

**§7-1 Measurements and Exceptions**

**§7-1-1 Building Height**

- A. **Building height refers to the vertical distance from the finished grade line to:**
  - a. **The highest point of the coping of a flat roof,**
  - b. **The ridge line of a gable, shed, hip, or gambrel roof,**
  - c. **The highest point of the roof and any parapets of a mansard roof.**
- B. **Mechanical equipment may exceed the maximum height of the roof given that the equipment is full screened from view from the public right-of-way and does not exceed 15 feet in height.**
- C. **Chimneys or antenna that are located upon or integrally part of the roof may exceed the maximum allowable height provided that they do not extend greater than 15 feet above the height of the roof.**

**§7-1-2 Corner Visibility**

- A. **Within the triangular area formed by two intersecting right-of-way lines and a line connecting points on such right-of-way 30 feet from their point of intersection, the following regulations shall apply to allow maximum vehicular visibility:**
  - 1. **Maximum structure height: two feet;**
  - 2. **Trees shall be maintained to allow between 2 and 10 feet of vertical clearance below lowest branches;**
  - 3. **Signs are prohibited within the corner visibility triangle.**

**§7-1-3 Driveways**

- A. **The parking of vehicles shall be prohibited in any required front yard except on a paved surface.**
- B. **Driveways may be located within the required front yard and are not subject to the required setbacks of the district in which they are located.**
- C. **For parcels containing one to four residential dwelling units, the area of the driveway, measured from the front lot line to the setback line of the principal structure, shall not exceed 50% of the area between the front lot line and the front façade of the principal structure.**
- D. **Driveways or parking areas shall be constructed of concrete, asphalt, or other materials approved by the Building Department.**

**§7-1-4 Flag Lots**

- A. **No lot shall be divided so that the minimum lot size and minimum lot width are less than required by this chapter.**
- B. **No boundary line adjustment, lot line adjustment, subdivision approval, or any other approval shall be granted which has the effect of creating one or more flag lots.**
- C. **Flag lots in existence as of the effective date of this section shall constitute nonconforming lots, provided that the pole does not meet minimum frontage requirements for the district in which the lot is located.**

**§7-1-5 Yards on Corner Lots**

- A. The shorter property line abutting two streets on a residential corner lot shall be considered the front lot line. The exterior side yard shall be considered the side yard that abuts a public right-of-way.**
- B. The exterior side yard for any building or structure on a corner lot shall meet the front yard requirement for the district within which it is located.**
- C. Fences may project into an exterior side yard in accordance with the following**
  - a. For lots that are less than 60 feet in width, a fence may be established within the exterior side yard provided that it is a minimum of 3 feet from the public right-of-way.**
  - b. For lots that are greater than or equal to 60 feet in width, a fence may be established within the exterior side yard provided that it is a minimum of 10 feet from the public right-of-way.**

*~~§ 230-28 Building, siting, massing and form.~~*

All new building construction and building alterations in the City of Lackawanna shall comply with the following design standards:

- ~~A. Building design and siting shall complement the natural terrain, significant vegetation of the site area;~~
- ~~B. Buildings shall be related to one another and the surrounding neighborhood in design, building mass, materials and placement to provide a visually and physically integrated environment;~~
- ~~C. The building design shall feature active street elevations and accented entrances;~~
- ~~D. Building rear and side facades shall be comparable in amenity and appearance to the treatment of any building facade which faces a public street;~~
- ~~E. The building shall be located parallel or perpendicular to the street and other buildings;~~
- ~~F. The building entrance shall be linked to parking and pedestrian circulation;~~
- ~~G. Corner buildings shall have a strong design connection to both streets;~~
- ~~H. No blank walls shall face public streets or the pedestrian circulation system;~~
- ~~I. No more than three exterior materials are utilized;~~
- ~~J. In the CBD and NC Districts translucent windows shall comprise at least 50% of walls facing streets; and~~
- ~~K. In the RC District translucent windows shall comprise at least 25% of walls facing streets.~~

*~~§ 230-29 Cluster development.~~*

- ~~A. Cluster development shall be allowed for all uses regulated through site plan review.~~
- ~~B. The minimum development area for cluster developments shall be five acres.~~

- C. ~~The maximum density for the entire development shall not exceed the maximum density permitted in the underlying district.~~
- D. ~~Open space requirements:~~
  - (1) ~~At least 25% of the total development acreage is to be preserved and maintained for its scenic, recreation or conservation value via inclusion in the open space zone.~~
  - (2) ~~If cluster open space is not dedicated to the City of Lackawanna, the land shall be protected by legal arrangements, satisfactory to the City of Lackawanna, sufficient to assure its perpetual preservation and maintenance as a scenic, recreation or conservation resource.~~
- E. ~~The lot area and yard requirements shall be determined in conjunction of site plan review of the proposed development.~~

~~*§ 230-30 Construction standards.*~~

~~The construction or alteration of buildings and structures within the City of Lackawanna shall comply with the following standards:~~

- A. ~~All construction storage and equipment yards shall be fenced and screened from the view of adjacent properties and motorists;~~
- B. ~~Access to each construction site shall be limited to two locations;~~
- C. ~~Mud, dirt or other surface debris deposited on public or common roadways shall be washed or removed daily; and~~
- D. ~~At the end of construction, the applicant shall submit to the City reproducible copies of record drawings showing the location of all underground utilities and irrigation systems.~~

~~*§ 230-31 Corner visibility.*~~

~~Within the triangular area formed by two intersecting right-of-way lines and a line connecting points on such right-of-way 30 feet from their point of intersection, the following regulations shall apply to allow maximum vehicular visibility:~~

- A. ~~Maximum structure height: two feet;~~
- B. ~~Trees shall be maintained to allow between two and 10 feet of vertical clearance below lowest branches; and~~
- C. ~~Signs are prohibited.~~

~~*§ 230-32 Erosion and sedimentation.*~~

~~[Amended 2-5-2008]~~

- A. All land development activities subject to regulation under Article XII of this chapter shall comply with the performance and design criteria and other requirements set forth therein, including the preparation of a stormwater pollution prevention plan.

