

- (3) In considering whether to approve the special exception use, the Board shall consider whether the total impact upon the neighborhood and parking needed for all uses on the lot after the new use would be in operation would exceed the total impact of all uses on the lot that existed prior to the application. For example, this decision may consider whether the applicant proposes to reduce the number of dwelling units on the lot.
 - (4) The Board shall have the authority to place reasonable conditions upon the singular use, such as but not limited to: 1) limits on hours of operation, 2) limits on the maximum floor area occupied by the use, 3) requirements that the operator of the use regularly collect litter on the sidewalk and gutters at edge of street adjacent to the lot, and 4) conditions that preserve and enhance the residential character of the neighborhood.
 - (5) As part of the special exception, the Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking as part of the special exception approval if the applicant proves that there is an excess of on-street parking spaces during hours when the business will be in operation.
 - (6) Signs shall need approval as part of the special exception process. The Board may approve a total sign area of up to 20 square feet, which shall be limited to projecting, wall and/or window signs. No new sign shall be internally illuminated. Any lighting of signs shall be limited to hours when the use is open to the public. All signs must comply with any applicable Historical Architectural Review Board (HARB) and Historic Conservation Commission (HCC) regulations and any other applicable laws and regulations.
 - (7) A barber shop, beauty shop, ~~or~~ hairstyling/haircutting use, or nail salon use shall have a licensed barber, cosmetologist, or nail technician on-site during all hours when the use is open. The number of styling chairs shall be limited to two (2).
 - (8) The use shall not meet the definition of an Adult-Oriented Establishment or the definition of a B.Y.O.B. Club.
 - (9) There shall be no on site frying of foods.
 - (10) Alcohol sales shall not be permitted.
 - (11) Tattoo parlors and pawn shops shall not be permitted.
 - (12) All uses must strictly comply with Historical Architectural Review Board (HARB) and/or Historic Conservation Commission (HCC) regulations, if applicable, in such residential districts.
- (b) As a special exception, the conversion of a single family dwelling to an office use may be approved by the Zoning Hearing Board (“the Board”) provided all of the following requirements are met:
- (1) The lot shall be at the corner of 2 streets and shall contain some form of a nonconforming retail or commercial use in combination with a single family dwelling.
 - (2) This subsection 2 may allow an office use to be established in the single family dwelling even while the nonconforming commercial or retail use on the same lot continues. The office use shall be limited to within the existing single family dwelling, and may not involve building expansions for the use, other than as may be necessary for fire safety or handicapped access.
 - (3) In considering whether to approve the special exception use, the Board shall consider whether the total impact upon the neighborhood and parking needed for all uses on the lot after the new use would be in operation would exceed the total impact of all uses

on the lot that existed prior to the application. For example, this decision may consider whether the applicant proposes to reduce the number of dwelling units on the lot.

- (4) The Board shall have the authority to place reasonable conditions upon the office use, such as but not limited to: limits on hours of operation, limits on the maximum floor area occupied by the use, requirements that the operator of the use regularly collect litter on the sidewalk and gutters at edge of street adjacent to the lot, and conditions that preserve and enhance the residential character of the neighborhood.
- (5) As part of the special exception, the Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking as part of the special exception approval if the applicant proves that there is an excess of on-street parking spaces during hours when the business will be in operation.
- (6) Signs shall need approval as part of the special exception process. The Board may approve a total sign area of up to 20 square feet, which shall be limited to projecting, wall and/or window signs. No new sign shall be internally illuminated. Any lighting of signs shall be limited to hours when the use is open to the public. All signs must comply with any applicable Historical Architectural Review Board (HARB) and Historic Conservation Commission (HCC) regulations and any other applicable laws and regulations.
- (7) the office uses to be permitted under this Article shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, psychology, accounting and financial services.

(Entire Article 1304.04 Amended 12-18-18, Ord. 2018-40)

ARTICLE 1305
ALLOWED USES IN PRIMARILY NON-RESIDENTIAL ZONING DISTRICTS.

