;

(3) Army Corps of Engineers Inundation Map for River Flooding and Paxton Creek Flooding;

(4) FA (General Floodplain Area): The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other federal, state and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

(Ord. 54-1990.)

7-329.3 APPLICATION

This chapter shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map as being located within the boundaries of the Flood Plain Zoning Districts. (Ord. 10-1977.)

7-329.4 APPENDIX TO OFFICIAL ZONING MAP

An appendix to the Official Zoning Map, together with all explanatory matter thereon and attached, is made a part hereof and is declared to be a part of this chapter. (Ord. 10-1997.)

7-329.5 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the Flood Plain Zoning Districts shall be determined by the Appendix to the Official Zoning Map as amended. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the Zoning Hearing Board shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board and to submit technical evidence if so desired. (Ord. 10-1977.)

7-329.6 COMPLIANCE

The use of any structure or land shall hereafter not be changed, and no structure shall be located, extended, converted or structurally altered, without full compliance with the terms of this chapter and other applicable regulations, including state and Federal requirements, which would apply to uses within the jurisdiction of this chapter. (Ord. 10-1977.)

7-329.7 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate or impair the existing Zoning Code. However, where this chapter imposes greater restrictions, provisions of this chapter shall prevail. All other provisions of the Zoning Code, not inconsistent herewith, shall remain in full force and effect. (Ord. 10-1977.)

7-329.8 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that areas outside the Flood Plain Zoning Districts or land uses permitted within the Flood Plain Zoning Districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision made thereunder. (Ord. 10-1977.)

7-329.9 ESTABLISHMENT OF FLOOD PLAIN ZONING DISTRICTS

The mapped flood hazard areas shown on the Appendix to the Official Zoning Map are hereby designated as the Floodway District, the Flood Fringe District, the Approximated Flood Plain, and the Shallow Flood Plain. Within these districts, all uses not allowed as permitted or permissible as special exceptions shall be prohibited. (Ord. 54-1990.)

7-329.10 DEFINITIONS

(a) "BOARD" means the Zoning Hearing Board of the City of Harrisburg.

(b) "REGULATORY FLOODWAY" means the channel of the watercourse and those portions of the adjacent land areas that must be reserved without cumulatively increasing the water surface elevation more than one (1) foot.

(c) "100 YEAR FLOOD" means the highest level of flooding that, on the average, is likely to occur once every one hundred (100) years within the City (i.e., that has a one percent (1%) chance of occurring each year).

(d) "OBSTRUCTION" means any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel

rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water or that is placed where the flow of water might carry the same downstream to the damage of life or property. (Ord. 10-1977.)

(e) "REGULATORY FLOOD PROTECTION ELEVATION" means that elevation which is two (2) feet above the height of the one hundred (100) year flood at a given point or location. (Ord. 54-1990.)

(f) "STRUCTURE" means anything constructed or erected on the ground or attached to the ground including but not limited to buildings or sheds.

(g) "SUBSTANTIAL IMPROVEMENT or ALTERATION" means any repair, restriction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(1) before the improvement or alteration is started; or

(2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, a substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(h) "ZONING CODE" means Chapters 7-301 through 7-333 of these Codified Ordinances, as the same may be amended. (Ord. 10-1977.)

(i) "MOBILE HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers. The term includes, but it is not limited to, the definition of "mobile homes" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7(a)). (Ord. 54-1990.)

7-329.11 FLOODWAY DISTRICT

Only the following uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any provision of the existing Zoning Code or any other ordinance, and provided that they do not require structures, fill or storage of materials or equipment. Within any Floodway District, any structure of the kind described in Section 7-329.14(3)(a) and activities outlined in Section 7-329.21 shall be prohibited. No use shall affect the capacity of the floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system. No use or development shall be permitted which would result in an increase in flood levels during the occurrence of the one hundred (100) year flood. (Ord. 54-1990.)

7-329.12 FLOODWAY DISTRICT USES BY SPECIAL EXCEPTION

(a) Other than those uses specified in Section 7-329.11, uses permitted by the Zoning Code are permitted in the Floodway District only upon application to the Zoning Administrator and the issuance of a special exception by the Zoning Hearing Board, as provided in Section 7-329.11 and given the conditions of Flood Fringe District. (Ord. 10-1977.)

(b) No special exception use, including fill, new construction, substantial improvements and other development, shall result in any increase in flood levels during the occurrence of a one hundred (100) year flood. For the purposes of this section, "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings and other structures, the placement of manufactured (mobile) homes, streets and other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operations, and the subdivision of land. (Ord. 54-1990.)

7-329.13 FLOOD FRINGE, APPROXIMATED FLOOD PLAIN AND SHALLOW FLOOD PLAIN DISTRICTS

Structures or other uses shall be permitted within the Flood Fringe, Approximated Flood Plain and Shallow Flood Plain Districts as special exceptions to the extent they are not prohibited by the Zoning Code and any other ordinance or law and they meet the following applicable standards:

(1) All new construction and substantial improvements of residential structures shall be elevated in an approved manner or constructed on fill with the lowest floor (including basement) at or above the regulatory flood protection elevation. The fill shall be at a minimum height at or above the regulatory flood protection elevation for the particular site and shall extend laterally at least fifteen (15) feet beyond the limits of any structure erected thereon. Where existing streams or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the Zoning Hearing Board may authorize other techniques for elevation. (Ord. 10-1977.)

(2) Structures other than residences shall be elevated with the lowest floor (including basement) at or above the regulatory flood protection elevation and for such purpose may be constructed on fill as provided in subsection (1) hereof or, together with attendant utility and sanitary facilities, be designed so that below the regulatory flood protection elevation the structure is watertight, with walls substantially impermeable to the infiltration of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy to a point at or above the regulatory protection elevation.

(3) The proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot. It must be assured that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(4) In addition, all special exception uses shall be subject to the standards contained in Section 7-329.11 and the requirements of this section.

(Ord. 54-1990.)

(5) Use of fill shall be governed by the following:
   (A) any fill proposed to be deposited in the Flood Plain Zoning Districts must be shown to have some beneficial purpose, and the amount thereof, not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials;
   (B) such fill or other material shall be protected against erosion by riprap, vegetative covering or bulkheading;
   (C) any fill permitted pursuant to this subsection shall conform to the standards set forth in subsection (1) of this section.

(6) Temporary or permanent structures shall meet the following criteria:
   (A) structures shall have a low flood damage potential;
   (B) the structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters:
      (i) whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow;
      (ii) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;
   (C) new construction and substantial improvements shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damages to other structures, restriction of bridge openings and other narrow sections of the stream or river;
   (D) service facilities such as electrical and heating equipment shall be constructed in an approved manner as provided for by the Building Code, as amended.

(7) Material and equipment shall be stored only as follows:
   (A) the storage or processing of materials that are in time of flooding buoyant, flammable or explosive or could be injurious to human, animal or plant life is prohibited, except as provided for by the Building Code, as amended;
   (B) storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored.

(8) All structural development shall adhere to the floodproofing provisions of the City Building Code, as amended.

(9) Plans for any use allowed by a special exception shall incorporate the recommendations of a registered architect or engineer to provide for protection against predictable hazards and to certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood.

(Ord. 10-1977.)

7-329.14 FLOOD FRINGE DISTRICT

Structures or other uses shall be permitted within the Flood Fringe District as special exceptions to the extent they are not prohibited by the Zoning Code or any other ordinance or law and they meet the following applicable standards:

(1) All new construction and substantial improvements in any A Zone as designated on the Flood Insurance Rate Maps for the City that are located within the Floodplain Zoning Districts shall utilize the regulatory flood protection elevation and adhere to the following standards:
   (A) the lowest floor (including basement) of a residential structure shall be elevated to or above the regulatory flood protection elevation;
   (B) the lowest floor (including basement) of a non-residential structure shall be elevated or floodproof to or above the regulatory flood protection elevation. (Ord. 12-1985.)

(2) All new construction and substantial improvements of residential structures in any AO Zone as designated on the Flood Plain Zoning Districts shall have the lowest floor, including basement elevated at least one (1) foot above the regulatory flood protection elevation of 324 M.S.L. All new construction and substantial improvements of non-residential structures in any AO Zone as designated on the Flood Insurance Rate Maps for the City of Harrisburg that are located within the Flood Plain Zoning Districts shall have the lowest floor including basement including mechanical systems of the same elevated one (1) foot above the regulatory flood protection elevation of 324 M.S.L. or together with attendant utility and sanitary facilities be completely floodproof to or above one (1) foot above the regulatory flood protection elevation of 324 M.S.L. or together with attendant utility and sanitary facilities be completely floodproof to or above one (1) foot above the regulatory flood protection elevation so that any space below that level is watertight, with walls substantially impermeable to the passage of water and with structural components having capacity of resisting hydrostatic and hydrodynamic loads and effect of buoyance. (Ord. 54-1990.)

(3) Any new or substantially improved structure, which will be used for the production or storage of any of the following dangerous materials or substances; or which will be use for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises or which will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this subsection in addition to all other applicable provisions:

(A) Acetone;
(B) Ammonia;
(C) Benzene;
(D) Calcium Carbide;
(E) Carbon Disulfide;
(F) Celluloid;
(G) Chlorine;
(H) Hydrochloric Acid;
(I) Hydrocyanic Acid;
(J) Magnesium;

(K) Nitric Acid and Oxides or Nitrogen;
(L) Petroleum Products (gasoline, fuel oil, etc.);
(M) Phosphorus;
(N) Potassium;
(O) Sodium;
(P) Sulphur and Sulphur Products;
(Q) Pesticides (including insecticides, fungicides and rodenticides);
(R) Radioactive substances, insofar as such substances are not otherwise regulated;
(S) Any other materials listed in N.F.P.A. Hazardous Materials Guide.

(4) Where permitted within any Floodplain Zoning District, any structure of the kind described in Subsection (3) shall be:
(A) elevated or designed and constructed to remain completely dry up to at least the regulatory flood protection elevation and designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood;
(B) any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing" Regulations U.S. Army Corps of Engineers, June 1972, or with some other equivalent watertight standard.

(5) For any activities involving hospitals, nursing homes, jails or prisons, and mobile home parks, special provisions are provided in Section 7-329.21, of this chapter.

(Ord. 12-1985.)

7-329.15 ENFORCEMENT BY ZONING ADMINISTRATOR

The Zoning Administrator designated by the Mayor shall administer and enforce this chapter. If he or she finds a violation of the provisions of this chapter, he or she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. (Ord. 10-1977.)

7-329.16 ZONING PERMIT

(a) A zoning permit issued by the Zoning Administrator in conformity with the provisions of this chapter shall be secured prior to the erection, exterior structural addition or any substantial improvement or alteration of any building or structure or portion thereof, prior to the use or change of use of building, structure or land, and prior to the change or extension of a nonconforming use.

(b) Application for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the City and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location dimensions, and elevations of the lot; existing or proposed structures, fill and storage of material; and the location of the foregoing in relation to the channel, the Flood Plain Zoning Districts, and the regulatory flood protection elevation.

(c) It shall be unlawful to use or occupy or permit the use of occupancy of any building or land or both, or part thereof hereafter erected, substantially improved or altered, structurally altered or enlarged or changed in its use until a certificate of zoning compliance has been issued therefore by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this chapter. No nonconforming structure or use shall be used after substantial improvement until a certificate of zoning compliance shall state specifically the particulars, if any, in which the nonconforming structure or use differs from the provisions of this chapter.

(d) Zoning permits, special exception uses or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by Section 7-701.99. The applicant shall be required to submit a certification by a registered professional engineer or other qualified person designated by Council that the finished fill and building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter. (Ord. 10-1977.)

7-329.17 POWERS OF ZONING HEARING BOARD

(a) The Zoning Hearing Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.

(b) The Board shall hear and decide applications for special exception upon which the Board is authorized to pass under this chapter. (Ord. 10-1977.)

(c) The Board may authorize upon appeal in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) that there are unique circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, and not the circumstances or conditions generally created by the provisions of this chapter;

(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 chapter 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 or adjacent property nor be detrimental to the public welfare;

(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; (Ord. 10-1977.)

(6) that the variance, if authorized in the Floodway District, will not result in any increase in flood levels during the occurrence of a one hundred (100) year flood;

(7) except for a possible modification of the freeboard requirements involved, no variance or waiver shall be granted to any of the other

requirements of Section 7-329.14(3) and Section 7-329.21;

(Ord. 54-1990.)

(8) except for a possible modification of the freeboard requirements involved, no variance or waiver shall be granted to any of the other requirements of the Section 7-329.14(3) and Section 7-329.21. (Ord. 12-1985.)

(d) Prior to hearing and deciding on variances and special exceptions, the Zoning Hearing Board shall instruct the Zoning Administrator to transmit a notification to the applicant that the authorization of a variance or special exception allowing for the construction or substantial improvement of a structure below the one hundred (100) year flood level will result in increased premium rates for flood insurance and that construction or substantial improvement below the level of the one hundred (100) year flood increases risks to life and property.

(e) The Zoning Hearing Board shall instruct the Zoning Administrator to notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator. (Ord. 10-1977.)

(f) A complete report of all variance requests and related actions shall be maintained by the City. In addition, a report of all variance granted during the year shall be included in the biennial report to the Federal Insurance Administration. (Ord. 54-1990.)

7-329.18 SPECIAL EXCEPTIONS

(a) Application for any use listed in this chapter as requiring a special exception shall be allowed only upon application to the Zoning Administrator on forms furnished by the City and the authorization of special exception by the Zoning Hearing Board. Upon receipt of the application, the Administrator shall forthwith submit it to the Board along with a copy of recommendations to the applicant for materials to be presented to the Board.

(b) Upon receiving an application for a special exception permit involving the use or construction of structures in the floodplain or the storage of materials in same, the Board shall, prior to rendering a decision thereon:

(1) Require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the suitability of the particular site for the proposed use or construction:

(A) plans in triplicate, drawn to scale, showing the nature, location, dimensions and elevations of the lot, the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) and five hundred (500) year flood elevations, existing floodproofing measures, and the relationship of the above to the location of the floodway and regulatory flood protection elevation;

(Ord. 20-1995.)

(B) a typical valley cross-section showing the channel of the stream, dimensions and elevation of floodway areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information;

(C) plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetative upstream and downstream, soil types and other pertinent information;

(D) profile showing the slope of the bottom of the channel or flow line of the stream;

(E) specifications for building construction and materials, floodproofing, filling dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities;

(Ord. 10-1977.)

(F) Certification from the applicant in the form of a deed that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he or she represents. Such deed shall contain language unambiguously described any restrictive covenants which relate to floodplain or drainage requirements or regulations.

(Ord. 20-1995.)

(2) The Board may, on its own initiative, retain the services of a registered professional engineer for evaluation purposes, and if necessary the Board shall transmit to such engineer one copy of the information described in subsection (b)(1) hereof for the purpose of obtaining his evaluation of the proposed project with regard to potential flood damage to the use, the magnitude of related flood plain encroachment and other relevant matters.

(3) Based upon the technical evaluation of the designated engineer, the Board shall determine the specific flood hazard at the site of proposed use or development for which a special exception being applied and evaluate the suitability of the proposed use in relation to the flood hazard.

(Ord. 10-1977.)

(c) In passing upon such applications, the Board shall consider all relevant factors specified in other sections of the chapter and:

(1) the danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) the danger that materials may be swept onto other lands or downstream to the injury of others;

(3) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(4) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(5) the importance to the community of the activity of the proposed facility;

(6) the necessity of the location desired for the proposed facility;

(7) the availability of alternative locations not subject to flooding for the proposed use;

(8) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) the relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

(10) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(11) the expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

(12) such other factors which are relevant to the purpose of this chapter.

(Ord. 10-1977.)

(d) Upon consideration of the factors listed above and the purpose of this chapter, the Board may attach such conditions to the granting of special exceptions or variances as it deems necessary to further the purposes of this chapter. Among such conditions without limitation because of specific enumeration may be included:

(1) modification of waste disposal and water supply facilities;

(2) limitations on periods of use and operation;

(3) imposition of operational controls, sureties and deed restrictions;

(4) requirements for construction of channel modifications, dikes, levees, and other protective measures;

(5) floodproofing measures designed consistent with the regulatory flood protection elevation for the particular areas, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the one hundred (100) year flood. Floodproofing measures proposed by the applicant for a special permit shall be certified by the Building Inspector to be in conformance with the requirements of the Building Code, as amended. In the hearing of any such application request the testimony of the Building Inspector as well as any other representatives of the City.

(Ord. 10-1977.)

7-329.19 NONCONFORMING USES

A structure or the use of a structure or premises which was lawful before passage or amendment of this chapter may be continued subject to Sections 7-303.1 and 7-303.2 and the provisions hereof. (Ord. 10-1977.)

7-329.20 MOBILE HOMES

Mobile homes shall not be located or placed within the Flood Plain Zoning Districts established by this chapter. (Ord. 10-1977.)

7-329.21 SPECIAL PERMIT

(a) A special permit is one required for:

(1) the commencement of the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
(A) hospitals;
(B) nursing homes;
(C) jails or prisons.

(2) the commencement of, or any construction of, a new mobile home park, or mobile home subdivisions.

(b) Upon receiving an application for a special permit for any development described in Subsection (a) above, the Zoning Administrator shall, prior to rendering a decision thereon, require the applicant to furnish to the Zoning Administrator ten (10) copies of the following:

(1) a written request including a completed Building Permit Application Form;

(2) a small scale map showing the vicinity in which the proposed site is located.

(Ord. 12-1985.)

(c) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

(1) north arrow, scale and date;

(2) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

(3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(5) the location of any existing bodies of water or water courses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and made-made features affecting, or affected by, the proposed activity or development; (Ord. 12-1985.)

(6) the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) and five hundred (500) year flood elevations, and information concerning the flow of water including direction and velocities;

(Ord. 20-1995.)

(7) the location of all proposed buildings, structures, utilities, and any other improvements; and

(8) any other information which the municipality considers necessary for adequate review of the application.

(Ord. 12-1985.)

(d) In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(1) the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;

(2) the lowest floor elevation (including basement) will be at least two (2) feet above the one hundred (100) year flood elevation;

(Ord. 54-1990.)

(3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

(4) detailed information concerning any proposed flood proofing measures;

(5) cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all right-of-way and pavement widths;

(6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

(7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(Ord. 12-1985.)