- B. For all construction activities that are not subject to regulation under Article XII of this chapter, and where a significant soil erosion or sediment deposition may occur as a result of the disturbance of the land, the City Planning and Development Board may require an application for site plan review to be accompanied by an erosion and sediment control plan conforming to the standards and practices contained in the USDA Natural Resources Conservation Service Engineering Field Services Manual (EFM) and the New York Standards and Specifications for Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Engineering Department or Planning and Development Board.
- C. Final grading shall coincide with the planting season to ensure quick soil stabilization;
- D. Construction phase topsoil stockpiles shall be graded and covered or seeded within one month of deposition;
- E. Upon construction completion, temporary berms, swales, settling ponds and other erosion control mechanisms shall be reshaped and planted or otherwise maintained to conform with an approved site plan and to comply with any stormwater pollution prevention plan approved by the City for the project; and
- F. All new developments must meet the following gradient standards:

|                          | Minimum Slope | Maximum Slope |
|--------------------------|---------------|---------------|
| Planting areas           | 2%            | 12%           |
| Parking lot pavement     | 2%            | 4%            |
| Driveways, access drives | 2%            | 6%            |
| Pedestrian pavements     | 1%            | 2%            |
| Sidewalks                | 1%            | 5%            |
| Cut and fill slopes      |               | 12%           |

~~§ 230-33 Fencing.~~

- ~~A. Front yard fencing may not exceed three feet in height.~~
- ~~B. Perimeter fencing is prohibited in all front yards.~~
- ~~C. No more than 40% of a front yard fence material may be opaque or solid materials.~~
- ~~D. All fences shall be installed so that the better side of all fencing faces outward from a property.~~
- ~~E. For uses subject to site plan review, where new fencing would create a continuous surface at least 10 feet in length, the visual expanse of bare fence should be minimized with grouped tree and shrub plantings in accordance with the landscaping provisions of this chapter.~~

~~F. — The use of barbed wire and other security wire fencing in residential districts is prohibited.~~

~~G. — In nonresidential districts, the maximum fence height is eight feet.~~

~~H. — In residential districts, the maximum fence height is six feet measured from the average finished grade of the lot except:~~

~~(1) — Where a property abuts a nonresidential district, a fence up to eight feet in height is permitted.~~

~~(2) — A fence of 12 feet will be allowed to enclose a tennis court.~~

~~I. — Where potential health or safety hazards may arise fence height may be increased as necessary to prevent unauthorized access to the premises.~~

~~*§ 230-33.1 Fencing on City property or right-of-way.*~~

~~[Added 6-2-2008]~~

~~In any case where fencing is erected on City property or an easement or right-of-way granted to the City, said fencing shall be removed at the owner's cost at the request of the City. The City shall allow said owner 30 days to remove said fence, and in the case of noncompliance, the City is hereby authorized to remove the fence and charge the property owner for the cost thereof. The amount for the cost to the City for removal shall be added to the owner's City real property tax bill for the next ensuing period.~~

~~*§ 230-34 Landscaping.*~~

~~A. — All uses subject to site plan review are subject to the provisions of this section.~~

~~B. — All yards and setbacks should be landscaped in accordance with the following design guidelines:~~

~~(1) — Plant material is massed in beds rather than planted as independent units in a lawn.~~

~~(2) — Predominance of one species for unity with individual plants used for accent is preferred.~~

~~(3) — Landscape plans incorporate significant existing on-site trees, natural vegetation and wildlife habitat.~~

~~(4) — Plant materials that are native to Western New York or require minimal watering and mechanical maintenance should be used; synthetic vegetation is prohibited.~~

~~(5) — Water intensive ornamental plant materials shall not exceed 10% of the total landscaped area.~~

~~(6) — Erosion retardant vegetation is used on all cut and fill slopes.~~

~~(7) — Blank end walls are landscaped.~~

~~(8) — Decorative water features use recirculating water where possible.~~

~~(9) — Trees are provided in setback and buffer areas to ensure that within 15 years of establishment of the setback, at least 60% of the setback will be shaded, calculated as the diameter of the tree crown.~~

- ~~(10) Shade trees are provided in parking lots to ensure that within 15 years after the establishment of the lot, at least 40% of the lot will be shaded, calculated by using the diameter of the tree crown at 15 years.~~
- ~~(11) Landscaped areas are a minimum of six feet wide excluding curbs and retaining walls.~~
- ~~(12) Plantings shall comply with the following plant material guidelines:~~
  - ~~(a) The minimum size for a shrub shall be 24 inches in height unless otherwise approved by the City Planning and Development Board;~~
  - ~~(b) The minimum size for a tree shall be a 2 1/2 inches caliper unless otherwise approved by the City Planning and Development Board;~~
  - ~~(c) Ground covers used in lieu of grass in whole or in part shall be planted to provide complete coverage after two complete growing seasons;~~
  - ~~(d) All trees are staked and planting areas mulched;~~
  - ~~(e) Landscaping materials are confined so as not to spill or intrude into the public right of way; and~~
  - ~~(f) All trees and other plant materials designated for presentation shall be protected with wooden fencing to keep heavy equipment away from roots and trunks during construction.~~
- ~~(13) All required planting shall be permanently maintained in good condition; plant material shall be replaced when necessary.~~

## **§7-2 Landscaping**

### **§7-2-1. Purpose**

- A. It is the purpose of this chapter to promote better site design, introduce shade and habitat, prevent the erosion of soils, provide water absorption and retention to limit excess stormwater runoff, enhance air quality, provide natural buffers to development, and enhance the aesthetic and scenic beauty of the City of Lackawanna.**
- B. The standards set forth in this chapter are intended to:**
  - 1. Dissuade the unnecessary clearing and disturbing of land and preserve the natural growth of existing flora**
  - 2. Conserve and stabilize property values, preserve a healthy environment, and facilitate the creation of a convenient, attractive, and harmonious community environment**
  - 3. Provide shade**
  - 4. Reduce the level of carbon dioxide and airborne pollutants and return oxygen to the atmosphere**
  - 5. Provide unpaved areas for the absorption of surface waters**

### **§7-2-2. Applicability.**

- A. All developments subject to site plan review in accordance with § 230-XX shall meet the requirements of this Section. A separate landscape plan shall be submitted and approved, approved with conditions or denied as a part of this review procedure.**

- B. The landscape plan shall be prepared by a licensed landscape architect unless the landscape plan is submitted as part of a minor site plan as defined in §230-XX.
- C. A revised site plan shall not diminish the landscaping of the site below the requirements of this section.