1305.01 Allowed Uses in Primarily Non-Residential Districts. Only the following uses are allowed in each respective zoning district, except as may be allowed by Section 1304.03:

For the Institutional Overlay District, see Section 1312.

For the OMU District, see Section 1314. (Amended 12/16/15, Ord. 2015-39)

For additional requirements in the CMU Mixed Use Commercial District, see Section 1313.

For additional requirements of IN-O, refer to Article 1315.

For additional requirements for the IR Industrial Redevelopment District and the IR-R Industrial Redevelopment - Residential District, see Section 1316.

For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Classification System, administered by the US Department of Commerce. In case of question about the categorization, such system shall be consulted.

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
a. RESIDENTIAL USES												
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 1322)	N	N	N	N	N	N	N	N	N	N	N	P ²
Two Family Semi-Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Attached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Single Family Semi-Detached Dwelling (side-by-side)	N	N	N	N	N	N	N	N	N	N	N	P
Townhouse (Single Family Attached Dwelling) (S. 1322)	N	N	N	N	N	N	N	N	N	N	P	P
Multi-Family Dwellings (S. 1322), other than conversions of an existing one family dwelling into 2 or more dwellings	P ¹	P ¹	P ⁴	N	N	N	N	N	N	N	P	P ³
Boarding House (includes Rooming House) (S. 1322)	SE ¹	SE	SE ⁴	N	N	N	N	SE	N	N	N	N
Manufactured/Mobile Home Park (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.1322), not including a Treatment Center	P	P	P	N	N	N	N	P	N	N	N	N
Conversion of an Existing One Family Dwelling into Two or More Dwelling Units (See also Unit for Care of Relative under Accessory Uses), other than as allowed by the above Multi-Family Dwellings provision with a street level commercial use.	N	N	N	N	N	N	N	N	N	N	N	N
Dormitories or other Housing Owned or Operated by a College or University and Limited to Occupancy by Students or Staff of the College or University (in addition to housing listed above)	N	P ¹ in CG N in CS	P ⁴	N	N	N	N	P	N	N	P ¹	N
Fraternity or Sorority	N	N	N	N	N	N	N	P	N	N	N	N
Live Work Unit in compliance with the Home Occupation and Live Work Provisions of Section 1322.03.	P	N	P	N	N	N	N	N	N	N	P	N

¹ = Such housing shall be located in the same building as a principal commercial use that is on the front street level. This requirement for a street level commercial use shall not apply to buildings fronting on local streets. See the optional density bonus for workforce housing in Article 1307.

² = In the OMU District the maximum lot size for any single family dwelling shall be 4,000 square feet

³ = Provision of Section 1322 shall not apply in the OMU District for multi-family dwellings

⁴ = Such housing shall be located in the same building as a principal retail, restaurant or personal service use that is on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level. This requirement for a street level retail or service use shall not apply to buildings fronting on local streets. See the optional density bonus for workforce housing in Article 1307.

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

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322

(Amended 02/03/21 Ordinance No. 2021-01)