(e) The following data and documentation required:

(1) certification from the applicant in a form of a deed that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents. Such deed shall contain language unambiguously describing any restrictive covenants which relate to floodplain or drainage requirements or regulations;

(2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

(3) a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

(4) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

(5) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials, or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevations and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

(6) the appropriate component of the Department of Environmental Protection "Planning Module for Land Development";

(7) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control; (Ord. 12-1985.)

(8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

(9) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood (Ord. 12-1985.)

(f) Upon receipt of an application for a Special Permit by the City, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

(1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Harrisburg City Planning Commission and City Engineer for review and comment.

(2) If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respects the application is deficient.

(3) If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(4) If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the State Department of Community Affairs, by registered, within five (5) working days after the date of approval.

(5) Before issuing the Special Permit, the City shall allow the Pennsylvania Department of Community Affairs thirty (30) days after receipt of the notification and application to review the application and the decision made by the City.

(6) If the City does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

(7) If the Department of Community Affairs should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the Special Permit. (Ord. 12-1985.)

(g) In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provisions, the more restrictive provisions shall apply:

(1) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(A) fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(i) the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;

(ii) the lowest floor elevation (including basement) will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation;

(iii) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

(B) Prevent any significant possibility of pollution, increased flood levels of flows, or debris endangering life and property.

(2) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts.

(3) Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City and the Department of Community Affairs.

(Ord. 12-1985.)

CHAPTER 7-331

HISTORIC DISTRICT

Section	7-331.1	District Creation
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CROSS REFERENCES

Historic Districts: see 53 P.S. §8001 et seq.
State Historical Commission: see 71 P.S. §1041 et seq.

7-331.1 DISTRICT CREATION

In accordance with the Act of June 13, 1961, P.L. 282, and to protect the portions of the City which recall the rich architectural and cultural heritage of City and State, awaken in our people an interest in our historic past and promote the general welfare, education and culture of our City, there are hereby created in the City historic districts known as "Historic Harrisburg." (Ord. 13-1974.)

7-331.2 DELINEATION OF HISTORIC DISTRICT; MAP AND BOUNDARIES

(a) Historic Harrisburg is hereby delineated as those zones or districts shown as Historic Harrisburg on the "Historic Harrisburg Map" which, together with all explanatory matter thereon, including a metes-and-bounds description appended thereto and made a part thereof, is hereby adopted by reference and declared to be a part of this chapter.

(b) The Historic Harrisburg Map shall be identified by the certification of the City Clerk, bearing the seal of the City under the following words:

> "This is to certify that this is the Historic Harrisburg Map referred to in Section 2 Ordinance Number 13 of 1974 of the City of Harrisburg, Pennsylvania."

together with the date of the adoption of this chapter.

(c) If, in accordance with the provisions of this chapter changes are made in the district boundaries or other matters portrayed on the Official Historic Harrisburg Map, such changes shall be entered on the Official Historic Harrisburg Map promptly after the amendment has been approved by City Council, with an entry on the Official Historic Harrisburg Map as follows:

> "On _____, 19___, by official action of the City Council, the following change(s) were made in the Official Historic Harrisburg Map: (brief description of nature of change)",

which entry shall be certified by the City Clerk, bearing the Seal of the City. No amendment to this chapter which involves matter portrayed on the Official Historic Harrisburg Map shall become effective until after such change and entry has been made on said map.

(Editor's Note: The Official Historic Harrisburg Map has been amended by Ordinances 5-1983, 16-1987, 49-1990, and 40-1986.)

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

(e) While copies of the Official Historic Harrisburg Map may from time to time be made or published, the Official Historic Harrisburg Map shall be located in the office of the Department

of Building and Housing Development and shall be the final authority as to zones or districts within Historic Harrisburg which are subject to the provisions of this chapter. Where uncertainty exists as to the boundaries of districts as shown on the Official Historic Harrisburg Map, the following rules shall apply:

(1) boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

(2) boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;

(3) boundaries indicated as parallel to or extensions of features indicated in the above, shall be so construed. Distances not specifically indicated on the Official Historic Harrisburg Map shall be determined by the scale of the map.

(Ord. 13-1974.)

7-331.3 CERTIFICATION BY STATE HISTORIC COMMISSION

The Mayor and the City Clerk are hereby authorized and directed to request a certification by Resolution of the Pennsylvania Historical and Museum Commission to the historic significance of the districts within the limits defined in Section 7-331.2 hereof. The Mayor and the City Clerk are further directed to place such certification among the municipal records of the City. (Ord. 13-1974.)

7-331.4 BOARD CREATION, COMPOSITION AND TERM

A Board of Historical Architectural Review, identified as the Harrisburg Architectural Review Board (hereinafter "Board" or "HARB"), is hereby established and shall be composed of seven members, appointed by the Mayor, with the advice and consent of Council, one of whom shall be a registered architect, one a licensed real estate broker and one the Codes Administrator of the City or designee. Four additional persons with a knowledge of and interest in the preservation of the Historic District, and who reside therein, shall be appointed. All members of the Board shall be residents of, or own real estate located in, the City during their membership. The Deputy Director for Planning or his/her representative shall provide staff services to the Board. The initial terms of the first seven members shall be as follows: two shall be appointed for one year, three for two years, and two for three years. Their successors shall serve for terms of three years. Board members failing to attend three (3) consecutive meetings shall forfeit their membership, unless the Chairperson of the Board receives written notification from the member involved that the absence was due to personal illness or the death or illness of an immediate family member. Should any Board member fail to attend three consecutive meetings without providing the notification set forth above, the Chairperson of the Board, or the City representative (if the absent member is the Chairperson), shall notify the Mayor and City Council of a vacancy on the Board by virtue of said member's unauthorized absences. Any member of the Board who shall cease to qualify as a member as herein set forth during his/her term of membership shall immediately create a vacancy on the Board. An appointment to fill a vacancy shall be only for the unexpired portion of the term so vacated. (Ord. 39-1994.)

7-331.5 DUTIES OF BOARD

(a) The Board shall review the Historic District limits as outlined in Section 7-331.2 and shall provide information to property owners within the district relating to legal and architectural techniques with respect to Historic District preservation or assist owners in finding such information. The Board shall also advise other agencies within the City Government on matters relating to the district, although those agencies shall not be obligated to follow the advice of the Board.

(b) The Board shall give advice and counsel to the City Council and the Mayor regarding the advisability of issuing any certificates required to be issued pursuant to said Act and this Chapter. Such advice and counsel shall at all times be consistent with the provisions of all ordinances of the City. For this purpose, the Board may adopt and amend rules and

regulations for its own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of four (4) members of the Board. The members of the Board shall serve without compensation and shall make an annual report of their transactions to the Mayor and City Council. The Board may, pursuant to appropriations by the City Council, employ secretarial assistants, pay their salaries and wages, and incur other necessary expenses. (Ord. 13-1974.)

7-331.6 APPLICATION TO BUILDING INSPECTOR

Upon receipt of an application for a building permit for work to be done in Historic Harrisburg, the Codes Administrator or a designee shall act in accordance with the procedures presently being followed in that office except as modified by the following requirements:

(1) He or she shall forward to the Secretary of the Board a copy of the application for a building permit for any work which is regulated by the provisions of this chapter, together with a copy of the plot plan and the building plans and specifications filed by the applicant.

(2) He or she shall maintain a record of all such applications and of the handling and final disposition of the same, which shall be in addition to and appropriately cross-referenced to other records.

(3) He or she shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit to permit compliance with the foregoing. (Ord. 13-1974.)

7-331.7 HISTORIC DISTRICT BUILDING PERMIT PROCEDURE

All building permit applications for work in Historic Harrisburg shall be submitted to the Zoning Administrator who shall forward the application to the Deputy Director for Planning or a designee for review. In reviewing the application, the applicable procedure listed below shall be followed, in addition to the standard review procedure for building permits:

(1) In-kind Repair and/or Replacement.

(A) In-kind repair and/or replacement refers to work completed with the identical materials, design, dimensions, colors, and configuration of any architectural features that currently exist on the structure.

(B) Any application which consists solely of in-kind repair and/or replacement shall be reviewed and approved by the Deputy Director for Planning or his/her designee. The application will be forwarded to the Zoning Administrator for appropriate action.

(C) Any application found not to consist solely of in-kind repair and/or replacement shall be submitted to the Board for review.

(2) Board and City Council Review.

(A) All applications submitted to the Board will be reviewed for compliance with Historic District standards set forth in Section 7-331.10.

(B) The Board will forward the application to City Council with a recommendation for approval or denial of a Certificate of Appropriateness, in accordance with Sections 7-331.10 and 7-331.11.

(C) Upon notice of City Council action, the Zoning Administrator and Codes Administrator will take the appropriate actions. (Ord. 39-1994.)

(3) Repairs Costing Less Than $1,000.00.

(A) For repairs under one thousand dollars ($1,000.00), in accordance with Section 8-101.3(b), a building permit is not required.

(B) Such proposed repairs shall be reviewed by the Board and City Council for a determination that the proposed work meets the Historic District standards set forth in Section 7-331.09.

(C) Applications for such work are to be submitted to the Deputy Director for Planning, or a designee, for submission to the Board.

(D) The Board will forward the application to City Council with a recommendation for approval or denial of a Certificate of Appropriateness, in accordance with Sections 7-331.10 and 7-331.11.

(E) If approved, City Council will send a Certificate of Appropriateness to the Deputy Director for Planning or a designee.

(F) If denied, the applicant will be informed of the reasons of the disapproval. The applicant may reapply with corrections made to the application or may appeal the disapproval as provided by law and City ordinance.

(4) The Zoning Administrator shall maintain a record of all such applications and of the handling and final disposition of the same, which shall be in addition to and appropriately cross referenced to the Zoning Administrator's other records.

(5) The Zoning Administrator shall require applicants to submit a sufficient number of additional copies of the material required to be attached to an application for a building permit to permit compliance with the foregoing.

(Ord. 39-1994.)

7-331.8 PERMIT APPROVAL

The Codes Administrator or a designee shall not issue a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of a building in Historic Harrisburg which will affect the exterior historic or architectural features of the building until Council has issued a Certificate of Appropriateness. For permits that consist solely of in-kind repair or replacement, the Deputy Director for Planning or a designee may issue a Certificate of Appropriateness. (Ord. 39-1994.)

7-331.9 MEETINGS OF BOARD AND CONSIDERATION OR APPLICATIONS

The Board shall meet regularly and publicly at least once a month at regularly scheduled intervals and may hold special meetings for cause at the call of the Chairman of the Board or upon the request of any four (4) members. Any application for a building permit regulated by this chapter shall be considered by the Board at its next regularly scheduled meeting held at least five (5) days after the date of the filing of the application or at any special meeting of the Board called for such purpose. The applicant for the permit shall be advised of the time and place of said meeting and invited to appear to explain the reasons therefor. The Board may invite such other person or persons as it desires to attend the meeting. (Ord. 13-1974.)

7-331.10 CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

In determining the counsel and recommendation to be made to the Council of the City concerning the issuing of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the Historic District, the Board shall consider the following matters:

(1) the effect of the proposed change upon the general historic and architectural nature of the district;

(2) the appropriateness of exterior architectural features which can be seen from a public street or way only; and

(3) the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district. (Ord. 13-1974.)

7-331.11 COUNSEL AND RECOMMENDATION OF BOARD

Within seven (7) days of the day following the meeting of the Board at which an application is considered, the Board shall submit its counsel and recommendation in writing to the City Council. However, if the Board, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel and recommend against the granting of a certificate of appropriateness, it shall indicate to the applicant for a building permit the changes in plans and specifications, if any, which in the opinion of the Board would protect the distinctive historical and architectural character of Historic Harrisburg. The Board shall withhold its report to City Council for a period of five (5) days following its decision and notification thereof to the applicant to allow the applicant to decide whether or not to make the suggested changes in the plans and specifications. If the applicant determines that he or she will make the suggested changes, he or she shall so advise the Board which shall advise City Council accordingly. (Ord. 13-1974.)

7-331.12 CONTENTS OF RECOMMENDATION

The Board, after compliance with Sections 7-331.8 and 7-331.10 of this chapter, shall submit to the Council of the City, in writing, its counsel and recommendation concerning the issuance of a certificate of appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or part of any building within Historic Harrisburg. The written report shall set out the following matters:

(1) the exact location of the area in which the work is to be done;

(2) the exterior changes to be made or the exterior character of the structure to be erected;

(3) a list of the surrounding structures with their general exterior characteristics;

(4) the effect of the proposed change upon the general historic and architectural nature of the district;

(5) the appropriateness of exterior architectural features which can be seen from a public street or way;

(6) the general design, arrangement, texture, material and color of the building or structure and the

relation of such factors to similar features of buildings or structures in the district;

(7) a sketch or drawing showing the building or structure with its changes, and including at least the two structures on either side showing the effects of those changes within the district;

(8) the opinion of the Board (including any dissent) as to the appropriateness of the work proposed in relation to the preservation or destruction of the historic or architectural aspects of the structure, and of the district;

(9) the specific recommendation of the Board as to the issuance by City Council or its refusal to issue a certificate of appropriateness. (Ord. 13-1974.)

7-331.13 ACTION BY CITY COUNCIL

(a) The recommendation of the Board will be submitted to the Chair of Council's Building and Housing Economic Development Committee for review.

(b) In the event the Board recommends approval of an application, Council shall act as follows:

(1) If the Chair of the Building and Housing Economic Development Committee has no objections to the application, the Board's decision will be considered final, and a Certificate of Appropriateness shall be issued within ten (10) days after the receipt of the Board's recommendation.

(2) The Chair of the Building and Housing Economic Development Committee may at his/her discretion submit the application to Council, at a regular or special meeting, to consider the question of issuing a Certificate of Appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the City Clerk of the time and the place of the meeting at which such application will be considered, and the applicant shall have the right to attend and be heard in support of the application. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any

building within Historic Harrisburg, Council shall consider both the same factors as the Board is required to consider under Section 7-331.12 and the report of the Board.

(A) If Council approves the application, it shall, by resolution, certify the appropriateness of the proposed construction and authorize the Codes Administrator to issue a permit for the work covered.

(B) If Council disapproves, it shall do so by resolution, and copies thereof shall be delivered to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical and architectural character of the districts. Council shall not consider any matter not pertinent to the historical and architectural aspect and nature of the district.

(C) In any event, Council shall render its decision no later than thirty (30) days after the Board's meeting date, and, upon failure of the Council to act within such period of time, the recommendation of the Board shall be deemed to be the action of Council, unless by resolution Council specifically defers such action for a period not to exceed thirty (30) days from the date of the resolution deferring such action.

(c) In the event the Board recommends denial of an application, Council shall follow the procedure set forth in Section 7-331.13(b)(2) for full Council review. Council shall render its decision no later than thirty (30) days following the Board's meeting date. Upon failure of Council to act within such time periods, the recommendation of the Board shall be final and shall be deemed to be the action of Council, unless by resolution, Council specifically defers such action for a period not to exceed thirty (30) days from the date of the resolution deferring such action. (Ord. 39-1994.)

7-331.14 ACTION BY BUILDING INSPECTOR

Upon receipt of the written disapproval of the Council, the Codes Administrator shall disapprove the application for the building permit and shall so advise the applicant. The applicant may appeal the disapproval as provided by the law and the ordinances of the City. (Ord. 13-1974.)

7-331.15 ENFORCEMENT

The Codes Administrator shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this chapter in the same manner as in the enforcement of the Building Code as presently enacted and as the same may from time to time be amended. (Ord. 13-1974.)

CHAPTER 7-333

INTENSITY OF DEVELOPMENT

Section	7-333.1	Findings of Fact and Purposes
Section	7-333.2	Lands to Which Chapter Applies
Section	7-333.3	Establishment of Official Zoning Map
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Section	7-333.8	Special Intensity District No. 1 (SID-1)
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Section	7-333.15	Special Intensity District No. 2 Phased (SID-2) Building Envelope Regulations

CROSS REFERENCES

Administration: see Chapter 7-301
Building envelope: see Chapter 1-302
Zone Districts and Map: see Chapter 7-307

7-333.1 FINDINGS OF FACT AND PURPOSES

(a) The purpose of this chapter is to create zoning classifications in specially designated areas or transition areas between existing planning and zoning districts, where additional regulation is necessary: (1) to promote, protect and facilitate the general welfare; (2) assure coordinated and practical community development; and (3) prevent overcrowding of land through provisions which regulate building height, floor area ratio and lot coverage.

(b) The General Plan for the City of Harrisburg indicates that:

(1) Preservation areas play a most significant role from the standpoint of reinforcing basic design (development) principals in a critical transition area where urban scale becomes less intense in terms of size and bulk of structures and uses.

(2) The maintenance of neighborhood character, especially where architectural scale is appropriate, acts as a contrasting element to existing and future development in the central employment area and leads to a pleasant and adaptable urban environment.

(3) There exists a need to supplement preservation efforts through changes in zoning or establishment of other regulatory control mechanisms which are appropriately oriented to the planned urban environmental characteristics of the area.

(4) The maintenance and enhancement of appropriate urban scale and amenity also encourages property maintenance and stabilization of the real estate market, thereby acting to prevent the process of blight.

(c) The Harristown Urban Renewal Plan R-597, as adopted by the City Council in Resolution No. 68-1974, applies to Harrisburg's Central Employment Area (as described in the General Plan for the City of Harrisburg) adjacent to the Midtown area and identifies the need for control of appropriate development in areas adjoining Harristown, which in turn requires upgrading of zoning controls dealing with land use intensity. The refinement of existing regulations is especially necessary in light of anticipated impacts of a successful Harristown project on adjacent areas. In particular, a probable effect will be development pressures which, if inadequately controlled, could lead to types of development incompatible with the planned nature and scale of development in both the Central Employment Area and the adjoining Midtown area. (Ord. 30-1974.)

7-333.2 LANDS TO WHICH CHAPTER APPLIES

This chapter shall apply to all lands within the jurisdiction of the City of Harrisburg shown on the Official Zoning Map as being located within the boundaries of Special Intensity District No. 1 and Special Intensity District No. 2. (Ord. 30-1974.)

7-333.3 ESTABLISHMENT OF OFFICIAL ZONING MAP

A Special Intensity District overlay of the Official Zoning Map, together with all explanatory matter thereon and attached thereto, is attached hereto and made a part hereof and declared to be part of this chapter. (Ord. 30-1974.)