#### §7-2-3. General Requirements.

- A. Existing and natural features and vegetation shall be preserved and incorporated in the landscaped area wherever possible
- B. Required landscaped areas shall be designed as an integral part of the site development and shall be dispersed throughout the development site and vehicle use areas.
- C. Plastic or other types of artificial plantings or vegetation shall not be permitted.
- D. All shrubs planted shall have a minimum height of 24 inches above the ground except when being used as ground cover. All evergreen shrubs used for screening shall have a minimum height of 48 inches (4 feet) above the finished grade. All large and small deciduous trees planted shall have a minimum caliper of two and one-half inches, measured six inches above the ground.

#### §7-2-4. Buffers and Screening.

- A. General Requirements
  - 1. Landscaping is required along all side and rear property boundaries except when approved shared parking lots adjoin abutting properties.
  - 2. One planting unit shall consist of 1 deciduous shade tree and 5 shrubs.
  - 3. A minimum of one planting unit shall be required per 30 linear feet or fraction thereof.
  - 4. Properties with 80% or greater building coverage shall be excluded from providing site landscaping.
  - 5. The Planning and Development Board may alter the number of required planting units if existing site landscaping is present and will be retained.
- B. Screening of Mechanical Equipment.
  - 1. Non-single-family residential properties which may be viewed from residential uses, public streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (utility structures, multiple meter boards, generators, air conditioning units, backflow preventor [RPZ] hot boxes, etc.) from view at ground level of the property line.
  - 2. Roof-mounted mechanical equipment shall be screened or arranged so as to not be visible from residential uses, public streets or park areas and be shielded from view on four sides. Screening shall consist of materials consistent with the principal building materials.
  - 3. Mechanical equipment shall not be mounted on the roof or located in the front yard in any single-family residential district
  - 4. Wall or ground-mounted equipment screening shall be constructed of:

- a. Planting screens; or
- b. Brick, stone, reinforced concrete, vinyl stockade or other similar material
- c. Redwood, cedar, preservative pressure treated wood, or other similar materials;  
and

#### §7-2-5 Dumpsters and Refuse Containers.

- A. The following standards shall apply to dumpsters and other refuse collection areas in the R-3, CBD, NC, RC, and ENT districts.
- B. Dumpster containers, other refuse containers, and all refuse shall be visually screened on all sides from adjacent properties and private or public rights of way with an opaque material, which may include shrubs, walls, fences or berms. Materials and dumpsters stored in said areas shall not protrude above the screen.
- C. The setbacks for dumpsters in nonresidential districts shall be five (5) feet from the property line of adjacent nonresidential districts and ten (10) feet from the property line of adjacent residential districts.

#### §7-2-6. Fences

- A. Front yard fencing may not exceed three feet in height.
- B. Perimeter fencing is prohibited in all front yards within three feet of any sidewalk.
- C. The use of barbed wire and other security fencing is prohibited.
- D. The maximum height if a fence shall not exceed six feet measured from average finished grade, except,
  - 1. Where a property abuts a nonresidential district, a fence up to eight feet in height is maybe permitted.
  - 2. Tennis courts and basketball courts may be fully enclosed with a fence up to 12 feet in height.
- E. All fencing must follow the grade of the property on which it is installed.

#### §7-2-7. Parking Lots and Vehicle Use Areas

- A. An interior landscaped island shall be provided for every 15 spaces. Each island shall have a minimum width of eight feet inside the curb and a minimum length of 16 feet for a single row and 32 feet for a double row. Interior islands may be consolidated, or intervals may be expanded to preserve existing trees or facilitate snow plowing if approved by the Planning and Development Board, as applicable.
- B. All rows of spaces shall terminate in a landscaped island. Each island shall conform to the specifications described in (A) above. Terminal island intervals may be modified to preserve existing trees or facilitate snow plowing if approved by the Planning and Development Board, as applicable.
- C. A minimum of one large deciduous tree shall be provided for each landscaped island that is equal to or greater than 128 square feet. One additional large deciduous shade tree shall be provided within landscaped islands for each 100 square feet in excess of 128 square feet.

- D. In addition to trees, all landscaped islands and divider medians shall be landscaped with grass, ground cover, shrubs or other landscape material acceptable to the Planning Board or Director of Development.
- E. All islands and medians shall have six-inch-high concrete curbing as a minimum to protect plant materials from damage.

**§7-2-8. Enforcement and Maintenance.**

- A. All landscaped areas required and/or permitted by these regulations shall be maintained and preserved according to the approved landscape plan. Landscaped areas shall be kept free of trash, litter, weeds and other such materials. Failure to maintain the landscaping in accordance with the approved landscape plan or to keep landscaped areas free of trash, litter, weeds and other such materials shall be a violation of this Ordinance, and this requirement shall be enforced by the Code Enforcement Office.
- B. All plant materials provided for a development in accordance with the approved landscape plan shall be in a healthy and vigorous growing condition and exhibit good form. All plant materials which are considered to be unacceptable for the purposes of compliance with these regulations shall be replaced with acceptable plant material prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance by the Code Enforcement Office.
- C. Plantings intended to serve as a visual screen which die or are not maintained in a healthy and growing condition after three years from the date of issuance of the final Certificate of Occupancy or Certificate of Compliance by the Code Enforcement Office shall be replaced with plantings of a size and nature sufficient to achieve the visual screen intended.