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL ¹	CG ¹ &CS	CB ¹	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES												
Adult Oriented Establishment and Massage Parlors (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
After Hours Club - Note - This use is effectively prohibited by State Act 219 of 1990 (S. 1322).	N	N	N	N	N	N	N	N	N	N	N	N
Airport (S. 1322) (see also Heliport)	N	N	N	N	SE	N	N	N	N	N	N	N
Amusement Arcade	N	P	N	N	N	N	N	N	N	P	P	P
Amusement Park or Water Park	N	P	N	N	N	N	N	N	N	N	N	N
Animal Cemetery	N	P	N	P	P	P	P	P	N	N	N	N
Animal Shelter	N	N	N	P	P	N	N	N	N	N	N	N
Arena or Auditorium	P	P	P	P	N	P	P	P	N	P	P	N
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	P	P	P	P	P	P	P	P	N	P	P	P
Auto Body Shop or Auto Repair Garage (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Auto, Boat or Mobile/Manufactured Home Sales (S. 1322)	N	P	N	N	N	N	N	N	N	N	P ³	N
Bakery, Retail	P	P	P	N	P	N	N	N	P	P	P	P
Bed and Breakfast Inn (S. 1322)	P	P	P	N	N	N	N	P	N	P	P	P
Beverage Distributor (wholesale)	N	P	N	N	N	N	N	N	N	P	P	N
Bus Maintenance or Storage Yard	N	N	N	P	P	P	N	N	N	N	N	N
Bus, Taxi or Passenger Rail Terminal	P	P	P	P	P	P	N	N	N	P	P	N
BYOB Club in compliance with Section 1318.33	N	N in CG SE in CS	N	N	N	N	N	N	N	N	N	N
Car Wash (S. 1322)	N	P	N	N	N	N	N	N	N	N	N	N
Catering, Custom, for Off-Site Consumption	P	P	P	P	P	P	P	P	N	P	P	P
Check Cashing Business (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Communications Antennae, Commercial (S. 1322), limited to accessory antenna attached to specified types of structures	P	P	P	P	P	P	P	P	P	P	P	P
Communications Tower, Commercial (S. 1322), or other antennae that are not allowed under the above provision	N	N	N	SE	P	SE	SE	SE	N	SE	SE	N
Conference Center or Exposition Center	N	P	P	P	N	P	P	P	N	P	P	N
Construction Company or Tradesperson's Head- quarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1318.23	P ²	P	SE ²	P	P	P	P	N	N	P	P	P ⁴
Crafts or Artisan's Studio	P	P	P	P	P	P	P	P	N	P	P	P

¹ = All retail service uses must be enclosed within a building. In the CB Zoning District all permitted uses shall include a principal retail, restaurant or personal service use on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level in the CB Zoning District. In the CL Zoning District a principal commercial use shall be located in the front street level. This requirement of Note 1 shall not apply to buildings fronting on local streets.

² = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.

³ = Limited to sales of motor vehicles that is primarily conducted indoors.

⁴ = Outdoor storage is not permitted in OMU District.

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

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322 (Amended 02/03/21 Ordinance No. 2021-01)

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL ¹	CG ¹ &CS	CB ¹	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Custom Printing, Copying, Faxing, Mailing or Courier Service & similar services to businesses	P	P	P	P	P	P	P	P	P	P	P	P
Dog Daycare	P	P	N	P	P	P	P	N	P	P	P	P
Exercise Club	P	P	P	P	P	P	P	P	P	P	P	P
Financial Institution (includes banks), with Drive-Through facilities allowed in the CB and CL district only if they use rear for vehicle entry and/or exit. See Drive-through facilities regulations in Section 1322.03. ⁴	P	P	P	P	P	P	P	P	P	P	P	P
Flea Market/ Auction House	P	P	P	N	P	N	N	N	N	P	P	N
Funeral Home, without a crematorium (S. 1322)	P	P	P	N	P	N	N	P	N	P	N	N
Funeral Home with a crematorium (S. 1322)	N	N	N	SE	P	N	N	SE	N	N	N	N
Gaming Facility, Licensed (S. 1322), other than small games of chance allowed under State law and the State Lottery	N	N	N	N	N	N	N	N	N	P	N	N
Gas Station, which may occur with a retail store, and which may also include fueling of vehicles using hydrogen, natural gas or similar fuels (S. 1322)	N	P	N	N	P	N	N	N	N	SE	N	P ⁵
Heliport (S. 1322)	N	N	N	P	P	P	P	P	N	P	P	N
Hotel or Motel (S. 1322)	N	P	P	N	P	N	P	N	N	P	P	P
Kennel (S. 1322)	N	N	N	P	P	N	N	N	N	N	N	N
Laundromat	P	P	P	N	P	N	N	P	N ³	P	P	P
Laundry, Commercial or Industrial	N	N	N	P	P	P	N	N	N	P	P	N
Lumber Yard	N	N	N	P	P	N	N	N	N	P	P	N
Medical Marijuana Academic Clinic Research Center (s.1322)	N	N	N	P	P	P	P	P	P	N	N	P
Medical Marijuana Grower/Processor (S.1322)	N	N	N	P	P	P	P	N	N	N	N	N
Medical Marijuana Dispensaries (S. 1322)	N	P	N	N	N	N	N	N	N	P	N	N
Micro-brewery and/or Micro-distillery (in combination with a restaurant and/or tasting room)	P	P	P	N	P	N	N	N	P	P	P	P
Motor Vehicle Racetrack, Outdoor	N	N	N	N	SE	N	N	N	N	N	N	N
Nightclub	N	SE	SE ²	N	P	N	N	N	N	P	P	P
Office (May include medical clinics or labs)	P	P	P	P	P	P	P	P	P	P	P	P
Pawn Shop (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Personal Services (includes tailoring, custom dress-making, haircutting/styling, travel agency, nail salon, dog grooming, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses)	P	P	P	N	N	N	N ³	N ³	N	P	P	P