7-333.4 COMPLIANCE

The use of any structure or land shall hereafter not be changed, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. (Ord. 30-1974.)

7-333.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate or impair the existing Zoning Code. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other provisions of the Zoning Code, not inconsistent herewith, shall remain in full force. (Ord. 30-1974.)

7-333.6 ESTABLISHMENT OF SPECIAL INTENSITY DISTRICTS

The intensity of development areas shown on the overlay of the Official Zoning Map, which is attached hereto and made a part hereof, are hereby designated as Special Intensity District No. 1 and Special Intensity District No. 2. (Ord. 30-1974.)

7-333.7 DEFINITIONS

Definitions of terms used herein shall be as stated in Chapter 1-302. (Ord. 30-1974.)

7-333.8 SPECIAL INTENSITY DISTRICT NO. 1 (SID-1)

In the area designated as Special Intensity District No. 1, the following building envelope regulations shall apply:

(1) No building or structure shall exceed forty-five (45) feet in height nor be less than twenty-five (25) feet in height.

(2) The maximum floor area ratio of any building or structure except for general commercial office use shall not exceed three to one (3.0:1.0).

(3) The maximum floor area ratio of any building or structure intended for general commercial office use shall not exceed two to one (2.0:1.0).

(4) In any structure which incorporates more than one permitted use, the maximum floor area ratio for each such use shall be the same as that specified herein for that use in a separate structure: provided, however, that the maximum floor area ratio for the structure as a whole shall not exceed that specified herein for the individual use which occupies the largest percentage of the gross floor area of such structure.

(5) The main and accessory buildings on any lot intended for any use other than general commercial office shall not cover more than seventy-five (75) percent of the area of such lot.

(6) The main and accessory buildings on any lot intended for general commercial office use shall not cover more than sixty (60) percent of such lot.

(7) The main and accessory buildings on any lot intended for permitted mixed uses shall not cover a largest percentage of the area of such lot than is specified for the individual use which occupies the largest percentage of the total gross floor area of such main and accessory buildings.

(Ord. 30-1974.)

7-333.9 SPECIAL INTENSITY DISTRICT NO. 2 (SID-2)

In the area designated as Special Intensity District No. 2, the following building envelope regulations shall apply:

(1) No building or structure shall exceed seventy (70) feet in height nor be less than twenty-five (25) feet in height.

(2) The maximum floor area ratio of any building or structure except for multiple dwelling use and general commercial office use shall not exceed three to one (3:1).

(3) The maximum floor area ratio of any building or structure intended for general commercial office use shall not exceed two and one-half to one (2.5:1).

(4) The maximum floor area ratio of any building or structure for multiple dwelling use shall not exceed six to one (6.:1).

(5) In any structure which incorporates more than one permitted use, the maximum floor area ratio for each such use shall be the same as that specified herein for that use in a separate structure; provided, however, the maximum floor area ratio for the structure as a whole shall not exceed that specified herein for the individual use which occupies the largest percentage of the gross floor area of such structure.

(6) The main and accessory buildings of any lot intended for any use other than multiple dwelling use shall not cover more than seventy-five percent (75%) of such lot.

(7) The main and accessory buildings on any lot intended for multiple dwelling use shall not cover more than eighty-five percent (85%) of such lot.

(8) The main and accessory buildings on any lot intended for permitted mixed uses shall not cover a larger percentage of the area of such lot than is specified for the individual use which occupies the largest percentage of the total gross floor area of such main and accessory buildings.

(Ord. 30-1974.)

7-333.10 ADMINISTRATION

This chapter shall be administered in accordance with Chapter 7-301 which prescribes administration, permits and fees. (Ord. 30-1974.)

7-333.11 NON-CONFORMING USES

A structure or use of a structure or premises which was lawful before passage of this chapter may be continued, subject to Sections 7-303.1 and 7-303.2 of the Zoning Code; provided, however, that any changes or alterations to such structure or use of such structure or premises shall not increase the extent of non-conformance with the provisions of this chapter. (Ord. 30-1974.)

7-333.12 PUBLIC UTILITY SPECIAL EXCEPTION

(a) Pursuant to an application by a public utility corporation, the Zoning Hearing Board shall by Special Exception authorize the waiver of any or all the limitations specified in Section 7-333.8 and 7-333.9; provided, however, that:

(1) such Special Exception shall apply to a structure which was in existence at the time of enactment of this chapter and which was designed and constructed with the intent of future expansion; and

(2) the Board finds the proposed Special Exception is reasonably necessary for the convenience or welfare of the public. (Ord. 18-1977.)

(b) Pursuant to an application, the Zoning Hearing Board shall by special exception authorize the modification of any or all the limitations specified in this chapter, provided that:

(1) such special exception shall apply to new construction to be used for central offices or headquarters of a regional nature for public, quasi-public, civic, fraternal, financial, or business agencies, involving no manufacture, buying or selling of goods or manual services other than supplies incidental to such permitted principal uses and involving no street or window display; and

(2) the new construction involves either an expansion of an existing central office or headquarters building or construction of a new central office or headquarters building adjacent to or continuous

with the applicant's existing central offices or headquarters; and

(3) the applicant was the owner of the property to be used for the new construction as of February 25, 1975; and

(4) the applicant has heretofore qualified under the Phased Implementation provisions of this Chapter by having duly filed a letter of intent with the Zoning Administrator pursuant to the provisions of Subsections 7-333.12(1) and (2) hereof; and

(5) the Board finds that the extent of modification of the provisions of this chapter to be granted is the minimum special exception necessary to accommodate the reasonably expected future expansion of the applicant's central offices or headquarters only; and

(6) the Board finds the proposed special exception will result in development of the same general character as that existing in the neighborhood. In making this determination the Board shall consider the requirements and conditions for special exceptions set forth in Chapter 7-305.

(Ord. 18-1977.)

7-333.13 PHASED IMPLEMENTATION

By April 1, 1977 all of the building envelope regulations specified in Sections 7-333.8 and 7-333.9 shall be numerically increased to the values specified in Sections 7-333.14 and 7-333.15, provided that:

(1) Any property owner of record, or developer acting as an agent for a property owner of record, wishing to exercise the provisions of this chapter shall file a Letter of Intent to this effect with the Zoning Administrator on or before October 1, 1975.

(2) Said Letter of Intent shall specify the following matters:
   (A) the name(s) of the owner(s) of the property(ies) for which a Zoning Permit pursuant to the provisions of this chapter is sought;
   (B) a valid description of said property(ies), including a plot plan prepared by a registered architect or engineer upon which shall be clearly indicated the property boundaries with all bearings and distance;
   (C) a written description of the proposed development indicating conformance with all applicable limitations as specified in this chapter, as well as a written description of the use(s) to be incorporated in said proposed development;
   (D) a written statement of the proposed arrangements to be utilized in financing the proposed development;
   (E) the signatures of the owner(s) or his agents(s), or if such an owner or agent is a corporation, the signature of an authorized officer of the corporation who will seek a Zoning Permit pursuant to the provisions of this chapter, and
   (F) the execution of the Letter of Intent shall be acknowledged by a Notary Public or other person authorized to acknowledge such documents.

(3) Before April 1, 1977 any applicant who has previously filed a Letter of Intent for a Zoning Permit pursuant to the provisions of this chapter shall file final architectural plans and specifications prepared by a registered

professional architect or engineer for said proposed development, which final architectural plans and specifications shall comply with the certified statements contained in the Letter of Intent.

(4) Before April 1, 1977 each applicant for a Zoning Permit pursuant to the provisions of this chapter shall have secured all applicable Zoning and Building Permits required to enable the proposed development to proceed and shall, as a condition for the issuance of such Permits, present proof of financing for the proposed development.

(5) A special permit may be granted by the Zoning Hearing Board for a reasonable extension of time in which to comply with this chapter when it finds such to be necessary because of a natural catastrophe or other unnecessary hardship that has not been created by the applicant.

(Ord. 30-1974.)

7-333.14 SPECIAL INTENSITY DISTRICT NO. 1 PHASED (SID-1) BUILDING ENVELOPE REGULATIONS

(a) No building or structure shall exceed seventy (70) feet in height nor be less than twenty-five (25) feet in height.

(b) The maximum floor area ratio of any building or structure, except for general commercial office use, shall not exceed four to one (4:1).

(c) The maximum floor area ratio of a building or structure intended for general commercial office use shall not exceed three to one (3:1).

(d) In any structure which incorporates more than one (1) permitted use, the maximum floor area ratio for each such use shall be the same as that specified herein for that use in a separate structure; provided, however, the maximum floor area ratio for the structure as a whole shall not exceed that specified herein for the individual use which occupies the largest percentage of the gross floor area of such structure.

(e) The main and accessory buildings on any lot intended for any use other than general commercial office use shall not cover more than seventy-five percent (75%) of the area of such lot.

(f) The main and accessory buildings on any lot intended for general commercial office use shall not cover more than seventy percent (70%) of such lot.

(g) The main and accessory buildings on any lot intended for permitted mixed uses shall not cover a larger percentage of the area of such lot than is specified for the individual use which occupies the largest percentage of the total gross floor area of such main and accessory buildings. (Ord. 30-1974.)

7-333.15 SPECIAL INTENSITY DISTRICT NO. 2 PHASED (SID-2) BUILDING ENVELOPE REGULATIONS

(a) No building or structure shall exceed seventy (70) feet in height nor be less than twenty-five (25) feet in height.

(b) The maximum floor area ratio of any building or structure, except for multiple dwelling use, shall not exceed four to one (4:1).

(c) The maximum floor area ratio of any building or structure for multiple dwelling use shall not exceed six to one (6:1).

(d) In any structure which incorporates more than one (1) permitted use, the maximum floor area ratio for each such use shall be the same as that specified herein for that use in a separate structure; provided, however, the maximum floor area ratio for the structure as a whole shall not exceed that specified herein for the individual use which occupies the largest percentage of the gross floor area of such structure.

(e) The main and accessory buildings on any lot intended for any use other than multiple dwelling use shall not cover more than seventy-five percent (75%) of such lot.

(f) The main and accessory buildings on any lot intended for multiple dwelling use shall not cover more than eighty-five percent (85%) of such lot.

(g) The main and accessory buildings on any lot intended for permitted mixed uses shall not cover a larger percentage of the area of such lot than is specified for the individual use which occupies the largest percentage of the total gross floor area of such main and accessory buildings. (Ord. 30-1974.)

CHAPTER 7-335

MIDTOWN MARKET OVERLAY DISTRICT

Section	7-335.1	Definitions
Section	7-335.2	_____
Section	7-335.3	Application
Section	7-335.4	Permitted Uses
Section	7-335.5	Special Exceptions
Section	7-335.6	Parking
Section	7-335.7	Statutory Construction

CROSS REFERENCES

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7-335.1 DEFINITIONS

For the purpose of this chapter, the following words shall have the following meanings:

(a) "STREET LEVEL" means the front one-third area of a building's ground floor, to be measured from the front of the building's interior and to include the entire interior width of the building.

(b) "MAIL SERVICE CENTER" means private commercial enterprise for the receipt, delivery and shipping of packages, including the ancillary sale of materials and supplies required for the packing and delivery of such packages.

(c) All other definitions of terms used herein shall be those applicable to the Planning and Zoning Code.

7-335.2 _____

(a) This chapter shall apply to the three zoning districts shown on the excerpt from the Official Zoning Map of the City of Harrisburg, and a Midtown Market Overlay of the Official Zoning Map is hereby made a part of the Official Zoning Map.

(b) Boundaries of the Midtown Market Overlay District:

> Beginning at a point located at the intersection of Susquehanna & Reily Streets; thence northeasterly along Reily Street to James Street; thence southeasterly along James Street to Sayford Street; thence northeasterly along Sayford Street to Marion Street; thence southeasterly to the north side of Verbeke Street; thence northeasterly along the north side of Verbeke Street to Fulton Street; thence southeasterly along Fulton Street to the south side of Verbeke Street to Third Street; thence southeasterly along Third Street to Herr Street; thence northeasterly along Herr Street to James Street; thence southeasterly along James Street to Forster Street; thence southwesternly along Forster Street to Susquehanna Street; thence northwesternly along Susquehanna Street to the place of beginning, Reily Street.

7-335.3 APPLICATION

The Midtown Market Overlay District (hereinafter "MMO District") designated by the City shall be shown on the overlay created by Section 7-335.2 above, and the provisions of this chapter shall serve as a supplement to the underlying zoning district regulations. Thus, no structure shall be located, extended, covered or structurally altered unless in full compliance with the provisions of this chapter as well as those regulating the existing underlying zoning district.

7-335.4 PERMITTED USES

In the MMO District, only the following buildings, structure and uses shall be permitted:

(a) Retail and Services

(1) Antique/Curio store.
(2) Arts & Crafts store.

(3) Bakery, when at least fifty percent (50%) of the product is sold at retail on the site to the ultimate consumer.
(4) Banks.
(5) Barber, Beautician, Hair Styling Salon.
(6) Bicycle Shop.
(7) Bookstore.
(8) Clothing store.
(9) Confectionery store and fountain.
(10) Cut rate store.
(11) Dairy product store.
(12) Delicatessens.
(13) Department store.
(14) Dry clearners; provided, however, that no cleaning plant is located on site.
(15) Electronics shop.
(16) Florist shop.
(17) Framing shop.
(18) Furniture store.
(19) Galleries, including studio, for interior designer, photographer or artist.
(20) Garden supply store.
(21) Gift store.
(22) Grocery store.
(23) Hardware store.
(24) Home funishings store.
(25) Jeweler.
(26) Mail service center.
(27) Music store.
(28) Newsstand.
(29) Pet store.
(30) Pharmacy or drug store.
(31) Photocopy and/or printing shop.
(32) Optician or Optometrist with retail area.
(33) Restaurant.
(34) School.
(35) Service and repair shop for household and personal effects, appliances and equipment.
(36) Shoeshine parlor.
(37) Shoe store.
(38) Snack shop.
(39) Sporting goods store.
(40) Stationary store.
(41) Tobacco shop.
(42) Toy store.
(43) Travel agency.
(44) Video store.
(45) Wine & spirits store.
(46) Other like uses.

(b) Offices
  (1) Office building, only if the street level provides retail/service trade.
  (2) Offices for professional or artisan trades, not located on the street level.

(c) Support Commercial
  (1) Bar, traven, nightclub or cocktail lounge.
  (2) Dance studio.
  (3) Health club.
  (4) Martial arts school.
  (5) Poolroom, billiard room.
  (6) Radio broadcasting station with window booth.
  (7) Theater or auditorium.

(d) Residential
  (1) Dwellings, not located on the street level.
  (2) Home occupations as defined and regulated herein.

(e) Planned Residential Developments are allowed only if the street level provides retail/service trades, pursuant to Chapter 7-321 of these Codified Ordinances.

7-335.5 SPECIAL EXCEPTIONS

In the MMO District, only the following uses may be permitted by Special Exception pursuant to Chapter 7-305 of these Codified Ordinances:

(a) Parking structures, only if the street level of such structure contains retail/service trades or if the parking structure is located behind buildings.

(b) Museums.

7-335.6 PARKING

(a) All uses located in the MMO District shall be required to meet the parking requirements set forth in Chapter 7-319 of these Codified Ordinances.

(b) To encourage the re-use of existing vacant first floor building space in the MMO District, the first three (3) parking spaces required under Chapter 7-319 for the proposed use shall be waived, provided that no more than three parking spaces are required. For uses requiring more than three (3) parking spaces, the applicant shall provide all required parking spaces in full compliance with all requirements of Chapter 7-319.

7-335.7 STATUTORY CONSTRUCTION

It is not intended by this ordinance to repeal, abrogate or impair the existing Planning and Zoning Code. However, where a conflict arises between the uses allowed under this ordinance and those of any underlying zoning classification, this ordinance controls. In all other such cases, the more restrictive provision shall control. All other provisions of the Planning and Zoning Code not inconsistent herewith shall remain in full force and effect.

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE SEVEN - PLANNING AND ZONING CODE

PART FIVE	**7-500**	**SUBDIVISION REGULATIONS**
Chapter	7-501	Purpose, Authority and Jurisdiction
Chapter	7-503	Plan Requirements, Processing Procedures
Chapter	7-505	Information to be Shown on or Submitted with Subdivision and Land Development Plans
Chapter	7-507	Design Standards
Chapter	7-509	Flood Plain Provisions
Chapter	7-511	Improvement and Construction Requirements
Chapter	7-513	Traffic Impact Assessment
Chapter	7-515	Improvement Construction Assurances
Chapter	7-517	Mobile Home Parks

CHAPTER 7-501

PURPOSE, AUTHORITY AND JURISDICTION

Section	7-501.1	Short Title
Section	7-501.2	Purpose
Section	7-501.3	Authority and Jurisdiction
Section	7-501.4	Applicability of Regulations
Section	7-501.5	Interpretation

CROSS REFERENCES

Pennsylvania Municipalities Planning Code: see Act of Dec. 21, 1988, P.L. 1329, as amended (53 P.S. §10101 et seq.

Condominium creation: see Act of July 2, 1980, P.L. 286, as amended (68 P.S. §§3201 et seq.)

7-501.1 SHORT TITLE

This chapter shall be known and may be cited as "The Harrisburg Subdivision and Land Development Code." (Ord. 23-1990.)

7-501.2 PURPOSE

The purpose of this Code is to provide for the harmonious development of the City by:

(A) guiding the future growth and development of the City in accordance with the Comprehensive Plan;

(B) ensuring conformance of subdivision plans with public improvement plans;

(C) securing the protection of water resources and drainageways;

(D) establishing reasonable standards of design and procedures for subdivision and land development in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land;

(E) ensuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;

(F) preserving the natural and man-made beauty, and topography of the City and to insure appropriate development with regard to these features;

(G) facilitating the efficient and safe movement of traffic;
(H) securing the equitable handling of all subdivision and land development plans by providing uniform standards and procedures;
(I) promoting the greater health, safety and welfare of the citizens of the City of Harrisburg. (Ord. 23-1990.)

7-501.3 AUTHORITY AND JURISDICTION

(a) The Subdivision and Land Development Code has been enacted by the City in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

(b) The Harrisburg City Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and land development plan applications as required herein.

(c) City Council shall have the authority to approve or disapprove all Preliminary and Preliminary/Final Subdivision or Land Development Plan applications as required herein.