*~~§ 230-35 Lighting.~~*

- A. ~~The following minimum lighting levels shall be provided for uses requiring site plan review:~~
  - (1) ~~Parking lots: 0.5 footcandles.~~
  - (2) ~~Driveways: 0.25 footcandles.~~
  - (3) ~~Pedestrian walkways: 0.18 footcandles.~~
  - (4) ~~Building entrances: 0.5 footcandles.~~
  - (5) ~~Accent illumination: 0.5 footcandles.~~
- B. ~~Exterior lighting shall be planned, erected and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public roads.~~
- C. ~~Except pedestrian-oriented accent lights, all light fixtures shall be concealed source fixtures.~~
- D. ~~Light sources shall not be higher than 20 feet; pedestrian light fixtures shall not exceed 15 feet in height.~~

E. ~~Security lighting fixtures and exterior wall-mounted floodlights are restricted to enclosed service courtyards.~~

F. ~~High intensity lighting is prohibited.~~

#### §7-4 Lighting.

A. Applicability. These regulations shall apply to all exterior lighting on any property utilized for the following purposes:

1. Nonresidential uses, including industrial uses;
2. Mixed-uses, whether located on the same site or within the same structure; and
3. Multi-family dwellings over four units.

B. Lighting Plan. A lighting plan shall be submitted as part of the site plan review process. Lighting plans must be prepared by a lighting professional and just include the following:

1. Location of all exterior lights and their specifications
2. The level of illumination at each property line, measured in footcandles.
3. Height of pole and fixture and/or distance above grade for wall-mounted lighting fixtures.
4. A detail of the proposed light fixtures and any shielding.

C. The following minimum lighting levels shall be provided for uses requiring site plan review:

1. Parking lots: 0.5 footcandles.
2. Driveways: 0.25 footcandles.
3. Pedestrian walkways: 0.18 footcandles.
4. Building entrances: 0.5 footcandles.
5. Accent illumination: 0.5 footcandles.

D. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on adjacent residential use, and 0.5 on adjacent commercial sites and public rights-of-way.

E. Light sources shall not be higher than 20 feet; pedestrian light fixtures shall not exceed 15 feet in height.

F. Security lighting fixtures and exterior wall-mounted floodlights are restricted to enclosed service courtyards.

G. High intensity lighting is prohibited.

#### ~~§ 230-36 Parking, loading and stacking.~~

A. ~~General provisions.~~

~~(1) Existing parking, loading or stacking facilities shall be continued and maintained, and shall not be reduced below the requirements of this chapter, for the duration that the principal use is maintained.~~

~~(2) Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the construction, enlargement or conversion of any use, building or structure.~~

~~(3) If the requirements of this section cannot be reasonably provided on the same lot as the principal~~

use, the Planning and Development Board may permit such space be provided on another off-street property, provided such facility is located within 400 feet of the main entrance of the principal use.

- (4) ~~All parking facilities shall be used for passenger automobile or commercial vehicles only.~~
  - (5) ~~Parking facilities shall not be used for automobile storage, commercial repairs, sales or service.~~
  - (6) ~~Parking facilities shall be unobstructed and free of other uses.~~
  - (7) ~~All parking facilities required for uses subject to site plan review shall be landscaped and screened from public view in accordance with this chapter.~~
- B. ~~Off-street parking requirements. In all districts, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations that increase the number of required parking units, and changes in use:~~

| <b>Use/Facility</b>         | <b>Requirement<br/>(spaces)</b>   |
|-----------------------------|---|
| Amusement centers           | 1 per 5 customers based upon the maximum service capacity at any one time, plus 1 per 2 employees                                       |
| Automotive sales facilities | 2 per employee  |
| Automotive service stations | 1 per service bay plus 1 per employee; no more than 4 vehicles shall be stored at one time and shall not remain for more than 72 hours. |
| Bank                        | 1 per 250 square feet of net floor area   |
| Bar/tavern                  | 1 per 50 square feet  |
| Barber shops/beauty parlors | 2 per barber/beauty chair   |
| Boarding or rooming houses  | 1 per sleeping room plus 1 for each permanent dwelling unit and 1 for every 2 employees   |
| Bowling alleys              | 2 per alley   |
| Child care center           | 1 per employee plus 1 per 10 children   |
| Club or lodges              | 1 per 4 persons of the maximum occupancy as established by local, county, or state fire, building or                                    |

| Use/Facility   | Requirement<br>(spaces)  |
|--|--|
| Community center   | 1 per 250 square feet of gross floor area  |
| Convenience store  | 1 per 150 square feet of gross floor area  |
| Dancing studios  | 1 per 75 square feet of gross floor area dedicated to the activity   |
| Driving range  | 1 space per tee plus 1 per employee  |
| Drug and alcohol treatment center                                | 1 space per 2 beds plus 1 per employee   |
| Funeral homes, mortuaries  | 1 per 75 square feet of parlor or chapel area, whichever is greater  |
| Gas station  | 1 per employee   |
| Public and semi-public buildings, including government buildings | 1 per 200 square feet of gross floor area used by the public plus 1 per 600 square feet of gross area not used by the public                                     |
| Group home   | 1 space per 5 clients plus 1 per employee in the largest work shift. If clients are not allowed to own vehicles, 1 space per 600 square feet of gross floor area |
| Health clubs   | 1 per 50 square feet of net floor area   |
| Hospitals  | 1 per patient bed  |
| Hotels, motels, bed and breakfast, tourist homes                 | 1 per guest room plus 1 per 6 seats for restaurant/bar area  |
| Houses of worship  | 1 per 5 fixed seats in main assembly room  |
| Industrial uses  | 1 per 600 square feet of gross floor area or 0.75 spaces per employee of the 2 largest successive shifts   |