¹ = All retail service uses must be enclosed within a building. In the CB Zoning District all permitted uses shall include a principal retail, restaurant or personal service use on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level in the CB Zoning District. In the CL Zoning District a principal commercial use shall be located in the front street level. This requirement of Note 1 shall not apply to buildings fronting on local streets.

² = Nightclub cannot be located within 120 feet of a Residential District boundary line

³ = Personal services, restaurants or cafeterias without drive-through service, a Laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution. See also the I-O Overlay District in Article 1312.

⁴ = In the OMU District, drive through facilities for a Financial Institution are limited to 2 lanes.

⁵ = Must front on a minor arterial street and must be within 450' of the property boundary line of a highway interchange.

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

SE = Special exception use (zoning decision by Zoning Hearing Board)

(S. 1322) = See Additional Requirements in Section 1322 (Amended 02/03/21 Ordinance No. 2021-01)

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL ¹	CG ¹ &CS	CB ¹	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Planned Office Commercial Development in compliance with Section 1313 (which allows additional uses in the CMU District; S. 1322)	N	N	N	N	N	N	N	N	P	N	N	N
Plant Nursery (other than a Retail Store)	N	P	N	P	P	P	P	P	N	P	P	N
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with Fire Department review.	N	N	N	SE	P	N	N	N	N	N	N	N
Recording Studio, Music	P	P	P	P	P	P	P	P	N	P	P	P
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Article	N	P	N	N	P	N	N	P	N	P	P	N
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Section 1305	N	P	N	P	P	P	N	P	N	P ²	P ²	N
Repair Service, Household Appliance	P	P	P	N	P	N	N	N	N	P ²	P ²	N
Restaurant or Banquet Hall other than a Nightclub												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P ^{3,4}	P	P	N	N	N	N ³	N ³	P	P	P	P
Restaurant, Fast - Casual												
- with a drive-through (S. 1322)	N	P	N	N	N	N	N	N	N	P	P	P ⁵
- without a drive-through	P ^{3,4}	P	P	N	N	N	N ³	N ³	P	P	P	P
Restaurant, Fast Food												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P ^{3,4}	P	P	N	N	N	N ³	N ³	P	P	P	P
Retail Store (not including uses listed individually in this Section 1305). Any drive-through facilities shall meet Section 1322.03. The only drive-through retail facilities in the CB, OMU or CL district shall be for a pharmacy.	P ⁴	P	P	N	P	N	N ³	N ³	N	P	P	P ⁵
Self-Storage Development (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Shopping Center (S. 1322)	P ⁴	P	P	N	N	N	N	N	N	P	P	P
Target Range, Firearms												
- Completely indoor and enclosed	N	P	N	P	P	N	N	N	N	P ²	P ²	N
- Other than above	N	N	N	N	P	N	N	N	N	N	N	N