(d) City Council hereby designates the Planning Commission as the agency with authority to approve or disapprove Final Subdivision or Land Development Plan applications, provided that the final plan is in conformity with the preliminary plan approved by City Council or as provided herein.

(e) The Department of Building and Housing Development, Bureau of Planning, or a bureau designated by the Mayor, is hereby authorized and directed to administer the provisions of this Subdivision and Land Development Code. In so doing, the Bureau is authorized to promulgate such rules and regulations and utilize such forms as it may deem necessary to effectuate the provisions of this Code. Such rules and regulations shall have the force and effect of law.

(f) Preliminary and Final Subdivision and Land Development Plan applications shall be accepted by the staff of the Commission, provided the application is complete and submitted with the appropriate review fee.

(g) City Council or the Commission shall not approve plan applications until the Dauphin County Planning Commission has had a chance to review and report, or until the expiration of thirty (30) days from the date the application was forwarded to the Dauphin County Planning Commission. (Ord. 23-1990.)

7-501.4 APPLICABILITY OF REGULATIONS

(a) The regulations contained herein pertaining to land development shall be applicable to any of the following:

(1) The development of any parcel of vacant land of one (1) acre or more which is to be improved in the City and involves the construction of a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or the construction of a single non-residential building on a lot, regardless of the number of occupants or tenure.

(2) The construction or substantial rehabilitation of any building or buildings in a single development involving five (5) units or greater, whether proposed initially or cumulatively.

(3) The construction or substantial rehabilitation of any residential or non-residential building or buildings equal to or greater than ten thousand (10,000) gross square feet, whether proposed initially or cumulatively. (Ord. 23-1990.)

(b) The regulations contained herein pertaining to all subdivisions of land and to land development as described in Subsection (a) above shall apply as follows:

(1) No subdivision or land development of any lot, tract or parcel of land located in the City shall be affected; no street, sanitary sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use of travel, or for the common use of occupants of buildings thereon unless and until a Final Subdivision or Land Development plan has been approved by the City Council and/or the Harrisburg Planning Commission and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this Code.

(2) No lot in a subdivision may be sold or leased; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plan has been approved by City Council or the Planning

Commission and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

(3) Preliminary and Final Plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit and improvements to the public right-of-way.

(4) Unit or Condominium Subdivision of real property is included within the meaning of Subdivision and Land Development as defined herein and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of Preliminary and Final Plans, payment of established fees and charges, location of each structure, and clear definition of each unit, public easements, common areas, improvements and all easements appurtenant to each unit.

(5) All Subdivision and Land Development Plans are subject to the zoning regulations as they apply to use and density requirements, setbacks, height, parking, and other such features.

(c) Notwithstanding the above, development by the City on City-owned property is not subject to the land development regulations contained herein. (Ord. 23-1990.)

7-501.5 INTERPRETATION

The provisions of this Code shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and greater welfare. Where provisions of this Code impose greater restrictions than those of any statute, other Code provision, restriction, or regulation, the provisions of this Code shall be controlling. Where the provisions of a statute, other chapter, resolution, or regulation impose greater restrictions than this Code, the provisions of each such statute, resolution, chapter, or regulation shall be controlling. (Ord. 23-1990.)

CHAPTER 7-503

PLAN REQUIREMENTS, PROCESSING PROCEDURES

Section	7-503.1	General Statement
Section	7-503.2	Pre-Application Review
Section	7-503.3	Preliminary Plan Applications
Section	7-503.4	Final Plan Applications
Section	7-503.5	Plans Exempted From Standard Procedures
Section	7-503.6	Procedures For Requesting Consideration of a Waiver

CROSS REFERENCES

7-503.1 GENERAL STATEMENT

Whenever a subdivision of land or land development is desired to be effected, in the City a plan of the layout of such proposal shall be prepared, filed, and processed with the Planning Commission and City Council in accordance with the requirements of this chapter. (Ord. 23-1990.)

7-503.2 PRE-APPLICATION REVIEW

(a) Applicants are urged, but not required, to discuss possible development sites and plans with the staff of the Commission prior to submission of a Preliminary Plan. The purpose of the pre-application meeting or Sketch Plan review is to afford the applicant an opportunity to receive the advice and assistance of the Commission's staff. Such meeting and/or Sketch Plan review will be considered confidential between the applicant and staff. Submission of a Sketch Plan shall not constitute formal filing of a plan with the Commission. However, the applicant may request, by letter, a formal review of a Sketch Plan by the Commission, in which case the commission will take action at a public meeting and comment by letter.

(b) A Sketch Plan prepared for review and discussion should include those items listed in Section 7-505.1 of this Code. Although it is not required, the Commission recommends that the Sketch Plan be prepared by an engineer or surveyor (landscape

architects may be employed in the preparation of a Land Development Plan).

(c) Prior to submitting a Preliminary Plan, the applicant is advised to consult with the City Engineer to determine if a Traffic Impact Study will be required in accordance with Chapter 7-513 of this Code. (Ord. 23-1990.)

7-503.3 PRELIMINARY PLAN APPLICATIONS

(a) A Preliminary Plan must be submitted for all subdivisions and land developments, with the exceptions noted in Section 7-503.5 of this chapter. At the applicant's discretion, a Minor Plan may be submitted as a Preliminary/Final Application, as noted in Section 7-503.5.

(b) Preliminary Plans may be filed with the Commission staff by appointment on any business day; however, the Commission will officially review a Plan at a particular meeting only if the Plan was filed at least fifteen (l5) business days prior to that meeting.

(c) Approval of a Preliminary Plan application shall constitute approval of the proposed Subdivision and/or Land Development as to the general design and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities but shall not constitute Final Plan approval. The Preliminary Plan may not be recorded in the Office of the Dauphin County Recorder of Deeds.

(d) Preliminary Plan approval will be effective for a one (l) year period from the date of City Council's approval of the Preliminary Plan application; therefore, Final Plan application for the entire project must be made within one (l) year of Preliminary Plan approval, unless City Council grants a waiver by extending the effective time period of the approval.

(e) All Preliminary Plan applications shall include the following:

(A) seven (7) copies of the Preliminary Plan. All plans shall be either black on white or blue on white paper prints;
(B) three (3) copies of all reports, notifications and certifications which are not provided on the Preliminary Plan;
(C) one (l) application form, available from the Bureau of Planning;
(D) filing fees, schedule available at the Bureau of Planning;

(E) one (1) copy of all applicable supplementary data notices and certificates required in Sections 7-505.6 and 7-505.7; and

(F) any additional copies of the plan deemed necessary by the Planning Commission.

(f) All Preliminary Plans shall be prepared in conformance with the provisions of Section 7-505.2 and any other requirements of law.

(g) The Commission staff shall distribute one (1) copy of the Preliminary Plan to each of the following for review:

(A) Dauphin County Planning Commission;

(B) City Engineer;

(C) Fire Chief;

(D) Police Chief;

(E) Other such agencies or utilities as necessary.

(h) Based on comments received, the Commission staff shall prepare a report to the Commission on the completeness, impact and design suitability of the proposed Subdivision or Land Development Plan. The report shall include any recommended amendments and conditions.

(i) The Commission will review the Subdivision or Land Development Plan and send its recommendations to City Council. The Commission will notify the applicant of its recommendation to Council within ten (10) business days after the meeting. Commission staff will report the Commission's finding to the Building and Housing Development Committee of City Council.

(j) City Council may choose to schedule a public hearing, pursuant to public notice, where the public may state concerns and ask questions.

(k) City Council at a regular or special legislative session shall approve, conditionally approve, or disapprove the plan. A final decision must be rendered and communicated to the applicant not later than ninety (90) days after the date the application was first heard by the Planning Commission, provided the Commission has met within thirty (30) days of the date the plan was filed with the Commission.

(1) If the Commission did not meet within thirty (30) days of the date the plans were filed, a final decision must be rendered and communicated to the applicant within one hundred twenty (120) days.

(2) Failure of City Council to render a decision and communicate it to the applicant within the time

and in the manner required herein shall be deemed an approval of the application as presented, unless the applicant has agreed in writing to an extension of time.

(l) Within five (5) business days after the meeting at which the Preliminary or Preliminary/Final Plan is reviewed, the City Clerk shall send written notice of Council's action to the following individuals:

(A) landowner or his agent thereof;
(B) applicant;
(C) firm that prepared the plan;
(D) Commission;
(E) City Engineer; and
(F) Fire Chief.

(m) If the application has been approved with conditions or disapproved, the City Clerk shall notify the applicant, in writing, specifying the defects found in the application or plans and describe the requirements which have not been met and shall in each case cite the provisions of this Code.

(n) City Council may grant approval of the Preliminary or Preliminary/Final Plan subject to conditions acceptable to the applicant. If the conditions are not accepted within forty-five (45) days, the approval will be rescinded. The conditions must be in writing, and the acceptance of the conditions by the applicant must also be in writing. If such conditions are accepted, the additional information, changes or modifications shall be submitted and/or alterations noted on one (l) copy of the Plan provided to the Commission for review and approval by the staff. (Ord. 23-1990.)

7-503.4 FINAL PLAN APPLICATIONS

(a) The applicant shall file with the Commission a Final Plan not later than one (l) year after the date of approval of the Preliminary Plan. Such filing shall include as part of the formal submission all the materials and other data required under the Final Plan requirements and specifications noted in Chapter 7-503 and 7-505 of this Code. Failure to comply with the time limitations herein provided shall make the approval of the Preliminary Plan null and void, unless an extension of time is requested by the applicant and for good cause granted by City Council.

(b) An application for Final Plan approval can be submitted only after the receipt of Preliminary Plan approval in accordance with Section 7-503.2.

(c) Preliminary/Final Plans may be submitted for minor plans in accordance with Section 7-503.5(2) of this Code. Preliminary/Final Plans shall be approved by City Council in the same manner as Preliminary Plans.

(d) No Subdivision or Land Development Plan shall receive final approval until a sewage planning module, if applicable, is approved by the Pennsylvania Department of Environmental Protection.

(e) The Final Plan shall incorporate all the changes and modifications required by City Council; otherwise, it shall conform to the approved Preliminary Plan. If the Final Plan deviates by more than ten percent (10%) from the above, it will need to be resubmitted as a Preliminary Plan.

(f) Before approval of a Final Plan, or a Preliminary/Final Plan, the Commission and City Council must be assured by means of an Improvement Construction Guarantee, in accordance with Chapter 7-513 of this Code, that all required improvements will be installed by the applicant in strict accordance with the standards and specifications of the City and within a specified time after approval of the Final Plan. The bond or other security shall be made to and deposited with the City.

(g) Final and Preliminary/Final Plans may be filed with the Commission staff by appointment on any business day; however, the Commission will officially review a Plan at a particular meeting only if the Plan was filed at least fifteen (15) business days prior to that meeting.

(h) All Final Plan applications shall include the following:

(1) Seven (7) copies of the Final Plan. All plans shall be either black-on-white or blue-on-white paper prints.

(2) Three (3) copies of all reports, notifications and certificates which are not provided on the Final Plan.

(3) One (1) application form, available from the Bureau of Planning.

(4) Filing fee; schedule available at the Bureau of Planning.

(5) One (1) copy of all applicable supplementary data, notices and certificates required in Sections 7-505.10.4 and 7-505.10.5 of this Chapter.

(6) Such other copies of the plan deemed necessary by the Commission.

(i) All Final Plans shall be prepared in conformance with the provisions of Section 7-505.10 of this Code and any other requirements of law.

(j) The Commission staff shall distribute one (1) copy of the Final Plan to each of the following for review:

(A) Dauphin County Planning Commission;
(B) City Engineer;
(C) Fire Chief;
(D) Police Chief;
(E) Other such agencies or utilities as necessary.

(k) Based on the comments received, the Commission staff shall prepare a report to the Commission on the completeness, impact and design suitability of the proposed Subdivision or Land Development Plan. The report shall include any recommended amendments and conditions.

(l) The Commission may choose to schedule a public hearing, pursuant to public notice, where the public may state concerns and ask questions.

(m) The Planning Commission, at a regularly scheduled or special meeting, shall approve, conditionally approved or disapprove the Final Plan. A final decision must be rendered and communicated to the applicant not later than ninety (90) days from the date the application was first heard by the Planning Commission, provided the Commission has met within thirty (30) days of the date plans were filed with the Commission. If the Commission did not meet within thirty (30) days of the date plans were filed, a final decision must be rendered and communicated to the applicant within one hundred twenty (120) days.

(n) Failure of the Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner. In general, the Commission will schedule the Final Plan for action at the first Commission meeting which is at least fifteen (15) days following filing.

(o) Within ten (l0) business days after the meeting at which the Final Plan is reviewed, the staff shall send written notice of the Commission's action to the following individuals:

(A) landowner or agent;
(B) applicant;
(C) firm that prepared the plan;
(D) City Engineer;
(E) Fire Chief;
(F) Police Chief;
(G) City Clerk.

(p) If the application has been approved with conditions or disapproved, the Commission staff will notify the above individuals, in writing, of the defects in the application and will identify the requirements which have not been met by citing the provisions of the statute or Code relied upon.

(q) The Planning Commission may grant approval of the Final Plan subject to conditions acceptable to the applicant. If the conditions are not accepted within forty-five (45) days, the approval will be rescinded. The conditions must be in writing and the acceptance of the conditions by the applicant must also be in writing.

(r) If such conditions are accepted, the additional information, changes or modifications shall be submitted and/or alterations noted on one (l) copy of the Plan provided to the Commission for review and approval by the staff.

(s) After the Commission's approval of the Final Plan or City Council's approval of the Preliminary/Final Plan and the required changes, if any, have been made, the applicant shall proceed to prepare paper copies of the Final Plan: two (2) sets for the Commission, one (l) set for the City Engineer, and one (l) set for the Dauphin County Recorder of Deeds. The applicant shall deliver these copies to the Commission's staff, signed by the owner and notarized with the seal and signature of the engineer, surveyor or landscape architect as appropriate. The staff will obtain the other signatures and certifications, provided that plans are submitted no more than eighty-five (85) days from the Commission's final approval action, unless the Commission grants a waiver by extending the effective time period of the approval.

(t) Upon approval and certification of a Final Plan, the applicant shall record the Plan in the office of the Dauphin County Recorder of Deeds.

(1) Should the applicant fail to record the Final Plan within ninety (90) days of the Commission's Final

Plan approval or City Council's Preliminary/Final Plan Approval, the plan shall be null and void, unless the Commission grants a waiver by extending the effective time period of the approval.

(2) The applicant must file the plan with the Dauphin County Recorder of Deeds and have the book, volume, page number and date noted on the plan. Three (3) fully executed sets (showing the recorded book, volume, page number and date) should be returned to the Commission staff: two (2) for the Commission's files and one (l) for the City Engineer.

(3) The Final Plan shall be filed with the Dauphin County Recorder of Deeds before proceeding with the sale of lots.

(4) The Final Plan shall be filed with the Dauphin County Recorder of Deeds before proceeding with the construction of any improvements.

(5) No Subdivision or Land Development Plan may be recorded unless it bears all authorizing signatures.

(6) No changes, erasures, modifications or revisions shall be made on any Final Plan of a subdivision or land development unless the plan is first resubmitted to the Commission.

(7) Recording the Final Plan, after approval of the Commission, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in Section 7-503.4.7(f) of this chapter. However, the approval of the Commission shall not impose any duty upon the Commonwealth, County, or City concerning acceptance, maintenance, or improvement of any such dedicated areas or portions of same until the proper authorities of the Commonwealth, County, or the City actually accept same by ordinance or resolution, or by entry, use, or improvement.

(8) The landowner may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such areas

shall remain with the owner, and the Commonwealth, County, and the City shall assume no right to accept ownership or right-of-way. (Ord. 23-1990.)

7-503.5 PLANS EXEMPTED FROM STANDARD PROCEDURES

(a) Any replating or resubdivision of a recorded plan, or revision of approved final plans which have not yet been recorded, excluding lot grading plan in subdivisions, shall be considered as a new application and shall comply with all requirements of this chapter, except that plans may be changed, provided that in making such changes:

(1) No lot or tract of land shall be created that does not meet the minimum design standards required by this Code and other existing City regulations.

(2) No structure shall be relocated which does not meet the minimum design standards required by this Chapter and other existing City regulations.

(3) No increase is made to the overall density.

(4) The storm water management facilities are not altered in a manner which significantly affects the discharge of storm water onto an adjacent property, or significantly relocates a major storm water management facility within the project. The staff has the right to submit to the Commission for review any alteration of a storm water management facility.

(5) Street locations and block sizes shall not be changed.

(6) The character and land use of the original application shall be maintained.

(b) In every case where a plan alteration conforms to the above, the applicant shall:

(1) Submit to the Commission five (5) black-on-white or blue-on-white paper copies of the revised Final Plan and one application form. The application form is available from the Bureau of Planning.

(2) The Commission staff shall distribute one (1) copy of the revised Final Plan to each of the following for review:
(A) Dauphin County Planning Commission;
(B) City Engineer;
(C) Fire Chief;
(D) Police Chief.

(3) Upon review of the revision, the staff will, in writing, advise the applicant whether or not the revision complies with the above.

(4) If the revision complies, the applicant shall prepare four (4) paper copies of the Plan for recording: one (l) copy for the City Engineer, two (2) copies for the Commission's files and one (l) copy for the Dauphin County Recorder of Deeds. These copies will be certified by the Commission as specified in Section 7-503.4(6) of this Chapter.

(5) The Plans shall then be recorded as specified in Section 7-503.4(t) of this Chapter.

(c) In the case of any proposed Subdivision or Land Development Plan of no more than ten (10) lots or units which does not require provision for a new street, the applicant may concurrently submit combined Preliminary and Final Plans for review and approval by the Commission and City Council. In such instances, the applicant shall submit a plan which shall be designated "Preliminary/Final". All other plans shall be submitted in accordance with Section 7-503.3 of this chapter.