| <b>Use/Facility</b>  | <b>Requirement<br/>(spaces)</b>   |
|--|---|
| Laundromats  | 1 per 200 square feet of gross floor area used by the general public  |
| Libraries  | 1 per 1,000 square feet of gross floor area   |
| Medical offices, health clinics                            | 1 per examining room plus 1 per employee  |
| Manufactured home lots                                     | 2 per lot   |
| Nightclub  | 1 per 50 square feet of area open to the public   |
| Nursing homes  | 1 per 5 beds plus 1 per employee  |
| Offices  | 1 per 400 square feet of net floor area   |
| Park   | 2 per acre  |
| Public assembly places (auditoriums, gymnasiums, theaters) | 1 per 5 seats or 9 linear feet of fixed benches   |
| Residential (detached and attached single-family)          | 2 per dwelling unit   |
| Residential (multiple family or apartments)                | 1 1/2 per one bedroom or studio unit; plus 2.3 per two bedroom unit; plus 2.4 per three or more bedroom units |
| Residential (group home for elderly, disabled)             | 1/2 per dwelling unit or if public transportation is available within 500 feet, 1/4 per dwelling unit         |
| Restaurant and banquet hall                                | 1 per 3 seats plus 2 for every 3 employees on the maximum shift   |
| Restaurant – take out only                                 | 1 per 10 square feet of net floor area  |
| Retail stores (detached)                                   | 1 per 250 square feet of sales floor area   |
| Schools (nursery and primary)                              | 1 per employee  |

| <b>Use/Facility</b>           | <b>Requirement<br/>(spaces)</b>  |
|-------------------------------|--|
| Schools (secondary)           | 1 per 10 student instruction seats or if no fixed seats,<br>1 per 100 square feet of instructional space |
| Schools (trade)               | 1 space per 4 students   |
| Shelters                      | 1 per 2 employees  |
| Commercial centers            | 5 per 1,000 net square feet  |
| Sports complex/athletic field | 10 per field   |

C.—Exceptions. The requirements of this article may be reduced to the extent that the applicant can demonstrate that less parking is required for one of the following reasons:

(1)—Adjacent uses operate at different times and thus, arrangements with surrounding land owners to utilize their parking facilities through a formal agreement are feasible.

(2)—The new development is in close proximity to a public parking facility.

D.—Location.

(1)—Required off-street parking shall be located on the same lot as the building to which it is an accessory use, except as herein provided.

(2)—All off-street parking facilities shall be located to the side or rear of the principal use building except in the Central Business District, where off-street parking shall be restricted to the rear yard.

(3)—Off-street parking facilities shall not be located within the required setback areas.

(4)—Permanent front and rear yard parking areas in residential zones, other than driveways accessing a garage or designated parking area, are prohibited.

(5)—No vehicles shall be parked on any lawn area.

(6)—Vehicles bearing signs more than two square feet in area shall not be permitted to park as a customary operation in a residential area so as to be visible from the street.

(7)—At least one of the required spaces for attached single-family residential units shall be provided on the same lot as the primary unit.

(8)—No parking lots shall be located closer than 15 feet to any adjacent residential property.

(9)—Nonresidential parking spaces shall be provided access to a nonresidential public street through a

drive or aisle at least 10 feet wide.

E. ~~Parking space dimension requirements.~~

|                       |         |         |         |
|-----------------------|---------|---------|---------|
| Angle of stall        | 90°     | 60°     | 45°     |
| Stall length          | 19' 00" | 21' 00" | 19' 10" |
| Stall width (regular) | 9' 00"  | 10' 05" | 12' 09" |
| Aisle width           | 24' 00" | 18' 00" | 13' 00" |
| Total width           | 62' 00" | 60' 00" | 52' 08" |
| Stall width (ADA)     | 12.0'   | 13' 9"  | 16' 9"  |

F. ~~Parking facility design.~~

- ~~(1) No more than 80 parking spaces shall be provided in each parking lot section.~~
- ~~(2) Parking lots should be linked with the parking facilities of other building lots whenever possible; in such cases vegetative screening shall not be required between paving sections.~~
- ~~(3) Parking spaces shall be delineated by painted lines.~~
- ~~(4) Parking bumpers shall not be used in parking lots.~~
- ~~(5) Parking areas and drives shall be paved with compacted macadam base at least 11 inches thick pavement section with positive drainage to a storm sewer system. All parking lots, entrance drives and utilities shall remain in private ownership.~~
- ~~(6) All visitor parking areas shall be clearly identified.~~

G. ~~Loading facilities.~~

- ~~(1) In addition to minimum parking and stacking requirements, all commercial and industrial uses shall provide adequate off-street facilities for loading and unloading.~~
- ~~(2) Required off-street loading facilities shall not face or be visible from the frontage street, shall not be located in a required front yard and may not be located in a required side or rear yard if adjoining a residential district.~~
- ~~(3) Each required off-street loading space shall be designed for vehicular access by means of a driveway(s) to a public street.~~
- ~~(4) Off-street loading facilities and driveways shall not be designed or used so as to interfere with the free use of any street, alley or adjoining property.~~

~~(5) An off-street loading facility shall not be used for the repair or service of any motor vehicles.~~

~~(6) Each off-street loading space shall be at least 20 feet long by 12 feet wide.~~

~~(7) The following off-street loading facilities shall be provided:~~

| <b>Use</b>                                     | <b>Square Feet</b> | <b>Number of Bays</b>                        |
|--|--------------------|--|
| Retail stores                                  | Under 5,000        | 1  |
|  | 5,001–40,000       | 2  |
|  | 40,001–50,000      | 3  |
|  | 50,000+            | 4  |
| Wholesale and industrial operations            | Under 40,000       | 1  |
|  | 40,001–100,000     | 2  |
|  | 100,000+           | 3  |
| Office buildings                               | 100,000+           | 1  |
| Health-care facilities with ambulatory service | 50,000+            | 2 bays, 1 of which is for emergency vehicles |

~~H. Stacking.~~

~~(1) In addition to minimum parking and loading requirements, drive-in facilities shall provide five spaces per lane, booth, customer facility or service window.~~