- ¹ = All retail service uses must be enclosed within a building. In the CB Zoning District all permitted uses shall include a principal retail, restaurant or personal service use on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level in the CB Zoning District. In the CL Zoning District a principal commercial use shall be located in the front street level. This requirement of Note 1 shall not apply to buildings fronting on local streets.
- ² = This use is not allowed on a lot that is adjacent to an arterial street (such as Route 412).
- ³ = Personal services, restaurants without drive-through service, a laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution.
- ⁴ = Each business establishment shall have a maximum floor area of 10,000 square feet on any one floor of a building. This restriction shall not apply to existing structures at the time of adoption of this Ordinance.
- ⁵ = In the OMU District, any drive-through for a Fast-Casual Restaurant or a Pharmacy shall be limited to 1 lane.
- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted (S. 1322) = See Additional Requirements in Section 1322
- (Amended Fast Casual Drive-thru 6/5/18, Ordinance 2018-14) (Amended 02/03/21 Ordinance No. 2021-01)

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL ¹	CG ¹ &CS	CB ¹	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Tasting Room	P	P	P	N	P	N	N	N	P	P	P	P
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	P	P	P	N	N	N	N	N	N	P	P	N
Tavern, other than a Nightclub ²	SE	P	P	N	P	N	N	N	N	P	P	P
Television or Radio Broadcasting Studios	P	P	P	P	P	P	P	P	N	P	P	P
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	P	P	P	N	P	N	P	P	N	P	P	P
Trade/ Hobby School	P	P	P	P	P	P	N	P	N	P	P	N
Veterinarian Office	P	P	P	P	P	P	P	N	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P	P	P	P	N	P	P	N
Wholesale Sales - see under Industrial Uses												
c. INSTITUTIONAL / SEMI-PUBLIC USES												
Cemetery (see Crematorium listed separately; S. 1322)	P	P	P	N	N	N	P	P	N	N	N	N
College or University - Educational and Support Buildings (See also under Residential Uses)	P	P	P	N	P	P	P	P	N	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	P	P	P	P	P	P	P	P
Crematorium that is not part of a funeral home (S. 1322)	N	N	N	SE	SE	N	N	SE	N	N	N	N
Cultural Center or Museum	P	P	P	N	P	P	P	P	N	P	P	N
Day Care Center, Adult (S. 1322)	P	P	P	N	P	P	P	P	P	P	P	P
Day Care Center, Child (S. 1322) (See also as an accessory use)	P	P	P	N	P	P	P	P	P	P	P	P
Dormitory - See under Residential Uses in this table												
Emergency Services Station or Training Facility	P	P	P	P	P	P	P	P	P	P	P	N
Hospital or Surgery Center (S. 1322)	N	P	N	N	N	P	N	P	N	P	P	P
Meal Center (S. 1322)	SE	SE	N	N	N	N	N	SE	N	N	N	N
Membership Club meeting and non-commercial recreational facilities, provided that such use shall not be open between 2 and 6 AM, and provided that such use shall only be allowed in combination with another use if the other use is allowed in that district and if the requirements for that use are also met.	P	P	P	P	P	N	N	N	N	P	P	N
Personal Care Home, Nursing Home or Assisted Living (S. 1322)	N	P	N	N	N	N	N	P	N	N	P	P
Place of Worship (includes Church)	P	P	P	N	N	N	P	P	P	P	P	P
Prison/ Correctional Facility	N	N	N	N	SE	N	N	N	N	N	N	N

¹ = All retail service uses must be enclosed within a building. In the CB Zoning District all permitted uses shall include a principal retail, restaurant or personal service use on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level in the CB Zoning District. In the CL Zoning District a principal commercial use shall be located in the front street level. This requirement of Note 1 shall not apply to buildings fronting on local streets.

² = Tavern cannot be located within 120 feet of Residential District boundary line.

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

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted (S. 1322) = See Additional Requirements in Section 1322

(Amended 02/03/21 Ordinance No. 2021-01)