(d) The lease, conveyance, sale, or transfer of land for the sole purpose of increasing the lot size of an adjacent contiguous lot shall comply with the following lot add-on procedure, provided that the proposal does not alter a Subdivision Plan of record, create additional lots, or result in a nonconformity with the design standards found in this Subdivision and Land Development Part or with other existing City regulations:

(1) In every case where a proposal conforms to the above, the applicant shall comply with the following procedures:
   (A) Submit to the Commission staff five (5) black-on-white or blue-on-white paper copies of a Lot Add-On Plan, prepared to the standards specified in Chapter 7-505.11 of this Code and one application form, available from the Bureau of Planning.
   (B) The Commission staff shall distribute one (l) copy of the Lot Add-On Plan to each of the following:
      (i) Dauphin County Planning Commission;
      (ii City Engineer;
      (iii) Fire Chief;
      (iv) Police Chief.

(2) Upon review of the revision, the staff will, in writing, advise the applicant whether or not the proposal qualifies as a Lot Add-On Plan.

(3) If the Plan qualifies, the applicant shall prepare four (4) paper copies of the Plan for recording; one (l) copy for the City Engineer, two (2) copies for the Commission's files and one (l) copy for the Dauphin County Recorder of Deeds. These copies will be certified by the Commission as specified in Section 7-503.4(s) of this chapter.

(4) The Plan shall then be recorded as specified in Section 7-503.4(t) of this chapter.

(5) The Plan shall be filed with the Dauphin County Recorder of Deeds prior to the execution of a deed for the land. (Ord. 23-1990.)

7-503.6 PROCEDURE FOR REQUESTING CONSIDERATION OF A WAIVER

(a) A request for a waiver may be submitted to the Commission at any time. All requests shall be accompanied by a plan prepared at least to the minimum standards of a Sketch Plan (see Section 7-505.1) and a statement, which may be included on the plan, which shall identify:

(1) the specific section of this chapter which is requested to be waived;
(2) provisions proposed as an alternate to the requirements;
(3) justification for the waiver.

(b) At a scheduled public meeting, the Commission shall review the request to determine:

(1) if compliance with the provisions of the chapter creates an undue hardship or appears to be unreasonable as it applies to the particular property; or
(2) if the applicant demonstrates that an alternative proposal will allow for equal or better results.

(c) Commission will forward its recommendations to City Council and the applicant.

(d) City Council shall approve, conditionally approve or deny the waiver by resolution.

(e) After the meeting at which the waiver was reviewed, the City Clerk shall send notice of Council's action to the following individuals:

(1) landowner or his agent;
(2) applicant;
(3) firm that prepared the plan;
(4) Commission;
(5) City Engineer.

(f) If City Council denies the request, the City Clerk will notify the above individuals, in writing, of the justification for denial. If City Council grants the request, the Plan shall include a note which identifies the specific waiver as granted with the date of City Council's action.

(g) The Planning Commission shall keep a written record of all action on all requests for waivers. (Ord. 23-1990.)

CHAPTER 7-505

INFORMATION TO BE SHOWN ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS

Section	7-505.1	Sketch Plans
Section	7-505.2	Preliminary Plans
Section	7-505.3	Drafting Standards
Section	7-505.4	Location and Identification
Section	7-505.5	Existing Features
Section	7-505.6	Plan Information
Section	7-505.7	Certificates, Notifications and Reports
Section	7-505.8	Additional Information for Condominium Projects
Section	7-505.9	Filing Fee
Section	7-505.10	Final Plans
Section	7-505.11	Lot Add-On Plans

CROSS REFERENCES

7-505.1 SKETCH PLANS

The scale and sheet size of Sketch Plans is the same as required for Preliminary Plans in Subsection 7-505.3(a) and (d). The Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

(A) name and address of the developer (if applicable) and landowner;

(B) name of the individual and/or the firm that prepared the Plan;

(C) location map with sufficient information to enable the Commission to locate the property;

(D) north arrow;

(E) written and graphic scales;

(F) existing tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record;

(G) the location of any municipal boundary line(s) if located within the vicinity of the tract;

(H) significant topographical and man-made features (e.g., bodies of water, quarries, flood plains, tree masses, structures);

(I) proposed street, parking, building, and lot layout;
(J) proposed land use; if several land uses are proposed, the location of each land use shall be indicated.

(Ord. 23-1990.)

7-505.2 PRELIMINARY PLANS

Preliminary Subdivision Plans shall be prepared by an engineer or a surveyor, and Preliminary Land Development Plans shall be prepared by an engineer, a surveyor or a landscape architect. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following sections. (Ord. 23-1990.)

7-505.3 DRAFTING STANDARDS

(a) The Plan shall be clearly and legibly drawn at a scale of thirty (30) feet to the inch.

(b) Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.

(c) The survey shall not have an area of closure greater than one (1) foot in ten thousand (10,000) feet.

(d) The sheet size shall be twenty-four by thirty-six (24x36). If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size, and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

(e) Plans shall be legible in every detail. (Ord. 23-1990.)

7-505.4 LOCATION AND IDENTIFICATION

A Plan shall contain the following information:

(1) The proposed project name or identifying title.

(2) The location of any municipal boundary line, if the tract of land abuts an adjacent municipality.

(3) The name and address of the owner of the tract (or his authorized agent), the developer/subdivider, and the firm that prepared the plans.

(4) The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.

(5) A north arrow, a graphic scale, and a written scale.

(6) The entire existing tract boundary with bearings and distances. (If a landowner is going to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or less acres; it must be described to the accuracy requirements of this chapter).

(7) The total acreage of the entire existing tract.

(8) The zoning district and lot size and/or density requirements.

(9) The location of existing lot line markers along the perimeter of the entire existing tract.

(10) A location map, drawn to scale, relating the subdivision to at least two (2) intersections of road center-lines, including the approximate distance to the intersection of the centerlines of the nearest improved street intersection.

(11) Property address(es) of the subdivision or land development as assigned by the City's Registrar of Real Estate. (Ord. 23-1990.)

7-505.5 EXISTING FEATURES

Each Plan will also show:

(1) Existing contours at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land.

(2) The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.

(3) The following items when located within fifty (50) feet of the subject tract:
   (A) the location and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets;
   (B) the location of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities;
   (C) the location of existing rights-of-way for electric gas, oil transmission lines and railroads;
   (D) the size, capacity and condition of the existing storm water management system and any other facility that may be used to convey storm flow from the subject tract.

(4) The following items when located within the subject tract:
   (A) the location, name, and dimensions of existing right-of-ways such as sanitary sewer mains water supply mains, fire hydrants, buildings, and storm water management facilities;
   (B) the location, name, and dimensions of existing right-of-ways such as sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities;
   (C) the location of existing right-of-ways for electric gas, and oil transmission lines, and railroads;
   (D) the size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows.

(5) When located within fifty (50) feet of the subject tract or upon the site proposed for development, significant environmental or topographic features such as flood plains, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, archaeologic sites or highly erosive soils. (Ord. 23-1990.)

7-505.6 PLAN INFORMATION

Plans shall further disclose:

(1) The layout of streets, alleys, and sidewalks, including cartway and right-of-way widths.

(2) The layout of lots, with dimensions.

(3) Block and lot numbers in consecutive order (e.g., Block "A", Lots 1 through 10: Block "B", Lots 11 through 22).

(4) In the case of land developments, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant planned facilities.

(5) Total number of lots, units of occupancy, density, and proposed land use; (if a multiple land use is proposed, and indication of the locations of each land use).

(6) Easements, right-of-ways.

(7) Building setback lines with distances from front, rear and sideyard property lines.

(8) Identification of buildings to be demolished.

(9) Typical street cross section of each proposed street and typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the entire right-of-way width.

(10) Street centerline profiles for each proposed street shown on the Preliminary Plan.

(11) The preliminary design of the Utility Plan, which shall include the size, material, and vertical and horizontal locations of the sanitary sewer, storm sewer and water mains:

(A) this information may be provided on a sheet with other data or on separate sheets. In the case of any dispute in methodology used in the design of any storm water management plan and/or in the presentation of such information, the City Engineer shall make the final determination;

(B) all calculations, assumptions, criteria, and references used in the design of the storm water management facilities, the establishment of existing facilities' capacities and the pre-and post-development discharges;

(C) all plans and profiles of the proposed storm water management facilities, including the horizontal and vertical location, size and type of material;

(D) for all basins, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations inflow hydrographs, and outflow hydrographs;

(E) the guidelines for lot grading within the subdivision. This information shall identify the direction of storm water runoff flow within each lot and the areas where storm water runoff flows will be concentrated. This information shall be shown by topographical data;

(F) soil-characteristics report and information on erosion and sediment control from the Dauphin County Soil and Water Conservation District, through the Soil and Water Conservation District, through the Soil Conservation Service.

(12) A statement on the Plan indicating that all zoning approvals have been obtained.

(13) A statement on the Plan indicating any existing or proposed waivers granted by City Council.

(14) Proposed street names. (Ord. 23-1990.)

7-505.7 CERTIFICATES, NOTIFICATIONS AND REPORTS

(a) Where the Preliminary Plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.

(b) Where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum or petroleum projects transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

(c) Land development plans shall include drawings of the proposed development showing:

(1) elevations of all visible sides including facade materials;

(2) the location and floor area of all existing and proposed buildings, structures, units and other improvements including maximum height, types of units and uses;

(3) details of significant architectural features;

(4) a general landscape plan indicating the treatment and materials used for private and common open space, including the proposed treatment of the perimeter and elevation drawings highlighting the landscaping;

(5) a vehicular and pedestrian circulation plan, including off-street parking areas, service areas, waiting areas and major points of access of the public right-of-way;

(6) lighting, screening, drainage and dimensions of all off-street parking areas.

(d) Traffic Impact Study, if required by the City Engineer, in accordance with Chapter 7-513 of this Code.

(e) The following certifications should appear on the Plan:

(1) certification, signature and seal of the engineer, surveyor or landscape architect to the effect that the plans are accurate (see Appendix No. 1);

(2) signature block as it will appear on the final plan including space for the owner, the City Engineer, the Dauphin County Planning Commission, the Harrisburg Planning Commission and the

Harrisburg City Council (see Appendices Nos. 2A-2C and 3A-3B).

(f) In the case of a Preliminary Plan calling for the installation of improvements beyond a two (2) year period, a schedule shall be submitted delineating the timing of all improvements to be approved as part of the Final Plan. No schedule shall exceed five years. If the schedule is not adhered to by the developer, a continuation of the development. (Ord. 23-1990.)

7-505.8 ADDITIONAL INFORMATION FOR CONDOMINIUM PROJECTS

Condominium Plans shall contain the following additional information:

(1) An expression of intent to submit the property to the provisions of the Unit Property Act, Act 117 of 1963, as amended, or other applicable laws of the Commonwealth.

(2) A description of the common elements, with an allocation of the proportionate undivided interest, expressed as a percentage, assigned to each unit.

(3) A statement of the proposed use for each unit and restrictions on use, if any.

(4) Floor plans for all buildings. (Ord. 23-1990.)

7-505.9 FILING FEE

The Preliminary Plan shall be accompanied by:

(1) A check or money order drawn to the City of Harrisburg in an amount specified on the fee schedule adopted by resolution of the City Council and available at the Bureau of Planning.

(2) A second check or money order drawn to the Dauphin County Planning Commission as specified by the schedule maintained in the Bureau of Planning. (Ord. 23-1990.)

7-505.10 FINAL PLANS

Final Subdivision Plans shall be prepared by an engineer or a surveyor, and Final Land Development Plans shall be prepared by an engineer, a surveyor, or a landscape architect. The Final

Plan shall show, be accompanied by, or be prepared in accordance with the following:

(1) The same drafting standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 7-505.3 of this Code.

(2) The same location and identification standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 7-505.4 of this Chapter.

(3) Existing contours for a Preliminary/Final Plan, or the contours identified with the Preliminary Plan if altered shall be shown. Such contours shall show elevations at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be accompanied by the location of the bench mark and a notation indicating the datum used. City datum or USGS datum must be used for establishing elevations. This information may be provided on separate sheets and not subject to recording with the Final Plan.

(4) The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects shall be contained therein.

(5) The location of wetlands, unbuildable portions of the site, historic structures or other significant features shall be shown.

(6) The following items when located within fifty (50) feet of the subject tract shall be indicated:
   (A) the approximate location and name of existing right-of-way and cartways for streets, access drives and service streets;
   (B) the approximate location of the following features and any related rights-of-way such as sanitary sewer mains, water supply mains, fire hydrants, and storm water management facilities which affect the storm water runoff on the subject tract;
   (C) the size, capacity, and condition of the existing storm water management system and

any other facility that may be used to convey storm flows from the subject tract;

(D) the location of wetlands, unbuildable portions of the site, historic structures or other significant features.

(7) The following items when located within the subject tract shall be identified:

(A) the location, name, and dimensions of existing rights-of-way and cartways for streets, access drives, driveways and service streets;

(B) the location and size of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings and storm water management facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan;

(C) the location of existing rights-of-way for electric, gas and oil transmission lines and railroads;

(D) the size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows.

(8) The Final Plan shall contain the following:

(A) Complete description of the center line and the right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord;

(B) Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curbs segments shall be comprised of arc, chord, bearing and distance. Along existing street right-of-ways, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines;

(C) Block and lot numbers in consecutive order (e.g., Block "A", Lots 1 through 10; Block "B", Lots 11 through 22);

(D) In the case of land development plans, the locations and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities;

(E) Total number of lots, units of occupancy, density and proposed land use (if a multiple land use is proposed, an indication of the location of each land use);

(F) Easements; right-of-ways;

(G) Building setback lines, with distances from front, rear and side yard property lines;

(H) Identification of buildings to be demolished;

(I) Typical street cross-section for each proposed street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width;

(J) Street centerline profile for each proposed street shown on the Final Plan;

(K) The final design of the Utility Plan, which shall include the size, material, vertical and horizontal locations of the sanitary sewer, storm sewer and water mains, as follows:

(i) all calculations, assumptions, criteria, and references used in the design of the storm water management facilities, the establishment of existing facilities' capacities and the pre-and post-development discharges;

(ii) all plans and profiles of the proposed storm water management facilities, including the horizontal and vertical location, size and type of material;

(iii) for all basins, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations, inflow hydrographs and outflow hydrographs;

(iv) the guidelines for lot grading within the subdivision. This information shall identify the direction of storm water runoff flow within each lot and the areas where storm water runoff flows will be concentrated. This information shall be shown by topographical data;

(v) soil-characteristics report and information on erosion and sediment control from the Dauphin County Soil and Water Conservation District through the Soil Conservation Service.

This information may be provided on a sheet with other data or on separate sheets. In the case of any dispute in methodology used

in the design of any storm water management plan and/or in the presentation of such information, the City Engineer shall make the final determination;

(L) A statement on the Plan indicating that all zoning approvals have been obtained;

(M) A statement on the Plan indicating any existing or proposed waivers granted by City council;

(N) Final street names;

(O) Source of title to the land included within the subject application, as shown by the books of the Dauphin County Recorder of Deeds;

(P) Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set;

(Q) In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the Final Plan;

(R) Identification of any lands to be dedicated or reserved for public, semi-public, or community use.

(9) The following certificates, notifications and reports shall be attached to the Final Plan:

(A) when applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (Plan Revision Modular for Land Development) or Supplement has been granted or that such approval is not required;

(B) where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum product transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way standing any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement;

(C) notice from the Postmaster of the United States Postal Service district in which the

tract is located stating that the proposed street names are acceptable;

(D) land development plans shall include drawings of the proposed development showing:

(i) elevations of all visible sides including facade materials;

(ii) the location and floor area of all existing and proposed buildings, structures, units and other improvements including maximum height, types of units and uses;

(iii) details of significant architectural features;

(iv) a general landscape plan indicating the treatment and materials used for private and common open space, including the proposed treatment of the perimeter and elevation drawings highlighting the landscaping;

(v) a vehicular and pedestrian circulation plan, including off-street parking areas, service areas, waiting areas and major points of access of the public right-of-way;

(vi) lighting, screening, drainage and dimensions of all off-street parking areas.

(E) Traffic Impact Study, if required by the City Engineer, in accordance with Chapter 7-513 of this Code;

(F) The following certifications:

(i) certification, signature, and seal of the engineer, surveyor, or landscape architect on the plan to the effect that the plans are accurate. (See Appendix No. 1);

(ii) a statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the Plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the Plan and that they desire the same to be recorded as such (see Appendix No. 2 A-2C). This must be dated following the last change or revision to said plan;

(iii) signature block for the City Engineer,

the Dauphin County Planning Commission, the Harrisburg City Planning Commission and the Harrisburg City Council (see Appendix No. 3 A - 3 B);

(iv) notation space on the Plan to accommodate the Dauphin County Recorder of Deeds information, of which Plan Book, volume and page.

(G) A note to be placed on the Plan, indicating any area that is not to be offered for dedication, if applicable;

(H) Approval from the City Solicitor of the Improvement Construction Guarantee;

(I) The submission of a maintenance agreement when an application proposes to establish a street which is not offered for dedication to public use.

(J) In the case of the plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note: A highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and City Council's/Planning Commission's approval of this plan in no way implies that such permit can be acquired.

(K) For all storm water management facilities that effect an existing watercourse or have an upland drainage area greater than one-half (1/2) square mile, notification from the Department of Environmental Resources of approval or that no approval is required.

(10) The declaration, declaration plan and code of regulations as required by the Unit Property Act, Act 117 of 1963, as amended, or other applicable laws of the Commonwealth shall be provided for condominium projects. This information may be provided on separate sheets.

(11) The Final Plan shall be accompanied by:

(A) a check or money order drawn to the City of Harrisburg in an amount specified on the fee schedule adopted by resolution by the

Harrisburg City Council and available at the Bureau of Planning;

(B) a second check or money order drawn to the Dauphin County Planning Commission as specified in the schedule maintained in the Bureau of Planning. (Ord. 23-1990.)

7-505.11 LOT ADD-ON PLANS

Lot Add-on Plans shall be prepared by a registered engineer or surveyor and shall include the following information:

(1) Drafting Standards. The same standards shall be required for a Lot Add-on as specified for a Preliminary Plan in Subsection 7-505.3 of this Chapter.

(2) Location and Identification. The same standards shall be required for a Lot Add-on as specified for a Preliminary Plan in Subsection 7-505.4 of this Chapter.

(3) Existing Features. The same standards shall be required for a Lot Add-on Plan as specified for a Final Plan in Subsection 7-505.10(3).

(4) Plan Information. The same standards shall be required for a Lot Add-on Plan as specified for a Final Plan in Subsection 7-505.10(4).

(5) Certificates.