~~(2) Drive-in facilities shall be sited so as to facilitate principal on-site vehicular circulation and discourage vehicle stacking on the adjacent street.~~

~~(3) The size of each stacking space shall be 20 feet in length by nine feet in width.~~

### **§7-3 Circulation, Parking, Loading and Stacking.**

#### **§7-1-1 Purpose.**

**Regulations for parking, loading and stacking are established to advance the safety, organization, and compatibility with their surroundings. Requirements for parking loading and stacking are set forth to achieve the following:**

- A. To promote the safety and convenience of pedestrians, motorists, and bicyclists by designing and locating parking areas to lessen the potential for conflicts among these groups,**
- B. Reduce congestion on the primary street networks of the City,**

- C. Protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles,
- D. Minimize further expansion of impervious surfaces within the City and reduce loss of green space; and
- E. Provide safe traveling conditions and off-street accommodations for motorists, pedestrians, and bicyclists

**§7-1-2 Applicability.**

- A. All nonresidential, mixed-use, and multi-family development shall meet the requirements of this chapter. No building permit shall be issued for any use that does not conform to the requirements herein.
- B. 1, 2, and 3-Unit Housing shall be exempt from the requirements of this article, except for those located within the Central Business District (CBD)
- C. The provision and maintenance of off-street parking and loading areas is a continuing obligation of the property owner
- D. New construction and infill development shall be in conformance with all requirements of this article, unless otherwise provided herein,

**§7-1-3 No Minimum Parking Requirements.**

The regulations do not mandate a minimum number of automobile parking spaces and recognize that excessive off-street parking for automobiles conflicts with the city's goals related to transportation, land use, and sustainability.

**§7-1-4 Continuation of Facilities.**

Existing parking, loading or stacking facilities shall be continued and maintained, and shall not be reduced below the requirements of this chapter, for the duration that the principal use is maintained.

**§7-1-5 Fractional Requirements.**

Where the determination of minimum loading, stacking, electric vehicle charging, or minimum bicycle parking requirements result in a fractional number, any fraction of ½ or less shall be disregarded, while a fraction greater than ½ shall be counted as (1) space.

**§7-1-6 General Provisions.**

- A. Parking facilities shall be unobstructed and free of other uses.
- B. Parking facilities shall not be used for automobile storage, commercial repairs, sales or service.
- C. The parking and storage of inoperable vehicles shall be located within an enclosed structure only. Parking of such inoperable vehicles outdoors shall be prohibited.
- D. All off-street parking facilities shall be provided as set forth in this chapter at the time of the construction, enlargement or conversion of any use, building or structure.
- E. All parking facilities required for uses subject to site plan review shall be landscaped and screened from public view in accordance with §230-X, Landscaping.
- F. Off-street parking facilities shall be located on the same lot as the building to which it is an accessory use.
- G. Parking areas shall not be located within a required front yard.
- H. No vehicles shall be parked on a lawn area.

**§7-1-7. Off Street Parking Space and Parking Lot Design**

- A. Parking Space Dimension
  - 1) Off street parking spaces shall have a minimum width of 9' and a minimum length of

- 19'.
- 2) Parallel parking spaces shall have a minimum width of 9' and a minimum length of 22'.
  - 3) Minimum aisle width shall be as follows:

| <u>Angle of Parking</u> | <u>Minimum Aisle Width</u> |                |
|-------------------------|----------------------------|----------------|
|                         | <u>One Way</u>             | <u>Two Way</u> |
| <u>Parallel</u>         | <u>13</u>                  | <u>24</u>      |
| <u>30 degrees</u>       | <u>13</u>                  |                |
| <u>45 degrees</u>       | <u>13</u>                  |                |
| <u>60 degrees</u>       | <u>18</u>                  |                |
| <u>90 degrees</u>       | <u>24</u>                  |                |

**§7-1-8. Parking, Loading, and Stacking Area Design Requirements.**

- A. Grading and Paving. Parking, Loading, and Stacking areas and access driveways shall be graded and drained so that surface water does not run off onto adjacent properties. Parking areas and driveways shall be constructed as required by the Code Enforcement Officer.
- B. Features. Parking Loading and Stacking areas shall be arranged, marked and maintained in accordance with the approved site plan on record to provide the orderly and safe parking and storage of vehicles.
  - 1) Parking spaces shall be delineated by painted lines.
  - 2) The use of parking bumpers is prohibited within parking lots.
- C. Illumination. Parking Loading and Stacking areas shall be illuminated in accordance with the standards set forth in §7-XX, Lighting.
- D. Pedestrian Accommodations. Pedestrian walks shall be provided from the parking facilities to the main building entrances.
- E. Driveways to Parking, Loading, and Stacking Areas.
  - 1) Entrance and exit driveways that serve parking, loading, and stacking facilities shall be provided in a location, size, and number as to interfere as little as possible with the use of adjacent property and the flow of traffic onto streets to which they connect.
- F. Parking Rooms. Parking areas that serve a development of 100,000 SQFT or greater shall be divided into parking rooms.
  - 1) Each parking room shall not exceed 80 parking spaces and shall be connected to an internal system of roadways.

**§7-1-9. Shared Parking.**

Nonresidential uses may make arrangements for shared parking with other nonresidential uses. All shared parking agreements must meet the following standards:

- A. Shared parking facilities must be located within 500 feet of the primary building entrance.
- B. Off-site shared parking facilities that serve a nonresidential use shall not be located within a residential zoning district.
- C. If an off-site shared parking facility is not under the same ownership as the use that it serves, a written copy of the agreement attested by both parties shall be provided to the Code Enforcement Officer for recordation.

**§7-1-10. Bicycle Parking.**

- A. Bicycle parking must be provided in the CBD, NB, RC, ENT, and OS zoning districts, in a quantity not less than the following:

|   |                                      |
|---|--------------------------------------|
| <u>Residential Uses (more than 4 units)</u> | <u>.5 per unit, 20 max</u>           |
| <u>Commercial Uses</u>                      | <u>1 per 3,000 SF, 20 spaces max</u> |
| <u>Public and Civic Uses</u>                | <u>1 per 3,000 SF, 20 spaces max</u> |
| <u>Industrial Uses</u>                      | <u>1 per 10,000 GSF</u>              |

- B. Bicycle parking must be located on site and be publicly available in a location that is visible from the public right-of-way.
- C. Each required bicycle parking space must be 1.5 feet by 6 feet to accommodate the ability for a bike to be locked on both sides of the parking space. Each side of the bicycle parking space shall be counted as (1) required space.
- D. Required bicycle parking spaces must be located on a paved or pervious surface.

**§7-1-11. Electric Vehicle Charging Stations.**

- A. For multi-family residential uses (more than 4 units), commercial uses, and industrial uses, 1% of all parking spaces must be electric vehicle ready, with a minimum of 2 EV-ready spaces for parking lots over 20 spaces. At a minimum, EV-ready spaces must have conduit or other means connected to power to each space at the time of construction of the parking facility.

**§7-1-12. Residential Parking Requirements**

- A. The following standards apply in the residential districts
  - 1) Parking is permitted within the required front yard provided that the vehicles are located on an approved driveway.
  - 2) Parking is prohibited on grass areas and yard space that is not hard-surfaced and properly designated for such use.
  - 3) Only one curb cut shall be permitted per residential lot and shall conform to the standards set forth by the City of Lackawanna in Chapter of 194: Streets and Sidewalks of City Code.
  - 4) The parking or storage of any vehicle or trailer being used for commercial purposes over the tare weight of 5 tons shall not be permitted on a residential parcel other than being completely enclosed within a garage or other structure.
  - 5) Parking of personal seasonal vehicles, boats, trailers, or recreational vehicles is permitted, provided such vehicles:
    - a. Are registered and licensed
    - b. Are not used for living purposes;
    - c. Are not parked within the front yard area;
    - d. Are parked on an approved surface; and
    - e. Do not obstruct vehicular, pedestrian, or bicyclist vision and access

**§7-1-13. Loading Facilities.**

All commercial and industrial uses shall provide adequate off-street facilities for loading and unloading. Loading facilities shall be provided and maintained as long as the building is occupied, unless equivalent facilities are provided in accordance with this chapter. Loading facilities shall meet the following standards:

- A. Required off-street loading facilities shall not face or be visible from the frontage street, shall not be located in a required front yard and may not be located in a required side or rear yard if adjoining a residential district.
- B. Each required off-street loading space shall be designed for vehicular access by means of a driveway(s) to a public street.
- C. Off-street loading facilities and driveways shall not be designed or used to interfere with the

free use of any street, alley, or adjoining property.

- D. An off-street loading facility shall not be used for the repair or service of any motor vehicles.
- E. Each off-street loading space shall be at least 20 feet long by 12 feet wide.
- F. The following off-street loading facilities shall be provided:

| <u>Use</u>  | <u>Square Feet</u>            | <u>Number of Bays</u>                               |
|---|-------------------------------|---|
| <u>Retail</u>   | <u>Under 5,000</u>            | <u>1</u>  |
|   | <u>5,001 – 10,000</u>         | <u>2</u>  |
|   | <u>Each additional 10,000</u> | <u>1 additional space</u>                           |
| <u>Wholesale and industrial operations</u>            | <u>Under 40,000</u>           | <u>1</u>  |
|   | <u>40,001 - 100,000</u>       | <u>2</u>  |
|   | <u>100,000 and greater</u>    | <u>3</u>  |
| <u>Health-care facilities with ambulatory service</u> | <u>50,000 and greater</u>     | <u>2 bays, 1 of which is for emergency vehicles</u> |

**§7-1-14. Stacking.**

- A. In addition to minimum parking and loading requirements, drive-in facilities shall provide five spaces per lane, booth, customer facility or service window.
- B. Drive-in facilities shall be sited to facilitate principal on-site vehicular circulation and discourage vehicle stacking on the adjacent street.
- C. The size of each stacking space shall be 20 feet in length by nine feet in width.

*§ 230-37 Pedestrian and bicycle facilities.*

- A. ~~Sidewalks shall be provided along public roads and from public streets and parking lots to building entrances. Pedestrian/handicapped crosswalks should be provided as needed.~~
- B. ~~Pedestrian/handicapped access, such as sidewalks, curb ramps and crosswalks, should be provided from the building entrance to the public sidewalk. Curb ramps, etc., should be provided where appropriate to insure pedestrian access is handicapped accessible.~~
- C. ~~New sidewalks in the SFR and MR Districts shall have an unobstructed width of five feet.~~
- D. ~~Sidewalks in all other districts shall have an unobstructed width of six feet to accommodate pedestrian use; adjacent to parking lots or curbs, sidewalks shall be at least eight feet wide to provide an unobstructed width of six feet when cars park near the sidewalk.~~

- E. — A minimum vertical clearance of eight feet six inches shall be maintained for all sidewalks.
- F. — Where provided, off street bicycle paths shall have an unobstructed width of at least eight feet.
- G. — Approved bicycle path materials are asphalt, concrete and "stabilizer" or a comparable material.
- H. — New bicycle lanes provided on state highways should be at least five feet wide. All other new bicycle lanes shall be at least four feet wide.
- I. — Bicycle parking facilities shall be provided for all uses requiring site plan approval.

*§ 230-38 Residential buffer.*

A vegetative buffer shall be maintained between all uses subject to site plan review and single family residential units. The buffer shall be 15 feet wide and planted in accordance with this chapter.