(A) Certificate, signature, and seal of the engineer, surveyor, or landscape architect to the effect that the survey and/or Plan are correct (see Appendix No. 1);

(B) Signature block for the City Engineer, the Dauphin County Planning Commission, the Harrisburg City Planning Commission (see Appendix No. 3A - 3B);

(C) A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the Plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such (see Appendix No. 2A - 2C);

(D) Notation space on the plan to accommodate the Dauphin County Recorder of Deeds information of which Plan Book, volume and page (see Appendix No. 3A - 3B). (Ord. 23-1990.)

APPENDIX NO. 1

CERTIFICATION OF ACCURACY

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct as required by the City of Harrisburg's Subdivision and Land Development Ordinance.

_____, 19___ *_____

* *

* Signature of the registered engineer, registered surveyor, or landscape architect responsible for the preparation of the plan.

** Seal of the engineer or surveyor or landscape architect.

APPENDIX NO. 2 A

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DAUPHIN

On this, the _____ day of _____, 19___, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, deposes and says that he is the *_____ of the property shown on this plan, that he acknowledges the same to be his act and plan, that he desires the same to be recorded and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

However, the approval by the Commission of the Final Plan or the approval by City Council of the Preliminary/Final Plan shall not impose any duty upon the City concerning acceptance, maintenance or improvement of any such dedicated areas or portions of same until the proper authorities of the City actually accept same by ordinance.

**_____

***_____

My Commission Expires _____, 19__

* Identify Ownership or Equitable Ownership

** Signature of the Individual

*** Signature and seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

APPENDIX 2 B

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN, AND OFFER OF DEDICATION CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DAUPHIN

On this, the _____ day of _____, 19___, before me, the undersigned officer, personally appeared _____, being on of the firm of _____, who being duly sworn according to law, deposes and says that the co-partnership is the *_____ of the property shown on this plan, that the plan thereof was made at its direction, that is acknowledges the same to be its act and plan and desires the same to be recorded and that all street and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use. However, the approval by the Commission of the Final Plan or the approval by City Council of the Preliminary final Plan shall not impose any duty upon the City concerning acceptance, maintenance or improvement of any such dedicated areas or portions of same until the proper authorities of the City actually accept same by ordinance.

** _____

*** _____

My Commission Expires _____, 19___

* Identify Ownership or Equitable Ownership

** Signature of the Individual

*** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

APPENDIX 2 C

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DAUPHIN

On this, the _____ day of _____, 19____, before me, the undersigned officer, personally appeared _____, being *_____ of ** _____, who being duly sworn according to law, deposes and says that the corporation is the **_____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property are hereby dedicated to the public use (excepting those area labeled "NOT FOR DEDICATION"). However, the approval by the Commission of the Final Plan or the approval by City Council of the Preliminary Plan shall not impose any duty upon the City concerning acceptance, maintenance or improvement of any such dedicated areas or portions of same until the property authorities of the City actually accept same by ordinance.

*** _____

**** ******_____

My Commission Expires _____, 19___

* Individual's Title

** Name of Corporation

*** Identify Ownership or Equitable Ownership

**** Signature of Individual

***** Corporate Seal

****** Signature and Seal of Notary Public or Other Officer

Authorized to Acknowledge Deeds.

APPENDIX 3 A

PRELIMINARY FINAL PLAN
SIGNATURE BLOCK

Recommended for approval by the Dauphin County Planning Commission

This _____ day of _____, 19 ____.

_____ **Chairman**

_____ **Secretary**

Reviewed by the City of Harrisburg Engineer

This _____ day of_____, 19____.

_____ City Engineer

Recommended for approval by the Planning Commission of the City of Harrisburg

This _____ day of _____, 19 ____.

_____ Executive Secretary

This plan approved by Council of the City of Harrisburg

This _____ day of _____, 19_____.

_____ Mayor

_____ President of City Council

_____ City Clerk

Recorded in the office for Recording of Deeds, in and for Dauphin County Pennsylvania in
plan book _____ vol. _____ pg._____ date_____

_____ Recorder

APPENDIX 3 B

FINAL PLAN SIGNATURE BLOCK

Recommended for approval by the Dauphin County Planning Commission

This _____ day of _____, 19_____.

_____ **Chairman**

_____ **Secretary**

Reviewed by the City of Harrisburg Engineer

This _____ day of _____, 19_____.

_____ **City Engineer**

Recommended for approval by the Council of the City of Harrisburg

This _____ day of _____, 19_____.

_____ **Mayor**

_____ **President of City Council**

_____ **City Clerk**

This plan approved by the Planning Commission of the City of Harrisburg as designated the approval agency by the City Council of the City of Harrisburg

This _____ day of _____, 19_____.

_____ **Executive Secretary**

Recorded in the office for Recording of Deeds, in and for Dauphin County, Pennsylvania in plan book _____, volume _____, page _____ date _____.

_____ Recorder

CHAPTER 7-507

DESIGN STANDARDS

Section	7-507.1	Application
Section	7-507.2	Streets
Section	7-507.3	Easements
Section	7-507.4	Blocks
Section	7-507.5	Lots
Section	7-507.6	Building Design Guidelines
Section	7-507.7	Natural Features Preservation
Section	7-507.8	Erosion and Sedimentation Preservation Control
Section	7-507.9	Design Standards in Floodplains

CROSS REFERENCES

Pennsylvania Clean Streams Law, Act of July 31, 1970, P.L. 653, as amended (35 P.S. §691.1 et seq.)

7-507.1 APPLICATION

The following principles, standards and requirements will be applied by City Council and the Planning Commission in their review and evaluation of all Subdivision and Land Development Plan applications.

(1) The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience and general welfare.

(2) Where literal compliance with the standards and requirements contained herein is clearly impractical, City Council may modify or waive such standards through the waiver process set forth in Section 7-503.6 of this Code.

(3) Subdivision and Land Development Plans shall give due consideration to "Official Plans" of the City or to such parts thereof as may be adopted pursuant to statute.

(4) Proposed land uses shall conform to the City's zoning code.

(5) For land developments, proposed structures, in general, shall be harmonious with the character of the surrounding neighborhood.

(6) Land subject to hazards to life, health or property, such as may arise from fire, floods, disease or other causes, shall not be subdivided or developed unless such hazards have been eliminated or unless the plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies. (Ord. 23-1990.)

7-507.2 STREETS

(a) General standards.

(1) Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by the City and shall be coordinated with existing or proposed streets in adjoining Subdivisions or Land Developments. Proposed streets shall be properly related to County, Regional or State transportation plans as have been prepared and adopted as prescribed by law.

(2) Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.

(3) Proposed private streets (streets not offered for dedication) are prohibited, unless they meet the design standards of these regulations.

(4) Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.

(5) Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplatted areas; and

the continuation of proposed streets to the boundaries of the tract being subdivided.

(6) The dedication of half streets at the perimeter of new subdivisions is prohibited.

(7) Alleys shall be discouraged in residential districts, unless site design calls for rear access parking, which is encouraged. In commercial or industrial areas, adequate alleys or off-street loading and unloading space is required where needed for loading and unloading or access purposes.

(b) Street Classification.

Three functional classifications of streets and roads are established as follows:

(1) Arterial: This classification includes streets which provide intra-county or inter-municipal traffic of substantial volume. Generally, these streets should accommodate operating speeds of 35 miles per hour.

(2) Collector: This classification is intended to include those streets which connect minor streets to arterial streets. They may serve as intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other services. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 25-35 miles per hour.

(3) Minor: This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

(c) Street Widths.

(1) Cartways shall have a minimum of eleven (11) feet travel lanes for each direction of travel.

(2) On-street parking lanes shall be a minimum of eight (8) feet for each side where parking is permitted.

(3) Minimum street right-of-way and cartway widths shall be as follows:

Street Type	Right-of-Way Width	Cartway
Arterial Streets	As determined by the Governing Body and Planning Commission after consultation with the Pennsylvania Department of Transportation.	
Collector Streets	60'	22'
Minor Streets	50'	22'
Cul-de-Sac (diameter)	100'	80'
Alley or Service Drive	30'	22'

(4) Provision for additional cartway width and/or right-of-way may be required when determined to be necessary by the City in specific cases for:
   (A) public safety and convenience;
   (B) parking in commercial and industrial areas and in areas of high density development;
   (C) short extension of existing streets with lesser right-of-way and/or cartway widths than prescribed in this Section may be permitted; provided, however, that no section or new right-of-way less than thirty (30) feet in width shall be permitted.

(5) All streets shall be crowned to allow for surface drainage.

(d) Cul-de-Sac or Dead End Streets.

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets.

(2) Any dead-end street, for access to an adjoining property or because of authorized phased development, shall be provided with a temporary cul-de-sac within the subdivision; and the use of

such turn-around shall be guaranteed to the public until such time as the street is extended.

(3) Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length.

(4) Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

(5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turn-around. The minimum diameter to the pavement edge or curb line shall be eighty (80) feet, and the minimum diameter of the right-of-way line shall be one hundred (100) feet.

(6) The centerline grade on a cul-de-sac street shall not exceed ten percent (10%) and the grade of the diameter of the turn-around shall not exceed five percent (5%).

(e) Horizontal Curves.

(1) Whenever street lines are deflected in excess of ten degrees (10°), connection shall be made by horizontal curves.

(2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
(A) minor streets: one hundred fifty (150) feet;
(B) collector streets: three hundred (300) feet;
(C) arterial streets: five hundred (500) feet.

(3) A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and arterial streets.

(4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

(f) Intersections.

(1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five degrees (75°) or more than one-hundred five degrees (105°).

(2) Intersections involving the junction of more than two (2) streets are prohibited.

(3) Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred twenty-five (125) feet between centerlines, measured along the centerline of the street being intersected.

(4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five percent (5%) within sixty (60) feet of the intersection of the nearest right-of-way lines.

(5) Intersections with major streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline, along the centerline of the major street.

(6) At intersections of streets, the curb or edge of pavement radii shall not be less than the following:

Intersection	Minimum Simple Curve Radii of Curb or Edge of Pavement
Collector with Collector Street	thirty-five (35') feet
Collector with Minor Street	twenty-five (25') feet
Minor Street with Minor Street	fifteen (15') feet

Radius corners or diagonal cutoffs must be provided on the property lines, substantially concentric with or parallel to the chord of the curb radius corners.

(g) Sight distance.

(1) Sight distance, in general, refers to the maximum distance that a driver can see objects such as traffic signs, pavement markings, fixed objects, vehicles and pedestrians.

(2) Corner sight distance refers to the maximum length of highway along which a driver stopped at an intersection or driveway can continuously see another vehicle approaching on another roadway or driveway. For the purpose of measuring the available corner sight distance, the height of both the driver's eyes and the approaching vehicle should be assumed to be three and one-half (3 1/2) feet above the road surface. In addition, the driver's eyes should be assumed to be ten (10) feet from the near edge of the intersecting roadway or driveway or the near edge of the closest travel lane in the event there is parking permitted on the intersecting roadway or driveway.

(3) Sight distances shall be approved by the City Engineer.

(h) Street grades.

(1) The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

Type of Street	Minimum Grade	Maximum Grade
All Streets	.5%	
Arterial Streets		As determined by the Governing Body after consultation with the Commission and the Pennsylvania Department of Transportation.
Collector Streets		five (5%) percent
Minor Streets		eight (8%) percent
Alleys		eight (8%) percent
Street Intersection		five (5%) percent

(2) On minor streets and alleys, grades greater than ten percent (10%) shall not be more than four hundred (400) feet in length, or as determined by the City Engineer.

(3) Vertical curves shall be used in changes of street grade when the algebraic difference exceeds one percent (1%). Vertical curves shall be provided to permit the following minimum sight distances:
(A) minor streets: two hundred (200) feet;
(B) collector streets: three hundred (300) feet;
(C) arterial Streets: four hundred (400) feet.

(i) Slopes of banks along streets.

The slope of banks along streets, measured perpendicular to the street centerline, shall be no steeper than the following:

(1) One (1) foot of vertical measurement for four

(4) feet of horizontal measurement for fills.

(2) One (1) foot of vertical measurement for four (4) feet of horizontal measurement for cuts.

(j) Access Roads and Drives.

(1) Direct access from residential lots to an arterial street shall be avoided whenever possible. Where such direct access cannot be avoided, adequate turnaround space shall be provided behind the right-of-way lines.

(2) Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way line.

(3) The width of access roads or driveways shall be in accordance with the following standards:
(A) for multi-family residential, mobile home parks and all non-residential development or subdivisions, access roads shall be no less than twenty-four (24) feet in width at the street line, and shall clearly be defined by the use of curbing;
(B) for single family residential subdivisions, driveways shall be no less than ten (10) feet in width and no greater than twenty (20) feet in width at the street line.

(4) In order to provide for safe and convenient ingress and egress points, access roads and driveway entrances shall be rounded at the following minimum radius:
(A) for multi-family residential, mobile home parks and all non-residential development(s) or subdivision(s), access road entrances shall be rounded at a minimum radius of twenty (20) feet;
(B) for single family residential subdivisions, driveway entrances shall be rounded at a minimum radius of ten (10) feet.

(5) The grades on access roads or driveways shall not exceed the following:
(A) eight percent (8%) when access is to an arterial street;
(B) ten percent (10%) when access is to a collector or minor street.

(Ord. 23-1990.)

7-507.3 EASEMENTS

(a) Easements shall be provided for drainage facilities and overhead or underground public utility facilities in consultation with the City Engineer, electrical utility companies, the Pennsylvania Department of Transportation, and telephone utility companies, as follows:

(1) The minimum width of such easements shall be twenty (20) feet, ten (10) feet on each side of the line. In the case of a double line (both sewer and water for example) since each line must be ten (10) feet apart with ten (10) feet on each side of the lines, the easement would be thirty (30) feet.

(2) Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot line.

(b) Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities, or for the purpose of installing a storm water sewer. (Ord. 23-1990.)

7-507.4 BLOCKS

(a) The length, width, shape and design of blocks shall be determined taking into consideration the provision of adequate sites for buildings of the type proposed, the land use and/or zoning requirements, the topography of the land being subdivided or developed, and the requirements for safe and convenient vehicular and pedestrian circulation.

(b) Blocks shall not exceed seven hundred fifty (750) feet in length and must be compatible with the City's existing grid system.

(c) Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two(2)-tier design.

(d) Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary. (Ord. 23-1990.)

7-507.5 LOTS

(a) General standards.

(1) The size, depth, width and orientation of lots shall conform to applicable zoning regulations of the City.

(2) Insofar as practical, side-lot lines should be at right angles to straight street lines or radial to curved street lines.

(3) Where feasible, lot lines should follow municipal boundaries rather then cross them, in order to avoid jurisdiction problems.

(4) If, after subdividing, there exist remnants of land, they shall be incorporated into existing or proposed lots.

(b) Lot frontage.

(1) All lots shall abut a public street, existing or proposed, or a private street if it meets the requirements of these regulations.

(2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.

(c) Building setbacks.

(1) Corner lots shall have extra width as required by the City's Zoning Code.

(2) Front side and rear building setbacks shall conform to the Zoning Code.

(d) Lots for other than residential uses.

The lot width and area requirements of properties reserved or laid out for uses other than residential shall provide adequate space for yards and off-street loading, unloading and parking facilities. Plans for contemplated construction on subdivided lots should be provided in sufficient detail to assure that these requirements are being satisfied.

(e) Space between buildings for land development.

(1) The space between buildings where land development is proposed shall be provided in accordance with the following schedule:

(SEE NOTE)	SPACE BETWEEN BUILDING IN FEET
F to F	70'
F to S	50'
F to R	70'
S to R	30'
S to S	30'
R to R	50'
C to C	20'

Note: F=Front S=Side R=Rear C=Corner

(2) The space between buildings shall be increased one (1) foot for each additional foot that the height of the building exceeds thirty-five (35') feet.

(Ord. 23-1990.)

7-507.6 BUILDING DESIGN GUIDELINES

In undertaking new construction, the developer shall be guided by the urban context in order to create a harmonious and integrated environment in land development:

(1) Allowing for diversity, the form of buildings should, in most cases, strive to be compatible with existing structures, particularly on the perimeter of the development.

(2) The attempt should be made to incorporate architectural details found on existing, adjacent buildings, such as bay windows, porches, cornice lines and dormers.

(3) In selecting building materials, consideration should be given to utilizing materials which exist in the surrounding development. (Ord. 23-1990.)

7-507.7 NATURAL FEATURES PRESERVATION

The design and development of all subdivisions shall preserve, whenever possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of the residents of the City. Some of these natural features include: the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcroppings and scenic views.

(1) Tree preservation and planting.

(A) Trees, with a caliper of six (6) inches or more as measured at a height of four and one-half (4 1/2) feet above existing grade, shall not be removed unless they are located within the proposed cartway or sidewalk por- tion of the street right-of-way, or within fifteen (15) feet of the foundation area of a proposed building. In areas where trees are retained, the original grade level shall be maintained if possible so as not to disturb the trees.

(B) Where existing trees are removed along the street right-of-way, supplemental planting, in the form of appropriate street trees, shall be introduced. Such trees shall be planted at intervals of between fifty (50) and one hundred (100) feet and preferably in random patterns.

(C) A Landscape Plan shall be developed for industrial, residential and multi-family residential Subdivisions and Land Developments. Such plan shall indicate the vegetation or plant cover which will exist when landscaping is completed.

(2) Lake, stream, and river frontage preservation.

(A) A maintenance easement for the City or its designee, with a minimum width of twenty-five (25) feet, shall be provided along all stream and river banks and lake edges. Such easement, in all cases, shall be of sufficient width to provide proper maintenance.

(B) Lake, stream, and river frontage shall be preserved as open space whenever possible.

(C) Access shall be provided to the water and maintenance easement area. The width of such

access points shall not be less than fifty (50) feet.

(3) Topography.

The existing natural terrain of the proposed subdivision tract shall be retained whenever possible. Cut and fill operations shall be kept to a minimum.

(Ord. 23-1990.)

7-507.8 EROSION AND SEDIMENTATION PRESERVATION CONTROL

(a) In the event that any person shall intend to make changes in the contour of any land or engage in earth moving activity, whether for Subdivision, Land Development or any purpose, such person who is required to obtain a permit, shall obtain such a permit from the Department of Environmental Protection (DEP) pursuant to the erosion rules and regulations promulgated under the Clean Streams Law.

(b) Additionally, the City shall notify DEP immediately upon receipt of an application for a building permit involving earth moving activity which affects five (5) acres or more of land.

(c) The City shall not issue a building permit to those engaged in earth moving activities requiring a DEP permit until the Department has issued such permit.

(d) An Erosion and Sedimentation Control Plan must be prepared for a single lot or more where Subdivision, Land Development or other earth moving activity is proposed. The plan must be submitted:

(A) as required by the rules and regulations of the DEP referenced in Subsection (a) above; and

(B) as required by the Pennsylvania Clean Streams Law; and

(C) for areas in the flood plain.

(e) Such Erosion and Sedimentation Control Plan shall be submitted to the City's Engineer and County Conservation District for review, and a copy of the Plan and review comments shall be submitted to the Commission as part of the Preliminary and Final Plan applications.

(f) In the preparation of Erosion and Sediment Control Plans, the person preparing such plans shall consult the County Conservation District to determine the measures needed to control

erosion and sedimentation. The current Erosion and Sediment Control Handbook, prepared by the Conservation Districts of Cumberland, Dauphin and Perry Counties, shall be used in the preparation of such plans. Copies are available in the Conservation District Office in each County. (Ord. 23-1990.)

7-507.9 DESIGN STANDARDS IN FLOODPLAINS

Properties located within the Flood Plain Zoning district of the City of Harrisburg, as created by Chapter 7-329 of the Zoning Code, shall comply with the requirements of Chapter 7-515 of this Code. (Ord. 23-1990.)

CHAPTER 7-509

FLOOD PLAIN PROVISIONS

Section	7-509.1	Compliance and Purpose
Section	7-509.2	Plan Requirements and Processing Procedures
Section	7-509.3	Design Standards and Improvements

CROSS REFERENCES

Construction Floodproofing: see Chapter 8-301 (BOCA Appendix N)
Flood Plain Zoning: see Chapter 7-329

7-509.1 COMPLIANCE AND PURPOSE

(a) Any proposed Subdivision or Land Development which is located in the Flood Plain Zoning Districts of the City as created by Chapter 7-309 of the Zoning Code shall comply with this chapter of the Harrisburg Subdivision and Land Development Code.

(b) The purpose of these special provisions is to:

(1) regulate the Subdivision and Land Development of flood hazard areas in order to promote the general health, welfare and safety of the community;

(2) require that each Subdivision and Land Development lot in a flood hazard area be provided with a safe building site with adequate access, and that public facilities and/or improvements which serve such structures and uses be designed and installed at the time of initial construction to minimize flood damage.

(3) protect individuals from buying lands which are unsuitable for use because of flood hazards by regulating the subdivision of unprotected land.

(Ord. 23 1990.)

7-509.2 PLAN REQUIREMENTS AND PROCESSING PROCEDURES

(a) Plan requirements and processing procedures as stipulated in Chapter 7-503 of this Subdivision and Land Development Code shall remain in full effect; however, the following additional requirements shall be applicable to any Preliminary Plan for land to be subdivided or developed which is located in the Flood Plain Zoning Districts of the City and shall be prepared by a registered engineer or surveyor:

(1) A map showing the location of the proposed Subdivision or Land Development with respect to the Flood Plain Zoning Districts of the City, including information on, but not limited to, the regulatory flood elevation, the boundaries of the Flood Plain Zoning Districts of the City, proposed lots and sites, fills, flood or erosion protection structures or improvements, and areas subject to special deed restrictions.

(2) The Preliminary Plan shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites, and shall show topographical contours at intervals of two (2) feet.

(b) The Final Plan shall contain all the flood plain information as is required by the Preliminary Plan.

(c) The Planning Commission shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administration prior to approval of the Final Plan. (Ord. 23-1990.)

7-509.3 DESIGN STANDARDS AND IMPROVEMENTS

Design standards as stated in Chapter 7-507 of the Subdivision and Land Development Code shall remain in full effect; however, the following additional provisions will be applicable to any land to be subdivided which is located in the Flood Plain Zoning Districts of the City:

(1) Where not regulated by this chapter or any other ordinance or codes, land to be subdivided in the Flood Plain Zoning Districts may be platted for development with the provision that the developer construct buildings and structures to minimize flood damage in accordance with this chapter and

any other laws and ordinances regulating such development.

(2) It must be assured that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained. (Ord. 23-1990.)

(3) Building sites for all structures may be permitted where not prohibited by this chapter or any other chapter or code, if the site or structure is elevated so that the lowest floor construction, including basement will be at a height two feet (2' - 0") or more above the regulatory flood protection elevation. The measurement shall be to the bottom of the lowest beam. If fill is used to raise the elevation of a site or portion thereof, the fill area shall extend a distance of not less than fifteen feet (15' - 0") beyond the limits of the proposed structures. Said fill shall be properly designed and compacted, in six-inch (6") lifts, and shall have not less than ninety-five percent (95%) of the maximum dry density obtainable using the standard Proctor Test method. (Ord. 20-1995.)

(4) Building sites for nonresidential structures or buildings shall be protected as provided for in subsection (d) hereof. However, the Planning Commission may allow the subdivision of areas or development of sites for nonresidential uses at an elevation less than the regulatory flood protection elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproof at least up to that height, in an approved manner as prescribed by Chapter 7-329 of the Zoning Code.

(5) When a developer does not intend to develop the site itself and the Planning Commission determines that additional controls are required to insure safe development, the Commission may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plan.

(6) Where any excavation and grading is proposed or where any existing trees, shrubs or vegetative cover will be removed, the developer shall consult the Dauphin County Conservation District

concerning the preparation of plans for erosion and sedimentation control and to secure information in order to:

(A) obtain a report indicating the extent and content of erosion and sedimentation control plans needed and determine whether or not a permit for earth moving activity may be required from the Department of Environmental Resources under the rules and regulations of the Erosion and Sedimentation Control Act of 1973; and

(B) obtain a report on the soil characteristics of the site so that the Planning Commission may determine the type and degree of development the site may accommodate because of the limitations of soils as related to basement and foundation construction, street and open space area construction and grading conditions.

(7) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on site waste disposal sites. The plans shall be subject to the approval of the City Engineer.

(8) The finished elevation of proposed streets shall be no more than two (2) feet below the regulatory flood protection elevation.

(9) All sanitary sewer systems located in a subdivision within the Flood Plain Zoning Districts, whether public or private, shall be floodproof up to the point of the regulatory flood protection elevation. The plans shall be subject to the approval of the City Engineer.

(10) All water systems located in a subdivision within the Flood Plain Zoning Districts, whether public or private, shall be floodproof up to the point of the regulatory flood protection elevation.

(11) No Subdivision or Land Development shall be approved in the Floodway District of the City if the proposed development and/or improvement will result in any increase in flood levels during the occurrence of a one hundred (100) year flood.

(12) Public utilities and facilities, such as gas and electrical systems, shall be located and constructed to minimize or eliminate floor damage.

(Ord. 23-1990.)

CHAPTER 7-511

IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

Section	7-511.1	Improvements Required
Section	7-511.2	Monuments and Markers
Section	7-511.3	Streets and Driveways
Section	7-511.4	Sewers and Water
Section	7-511.5	Surface Water Management
Section	7-511.6	Curbs
Section	7-511.7	Sidewalks
Section	7-511.8	Fire Hydrants
Section	7-511.9	Shade Trees
Section	7-511.10	Street Signs

CROSS REFERENCES

7-511.1 IMPROVEMENTS REQUIRED

The applicant shall provide all improvements required by these regulations pursuant to the specifications for the improvements contained herein or in the City Engineering Specifications or in the Utilities and Public Services Code. (Ord. 23-1990.)

7-511.2 MONUMENTS AND MARKERS

(a) Monuments must be set:
  (1) at the intersections of all street right-of-way lines;
  (2) at the intersection of lines forming angles in the boundaries of the Subdivision or Land Development;
  (3) or at such intermediate points as may be required by the City Engineer.

(b) Markers must be set:
(1) at all corners except those monumented;
(2) by the time the property is offered for sale.

(c) Monuments and markers shall be the following sizes and made of the following materials:

(1) Monuments shall be six (6) inches square or four (4) inches in diameter and shall be thirty-six (36) inches long. Monuments shall be made of concrete, stone, or by setting a four (4) inch cast or steel pipe filled with concrete.

(2) Markers shall be three-quarters (3/4) of an inch in diameter and thirty-six (36) inches long. Markers shall be made of iron or steel bars.

(d) Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete. (Ord. 23-1990.)

7-511.3 STREETS AND DRIVEWAYS

(a) Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the City Engineer. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the City Engineer. The pavement base and wearing surface must be constructed in accordance with Pennsylvania Department of Transportation Publication 70 and material specifications in Form 408.

(b) Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width. The width of access roads or driveways shall be in accordance with the following standards:

(1) For multi-family residential, mobile home parks, and all Non-Residential Developments or subdivisions, access roads shall be no less than twenty-four (24) feet in width at the street line, and shall clearly be defined by the use of curbing.

(2) For Single Family Residential Subdivisions, driveways shall be no less than ten (10) feet in width and no greater than twenty (20) feet in width at the street line.

(c) Where proposed driveways provide access onto a State Highway, the design of such driveway access and drainage shall be prepared in accordance with the requirements of the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by that Department.)

(d) Where a driveway or access road gives access to a municipal street, approval by the City Engineer shall be required and a Highway Occupancy Permit obtained.

(e) The curb height at driveway entrances may be reduced to a minimum of one and one-half (1 1/2") inch for driveway entrances along streets where curbs are required. The maximum width of reduced curb height shall be twenty (20) feet for residential driveways and thirty-five (35) feet for commercial or industrial driveways. Sidewalks across driveway entrances shall be concrete, a minimum of six (6) inches thick of Class A concrete, six (6) inch by six (6) inch - ten (10) gage steel reinforcing mesh laid with a minimum of two (2) inches of cover, on a four (4) inch bed of type 2A stone aggregate on compacted or undisturbed soil. These sidewalks shall also be constructed in accordance with the requirements of Section 7-511.7 of this chapter.

(f) Intersection curb cuts shall be provided where sidewalks and curbs are required for handicapped accessibility. (Ord. 23-1990.)

7-511.4 SEWERS AND WATER

(a) Subdivisions and Land Developments located in the City shall connect to City water and sewer. Private sewage disposal systems are not permitted in the City.

(b) Sanitary sewers shall not be combined with storm water sewers and shall not be constructed to receive effluents from any storm water collection system. (Ord. 23-1990.)

7-511.5 SURFACE WATER MANAGEMENT

(a) The applicant shall install storm sewers, culverts, and related facilities, as necessary to permit the unimpeded flow of the natural water course; ensure the drainage of all low points along the line of streets; and collect and convey storm water

run-off along streets at intervals reasonably related to the extent and grade of the area drained.

(b) Storm drainage facilities must be designed in accordance with Chapter 7-507.

(c) Where adequate existing storm sewer mains are readily accessible, the subdivider must connect the development's storm water facilities to these existing storm sewer mains by means of a manhole.

(d) In the design of storm drainage facilities, consideration must be given to prevent runoff onto adjacent developed properties. In no case may a change be made in the existing topography which would result in increasing any portion of the slope steeper than one (l) foot of vertical measurement for four (4) feet of horizontal measurement for fills, or one (l) foot of vertical measurement for four (4) feet of horizontal measurement for cuts within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided.

(e) All slopes must be protected against erosion.

(f) A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall be two percent (2%) per foot. Adequate facilities must be provided at low points necessary to intercept runoff.

(g) Storm drainage facilities shall be designed in accordance with the City's Engineering Specifications. (Ord. 23-1990.)

7-511.6 CURBS

Curbs shall be installed on each side of the street surface in accordance with the following specifications:

(1) Curbs shall be constructed according to the specifications set forth in Section 630 of the "Pennsylvania Department of Highways Specifications", 1987, Form 408, of the Pennsylvania Department of Transportation, as amended, except that fiber reinforcement shall be added to cement construction IAW manufactures instructions.

(2) Where vertical curbs are provided, they shall not be less than seven (7) inches wide at the top and eight (8) inches wide at the bottom. The overall depth of the curb shall not be less than eighteen (18) inches. Eight (8) inches of curb reveal at the street is required. Curbs must have expansion joints every twenty (20) feet and be placed between abutting material. The curb shall rest on a six (6) inch crushed stone base, or concrete footing at the joints if, in the opinion of the City Engineer, conditions warrant. The City may require that the curb material be of the same material as curbs surrounding the site.

(3) Curbs shall be set and finished to the lines and grades given on the approved drawings. (Ord. 23-1990.)

7-511.7 SIDEWALKS

Sidewalks shall be installed on each side of the street in accordance with the following specifications:

(1) Sidewalks shall be within the right-of-way of the street.

(2) Sidewalks must be at least four (4) feet wide. In the vicinity of shopping areas, schools, recreation areas and other such facilities, sidewalks must be at least five (5) feet wide and located within the street right-of-way. However, where located next to an existing sidewalk, the width of the existing sidewalk is to be continued.

(3) In order to provide for the drainage of surface water, sidewalks shall slope from the right-of-way line toward

the curb. Such slope shall be two percent (2%) per foot.

(4) Concrete sidewalks shall have three-quarters (3/4) of an inch expansion joints every ten (l0) feet, the material shall be premolded in conformance with the Pennsylvania Department of Transportations Form 408, Section 705. Sidewalks must have contraction joints every five (5) feet, or uniformly as approved by the City Engineer. Additionally:
   (A) expansion joints are to be placed wherever concrete abuts any other material except soil;
   (B) any structure (i.e. pole, manhole, etc.) placed in the sidewalk must be surrounded by expansion joint material. An eight (8) inch clearance around the object (forming a square) of expansion joint material is also required;
   (C) an expansion joint is necessary where the sidewalk abuts the curb.

(5) The City may require other material be used that may be more appropriate to the neighborhood character. The specifications for alternative material and installation specifications must be approved by the City Engineer.

(6) Sidewalks in residential zones shall be constructed of concrete, a minimum of four (4) inches thick of class A concrete, in accordance with the Pennsylvania Department of Transportation Form 408, Section 704. The concrete is to be laid on a four (4) inch bed of type 2A stone aggregate on compacted or undisturbed soil, in accordance with the Pennsylvania Department of Transportation Form 408, Section 703.

(7) Sidewalks in non-residential zones shall be constructed of concrete, a minimum of six (6) inches thick of class A concrete, a minimum of six (6) inch by six (6) inch - ten (l0) gage steel reinforcing mesh laid with a minimum of two (2) inches of cover, on a four (4) inch bed of type 2A stone aggregate on compacted or undisturbed soil.

(Ord. 23-1990.)

7-511.8 FIRE HYDRANTS

Fire hydrants shall be installed within four hundred (400) feet of all existing and proposed structures, measured by way of

accessible streets. Locations shall be approved by the City Engineer and the Fire Chief. (Ord. 23-1990.)

7-511.9 SHADE TREES

Reasonable effort should be made by the developer to preserve existing trees. In addition, trees approved by the Director of the Department of Parks and Recreation, with a minimum caliper of two and one-half (2 1/2) inches, should be provided in accordance with the approved landscaped plan. Trees should be planted between the sidewalk and the building setback line, at least five (5) feet from the sidewalk or between the curb and the sidewalk, provided the tree can receive adequate water. (Ord. 23-1990.)

7-511.10 STREET SIGNS

Street name signs will be installed at all street intersections by the City. (Ord. 23-1990.)

CHAPTER 7-513

TRAFFIC IMPACT ASSESSMENT

Section	7-513.1	Purpose
Section	7-513.2	Traffic Impact Study
Section	7-513.3	Influence Area
Section	7-513.4	Trip Distribution
Section	7-513.5	Logical Routing
Section	7-513.6	Traffic Estimates
Section	7-513.7	Capacity Analysis
Section	7-513.8	Recommendations
Section	7-513.9	Traffic Access Impact Study
Section	7-513.10	The Report; Recommendations
Section	7-513.11	Improvements

CROSS REFERENCES

Highway Capacity Manual, Transportation Research Board, Washington, D.C., 1985.
Trip Generation, Institute of Transportation Engineers, 4th edition, Washington, D.C., 1988.

7-513.1 PURPOSE

Applicants for approval of Subdivision or Land Development plans may be required to submit a Traffic Impact Study, if the same is determined to be necessary by the City Engineer. Based on this study, certain improvements may be identified to provide safe and efficient access to the development, or safe and efficient movement of traffic through intersections within the traffic impact study area. (Ord. 23-1990.)

7-513.2 TRAFFIC IMPACT STUDY

(a) A Traffic Impact Study may be required at the discretion of the City Engineer whenever a proposed development will generate forty (40) or more additional (new) peak direction (inbound or outbound) trips to or from the site during the development's peak hour. The site's trip generation shall be determined by using the latest edition of ITE's Trip Generation.

(b) In addition, a Traffic Impact Study shall be prepared whenever either one of the following conditions exist within the impact study area as determined by the City Engineer:

(1) current traffic problems in the local area, such as a high-accident intersection, confusing intersection or an intersection in need of a traffic signal; or

(2) the ability of the adjacent, existing, or planned roadway system to handle increased traffic, or the feasibility of improving the roadway system to handle increased traffic.

(c) The traffic impact study area is defined as any intersection within one-half (1/2) mile of an entrance to a proposed development generating up to forty (40) peak hour trips.

(d) Traffic impact studies shall be prepared under the supervision of qualified, experienced, and registered transportation engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.

(e) The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this chapter.

(f) Estimates of non-site traffic shall be made and will consist of through traffic and traffic generated by all other developments within the study area. Non-site traffic may be estimated using any one of the following three methods: "Build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.

(g) The Traffic Impact Study report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations with justification for selection of one or the other, and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

(h) If pass-by trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.

(i) Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the report.

(j) The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report. (Ord. 23-1990.)

7-513.3 INFLUENCE AREA

Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip end that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments. (Ord. 23-1990.)

7-513.4 TRIP DISTRIBUTION

(a) Trip distribution can be estimated using any one of the following three (3) methods:

(1) analogy;
(2) trip distribution model;
(3) surrogate data.

(b) Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions. (Ord. 23-1990.)

7-513.5 LOGICAL ROUTING

(a) Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred (500) or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one

access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

(b) If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

(1) Determine the percentage of pass-by trips in the total trips generated.
(2) Estimate a trip distribution for the pass-by trips.

(3) Perform two (2) separate trip assignments, based on the new and pass-by trip distributions.

(4) Combine the pass-by and new trip assignment.

(c) Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable. (Ord. 23-1990.)

7-513.6 TRAFFIC ESTIMATES

Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact report should clearly depict the total traffic estimate and its components. (Ord. 23-1990.)

7-513.7 CAPACITY ANALYSIS

(a) Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analysis must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

(b) The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. The City Engineer considers the overall level-of-service ratings A, B, C and D to be acceptable for

signalized intersections (levels C or better are considered desirable); level-of-service E or F is considered to be unacceptable.

(c) The operational analysis in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements or other future conditions for which traffic, geometric, and control parameters can be established.

(d) Several other factors should also be analyzed. These include:

(1) safety;
(2) circulation patterns;
(3) traffic control needs;
(4) transit needs or impacts;
(5) transportation system management;
(6) neighborhood impacts;
(7) adequacy of on-site parking facilities and/or off-site parking facilities, if any are to be used for site-generated parking;
(8) pedestrian and bicycle movements; and
(9) service and delivery vehicle access.

(Ord. 23-1990.)

7-513.8 RECOMMENDATIONS

The recommendations of the Traffic Impact Study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse then C if they are currently A or B, and improved to D if they are E or F. (Ord. 23-1990.)

7-513.9 TRAFFIC ACCESS IMPACT STUDY

(a) A Traffic Access Impact Study Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

(b) The documentation for a Traffic Access and Impact Study shall include, at a minimum:

(1) Study purpose and objectives.

(2) Description of the site and study area.

(3) Existing conditions in the area of the development.

(4) Anticipated nearby development.

(5) Trip generation, trip distribution and modal split.

(6) Projected future traffic volumes.

(7) Assessment of the change in roadway operating conditions resulting from the development traffic.

(8) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.

(Ord. 23-1990.)

7-513.10 THE REPORT; RECOMMENDATIONS

(a) The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.

(b) The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), the estimated cost of the improvements, and any monitoring of operating conditions and improvements that may be required.

(c) Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.

(d) To facilitate examination by the City Engineer and the Planning Commission, an executive summary of one (1) or two (2) pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.

(e) The report documentation outlined above provides a framework for Site Traffic Access/Impact Study Reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections. (Ord. 23-1990.)

7-513.11 IMPROVEMENTS

(a) The applicant shall be responsible for improvements required for adequate and safe access to the development site, as well as necessary roadways, walkways, parking facilities, etc. within the site.

(b) The developer's share of off-site improvements within the traffic impact area shall be based on the recommendations of the City Engineer and the City Planning Commission, as determined by City Council.

(c) Payment for the applicant's share of off-site improvements shall be made to the City. An Improvement Construction Guarantee, in conformance with Chapter 7-515, will be required before the Final Plan is certified by the City Engineer. (Ord. 23-1990.)

CHAPTER 7-515

IMPROVEMENT CONSTRUCTION ASSURANCES

Section	7-515.1	General
Section	7-515.2	Definitions
Section	7-515.3	Improvement Construction Guarantee
Section	7-515.4	As-Constructed Drawings
Section	7-515.5	Partial Release of Funds
Section	7-515.6	Release From Improvement Bond
Section	7-515.7	Inspection During Construction
Section	7-515.8	Dedication of Improvements
Section	7-515.9	Maintenance Guarantee for Improvements Before Dedication
Section	7-515.10	Maintenance Bond for Improvements After Dedication
Section	7-515.11	Warranty Inspection

CROSS REFERENCES

7-515.1 GENERAL

(a) No project shall be considered in compliance with this chapter until the streets, street signs, sidewalks and curbs within street right-of-ways, buffer planting, storm drainage facilities for dedication or those which affect adjacent properties and/or street sanitary sewer facilities for dedication (exclusive of laterals), water supply facilities (exclusive of laterals), fire hydrants, lot line markers, and survey monuments have been installed in accordance with this chapter.

(b) No Final Plan shall be signed by the Commission and/or by City Council for recording in the office of the Dauphin County Recorder of Deeds unless an Improvement Construction Guarantee in accordance with this chapter is accepted by the City of Harrisburg.

(c) The administration of Improvement Construction Assurances shall comply with the provisions of this chapter and the Pennsylvania Municipalities Planning Code and other applicable laws of the Commonwealth. (Ord. 23-1990.)

7-515.2 DEFINITIONS

(a) "GUARANTEE" means one prepared by the developer in the form required by the City of Harrisburg, which will accept the improvements. The following are acceptable forms of guarantees. All other forms of guarantees must be individually approved by the City Solicitor of the City of Harrisburg:

(1) "SURETY PERFORMANCE BOND" means a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the City of Harrisburg.

(2) "ESCROW ACCOUNT" means a deposit of cash either with the City or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the City Solicitor. In the case of an escrow account with a financial institution, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:

(A) The funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period;

(B) In the case of a failure on the part of the developer to complete said improvements, then the financial institution shall immediately make the funds in said account available to the City of Harrisburg for use in the completion of those improvements.

(3) "LETTER OF CREDIT" means a letter of credit provided by the developer from a financial institution or other reputable institution subject to the approval of the City. This letter shall be deposited with the City and shall certify the following:

(A) the amount of credit;

(B) in case of failure on the part of the developer to complete the specified iprovements within the required time period, the creditor shall pay to the City of Harrisburg immediately, and without further action, such funds as are necessary to fnance

the completion of those improvements, up to the limit of credit stated in the letter;

(C) the letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released by the City of Harrisburg.

(Ord. 23-1990.)

7-515.3 IMPROVEMENT CONSTRUCTION GUARANTEE

(a) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the City may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the developer shall post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

(b) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The City Council, upon the recommendation of the City Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the applicant or developer and the City.

(c) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10) for each one-year period beyond the first anniversary date from each posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of

completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. (Ord. 23-1990.)

7-515.4 AS-CONSTRUCTED DRAWINGS

After final plan approval and upon completion of all required improvements, the developer shall submit As-Constructed Drawings showing the location, dimension, and elevation of all improvements. Such drawings shall indicate that the required grading, drainage structures, and/or drainage systems and erosion and sediment control practices have been installed in substantial conformance with the previously approved Final Plan. The As-Constructed Drawings shall specify all deviations from the previously approved plans. Five (5) copies of the drawings shall be submitted to the City of Harrisburg. (Ord. 23-1990.)

7-515.5 PARTIAL RELEASE OF FUNDS

As the work of installing the required improvements proceeds, the party posting the financial security may request that the City of Harrisburg release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing, addressed to the City, and shall be accompanied by As-Constructed Drawings. The City shall have forty-five (45) days from receipt of such request within which to allow the City Engineer to certify in writing that such portion of the work upon the improvements has been completed in accordance with the approved Final Plan. Upon such certification, the City shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed. If the City fails to act within said forty-five (45) day period, the City shall be deemed to have approved the release of funds as required. Prior to final release at the time of completion and certification by the City Engineer, the City shall require retention of ten (10) percent of the estimated cost of the aforesaid improvements. (Ord. 23-1990.)

7-515.6 RELEASE FROM IMPROVEMENT BOND

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the City in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. The City shall, within ten (l0) days after receipt of such notice, direct and authorize the City Engineer to inspect the improvements. A copy of the City Engineer's report shall be mailed by registered or certified mail to the developer.

The report shall contain the City Engineer's recommendations of approval or rejection, either in whole or in part, of any improvements proposed for dedication. If any improvement is not approved by the City Engineer, the City Engineer shall report to the City the conditions and reasons upon which the disapproval is based.

(b) The City shall notify the developer within fifteen (15) days of receipt of the City Engineer's report, in writing by certified or registered mail, of the decision to accept or not accept the improvements.

(c) If the City Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to the performance guarantee bond or other security agreement.

(d) If any portion of the said improvements shall not be approved or shall be rejected, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed. (Ord. 23-1990.)

7-515.7 INSPECTION DURING CONSTRUCTION

(a) The City may require an inspection of the improvement construction plans for correctness and a resident inspection of the construction of the improvements. The applicant shall agree to pay the cost of any such inspection.

(b) If improvements are to be subject to resident inspection with the cost borne by the applicant in accordance with this chapter, the procedure for assessing costs shall be submitted to the applicant at the Preliminary Plan stage. The developer shall provide at least forty-eight (48) hours notice prior to the start of construction of any improvements that are subject to resident inspection.

(c) If resident inspection by the City is not required, the developer shall retain engineering personnel for inspection during all stages of the construction project. The Bureau of Engineering shall be notified twenty-four (24) hours prior to final inspection, of a date for such so that personnel can participate if desired.

(d) Upon the completion of all construction, the developer shall submit to the Bureau of Engineering, a set of reproducible As-Constructed Drawings prepared by the developer's engineer.

(1) Both the horizontal alignment (location) and vertical position (elevation) must be made part of the As-Constructed Drawings records.

(2) When this data is questionable, a field survey must be undertaken by the developer's engineer in order to provide the necessary information.

(Ord. 23-1990.)

7-515.8 DEDICATION OF IMPROVEMENTS

(a) All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the City by ordinance, resolution, deed, or other formal document. No improvement shall be accepted by the City for dedication except upon submission of As-Constructed Drawings by the developer and inspection of the final construction.

(b) The following is the procedure to dedicate improvements to the City:

(1) The staff of the Commission may accept a request from the landowner to dedicate improvements to the City if the request has been copied to the City Clerk. A request shall take the form of a letter and include a survey/site plan and the deed of dedication which includes the legal description. (Six (6) copies each.)

(2) The staff of the Commission shall request review by:
   (A) The Dauphin County Planning Commission;
   (B) The City Engineer;
   (C) The City Fire Chief;
   (D) The City Solicitor.

(3) The staff will prepare a case report on the request pursuant to the requirements of Article XXIX of the Third Class City Code, Act of 1931, P.L. 932, as amended, and Article IV of the Pennsylvania Municipalities Planning Code.

(4) The dedication request is reviewed by the Planning Commission at a public meeting. The resolution pertaining to the official map change and dedication is forwarded to the City Clerk for review by City Council. Before voting on the official map change, Council shall hold a public hearing pursuant to public notice.

(5) Following the adoption of the ordinance and official map change, a copy of same, verified by the City Clerk, shall be submitted to the recorder of deeds for Dauphin County. The deed shall be recorded within sixty (60) days of the effective date.

(Ord. 23-1990.)

7-515.9 MAINTENANCE GUARANTEE FOR IMPROVEMENTS BEFORE DEDICATION

(a) The City, at its discretion, may require the applicant to submit a maintenance guarantee or other approved performance guarantee to guarantee maintenance and repair of any improvement shown on the application for one (1) year after the construction thereof, or until acceptance of improvements has been consummated.

(b) If improvements are to be subject to a maintenance guarantee in accordance with this section, the applicant shall be advised of the requirement at the Preliminary Plan stage. (Ord. 23-1990.)

7-515.10 MAINTENANCE BOND FOR IMPROVEMENTS AFTER DEDICATION

The developer shall furnish to the City at the time of the City's acceptance of the deed of dedication, a twenty-four (24) month maintenance bond, with corporate surety acceptable to the City Solicitor, to secure the structural integrity of said improvements in accordance with the design and specifications. The amount of the maintenance bond or other financial security shall be fifteen percent (15%) of the actual cost of construction. (Ord. 23-1990.)

7-515.11 WARRANTY INSPECTION

Prior to the expiration of the twenty-four (24) month period and at such other times as are necessary, the developer's engineer, in conjunction with personnel from the Bureau of Engineering, will conduct inspections. These inspections will be for the purpose of determining the existence of any maintenance deficiencies and required remedial action prior to the release of surety. No sureties will be released without approval from the Bureau of Engineering. (Ord. 23-1990.)

CHAPTER 7-517

MOBILE HOME PARKS

Section	7-517.1	General
Section	7-517.2	Mobile Home Parks
Section	7-517.3	Plan Requirements and Processing Procedures
Section	7-517.4	Design Standards and Improvement Construction Requirements
Section	7-517.5	Public Utilities
Section	7-517.6	Mobile Home Lot Design Requirements
Section	7-517.7	Building Setback Lines
Section	7-517.8	Open Space Requirements
Section	7-517.9	Signs and Lighting
Section	7-517.99	Enforcement and Penalties

CROSS REFERENCES

7-517.1 GENERAL

Pursuant to Section 501 of the Pennsylvania Municipalities Planning Code, provisions regulating mobile home parks shall be set forth in separate and distinct chapters of any subdivision and land development Code. (Ord. 23-1990.)

7-517.2 MOBILE HOME PARKS

Mobile home parks may locate only in those areas designated in the City's Zoning Code. (Ord. 23-1990.)

7-517.3 PLAN REQUIREMENTS AND PROCESSING PROCEDURES

The plan requirements and processing procedures for land development as a mobile home park shall be in accordance with the requirements contained in Chapter 7-503 and 7-505 of this Code. (Ord. 23-1990.)

7-517.4 DESIGN STANDARDS AND IMPROVEMENT CONSTRUCTION REQUIREMENTS

The arrangement and other design standards of streets, easements, blocks, lots, erosion, and sedimentation shall be provided in accordance with Chapter 7-507. All improvements, construction requirements and engineering specifications shall be provided in accordance with Chapter 7-511. (Ord. 23-1990.)

7-517.5 PUBLIC UTILITIES

Mobile home parks located within the City shall utilize City water and sewer services. Private sewage disposal systems are not permitted in the City. (Ord. 23-1990.)

7-517.6 MOBILE HOME LOT DESIGN REQUIREMENTS

Every mobile home located within a mobile home park within the City of Harrisburg shall:

(A) be placed on a permanent foundation, on a minimum foundation wall consisting of eight (8) inch concrete masonry unit construction, with anchor bolts spaced six (6) feet on center to preclude movement of unit under adverse wind loads. Alternate methods of anchorage may be accepted, as approved by the Building Inspector. Trailer hitch and wheel assemblies must be removed;

(B) have a permanent utility hook-up with all utilities;

(C) have a minimum of one thousand two hundred (1200) square feet of living space;

(D) be approved by the Pennsylvania Manufactured Home Association;

(E) be located on a minimum lot of seven thousand two hundred (7200) square feet;

(F) be provided with two (2) off-street parking spaces to the rear of the mobile home on the lot.

(Ord. 23-1990.)

7-517.7 BUILDING SETBACK LINES

For each mobile home lot in a mobile home park, front yard setbacks shall be a minimum of fifteen (15) feet, side yard two (2) feet and rear yard a minimum of ten (10) feet, or in conformity with zoning requirements, whichever is more stringent. (Ord. 23-1990.)

7-517.8 OPEN SPACE REQUIREMENTS

(a) Not less than ten percent (10%) of the total land area in a mobile home part shall be provided for usable open space. Such space shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

(b) Such open space shall be paved or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. (Ord. 23-1990.)

7-517.9 SIGNS AND LIGHTING

(a) Signs may be permitted subject to the approval of the Commission or City Council, as appropriate.

(b) All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted. (Ord. 23-1990.)

7-517.99 ENFORCEMENT AND PENALTIES

Enforcement and penalties shall be in accordance with the rules and regulations of Chapter 7-701. (Ord. 23-1990.)

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE SEVEN - PLANNING AND ZONING CODE

PART SEVEN 7-700 EXECUTION OF LEGISLATION

Chapter 7-701 Enforcement and Penalties

CHAPTER 7-701

ENFORCEMENT AND PENALTIES

Section	7-701.1	Preventive Remedies
Section	7-701.2	Enforcement
Section	7-701.3	Effect of Changes
Section	7-701.4	Recording of Plans and Deeds
Section	7-701.5	Amendments
Section	7-701.6	Waivers
Section	7-701.7	Records
Section	7-701.8	Conflicts
Section	7-701.99	Penalty

CROSS REFERENCES

7-701.1 PREVENTIVE REMEDIES

(a) In addition to other remedies, the City may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, prevent unlawful construction, recover damages, and prevent illegal occupancy of a building, structure or premises.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferrer from such penalties or from the remedies herein provided.

(c) The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of the Planning and Zoning Code. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.
(2) The vendee or lessee or the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation(s).

(4) The vendee or lessee or the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation(s).

(d) As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property. (Ord. 23-1990.)

7-701.2 ENFORCEMENT

(a) Any person, partnership or corporation who or which has violated the provisions of this Code shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred ($500.00) dollars 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 District Justice. If the defendant neither pays nor promptly 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 district justice 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 (5th) day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this chapter shall be construed or interpreted to grant to any person or entity other than the City

the right to commence any action for enforcement pursuant to this chapter.

(d) District Justices shall have initial jurisdiction in proceedings brought under this Code. (Ord. 23-1990.)

7-701.3 EFFECT OF CHANGES

(a) From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Code, and while such application is pending, no change or amendment to this Code shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

(b) When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment to this Code shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

(c) Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Code or the ordinance(s) governing plans as they stood at the time when the application for such approval was duly filed.

(d) Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five (5) year limit or any extension thereof as may be granted by the Planning Commission, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan. (Ord. 23-1990.)

7-701.4 RECORDING PLANS AND DEEDS

(a) Upon the approval of a Final Plan, the developer shall, within ninety (90) days of such final approval, record such plan in the Office of the Recorder of Deeds for the Dauphin County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the City Council and/or the Planning Commission and review by the County Planning Agency.

(b) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan. (Ord. 23-1990.)

7-701.5 AMENDMENTS

Amendments to the Subdivision and Land Development Code shall become effective only after a public hearing is held pursuant to public notice as defined herein and in accordance with the Pennsylvania Municipalities Planning Code. (Ord. 23-1990.)

7-701.6 WAIVERS

(a) The provisions of this Code are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the majority of the members of the Planning Commission present at a scheduled meeting, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Commission may recommend that City Council grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Code or any portion thereof.

(b) Council may, in granting waivers, impose such conditions as will in its judgment secure substantially the objectives of the standards and requirements of this Code.

(c) All requests for waivers shall be processed in accordance with Section 7-503.6. (Ord. 23-1990.)

7-701.7 RECORDS

The Commission shall keep an accurate, public record of its findings, decisions and recommendations relevant to all

applications filed with it for review or approval. (Ord. 23-1990.)

7-701.8 CONFLICTS

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply. (Ord. 23-1990.)

7-701.99 PENALTY

(a) The penalty for violation of any section under Subdivision Regulations shall be as stated in Section 7-701.2.