*§ 230-39 Roadway design.*

New roadways shall comply with the following roadway design standards unless otherwise approved by the City Planning and Development Board:

- A. — Minimum number of lanes: two.
- B. — Curb radius: 50 feet.
- C. — Minimum distance between drives and intersections: 125 feet.
- D. — Angle of roadways, driveways and intersections: 90°.
- E. — Maximum road width:

|                       | <b>ADT is less than 750</b>  | <b>ADT is greater than 750</b>  |
|-----------------------|--|---|
| Parking on one side   | 31 feet<br>(two ten-foot driving lanes, one seven-foot parking lane and one four-foot bike lane) | 35 feet<br>(two ten-foot driving lanes, one seven-foot parking lane and two four-foot bike lanes) |
| Parking on both sides | 34 feet<br>(two ten-foot driving lanes, two seven-foot parking lanes)                            | 42 feet<br>(two ten-foot driving lanes, two seven-foot parking lanes, two four-foot bike lanes)   |

*§ 230-40 Screening.*

- A. — For uses requiring site plan review, the following items must be screened from the view of adjacent properties, pedestrians and vehicles through the use of landscaping and/or fencing:
  - (1) — Off street parking lots;

- ~~(2) Exterior mechanical equipment;~~
- ~~(3) Fuel oil storage shelters;~~
- ~~(4) Transformers;~~
- ~~(5) Satellite receiving antennas;~~
- ~~(6) Refuse containers and garbage disposal facilities;~~
- ~~(7) Storage facilities; and~~
- ~~(8) Outdoor seating areas.~~

~~B. Where vegetative screening is proposed, plant species, size and layout should be developed to provide an effective screen within three years of installation.~~

#### ~~§ 230-41 Signs.~~

~~A. Permit required.~~

- ~~(1) No person shall erect, alter, construct or relocate any sign without having first obtained a sign permit from the Zoning Officer, upon a demonstration of full compliance with the provisions of this chapter.~~
- ~~(2) Signs located along state highways, including NY Route 5, should be submitted to the New York State Department of Transportation for review and approval where appropriate.~~

~~B. Exemptions. The following items are exempt from the provisions of this section:~~

- ~~(1) Customary holiday decorations;~~
- ~~(2) House addresses, family name signs, decorative flags, "no trespassing" and similar signs;~~
- ~~(3) Traffic control signs;~~
- ~~(4) Gasoline price signs attached to a gasoline dispenser or service island canopy and not exceeding one square foot per face;~~
- ~~(5) Political signs not exceeding four square feet in area erected no earlier than three weeks before an election and removed within seven calendar days following the election;~~
- ~~(6) Real estate signs not exceeding six square feet in area;~~
- ~~(7) No more than two directional and parking signs not exceeding two square feet per face and no taller than seven feet high per business;~~
- ~~(8) Signs, flags or emblems erected and maintained pursuant to any government function;~~
- ~~(9) Decorative or architectural features of a building, except letters or trademarks;~~

- ~~(10) Memorial or historic plaques, markers, monuments or tablets;~~
- ~~(11) Safety signs;~~
- ~~(12) Nonilluminated home occupation signs attached to the dwelling and less than four square feet in area; and~~
- ~~(13) One construction or renovation sign, four square feet in size or less, erected by a contractor, engineer, architect or similar professional or business and removed at the termination of their portion of the project activity.~~

C. — Permitted permanent signs.

**District**

**Permitted Signs**

Single-Family Residential — SFR

One sign not exceeding 20 square feet in area for uses subject to site plan review.

Mixed Residential — MR

Those signs permitted in the SFR District; and

One sign attached to a building not exceeding four square feet in area describing a use subject to site plan review; and

One detached sign not exceeding eight square feet in area describing a use subject to site plan review.

Central Business District — CBD

A maximum of 60 square feet of signage per lot, including:

One sign attached to a building not exceeding eight square feet in area describing a residential use subject to site plan review; and

Attached signs identifying uses or services on the premises not exceeding 1.0 square foot for every foot of building frontage.

Neighborhood Commercial — NC

A maximum of 100 square feet of signage per lot, including:

Those signs permitted in the MR District;

Attached signs identifying uses or services on the premises not exceeding 1.0 square foot for every foot of building frontage; and

**District**

**Permitted Signs**

~~Regional Commercial — RC~~

~~One detached sign located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than eight feet in height from the finished grade of the lot.~~

~~Maximum signage area of 10% of the primary building facade per lot, including:~~

~~Those signs permitted in the MR District;~~

~~Attached signs identifying uses or services on the premises exceeding 1.5 square feet for every foot of building frontage; and~~

~~One detached sign located in the front yard not exceeding 50 square feet in size per side and posted no more than 15 feet in height from the finished grade of the lot.~~

~~Industrial — I~~

~~Maximum signage area of 10% of the primary building facade per lot including:~~

~~Bethlehem Redevelopment Area — BRA~~

~~Attached signs identifying uses or services on the premises not exceeding 1.0 square foot for every foot of building frontage; and~~

~~Two detached signs located in the front yard not exceeding 32 square feet in size per side and no more than six feet high from the finished lot grade.~~

~~Open Space — OS~~

~~One sign not exceeding 20 square feet identifying any building or use permitted under this chapter.~~

~~D. — Temporary signs.~~

~~(1) — No temporary sign may be erected or maintained without a temporary sign permit issued by the Zoning Officer.~~

~~(2) — Temporary or portable signs shall be used for the following purposes only:~~

~~(a) — New business enterprises;~~

~~(b) — Celebration of the anniversary date of a new business enterprise;~~

~~(c) — Businesses enterprises which have lost the use of an existing sign by reason of fire or other~~

catastrophe; and

- ~~(d) Limited activities in connection with the principal use or activity on the premises.~~
- ~~(3) Temporary signs may not exceed 40 square feet in size; no more than one temporary sign shall be permitted per business.~~
- ~~(4) Temporary sign permits shall expire after 90 days and will not be renewable for 90 days except that three times per year, for no more than 72 hours per occasion, pennants, ribbons may be permitted as a temporary sign.~~
- ~~(5) Temporary signs shall comply with the location and design standards contained in this chapter.~~

E. Location.

- ~~(1) No off-site signs shall be permitted in the City of Lackawanna except one sign erected on previous site of a business or service which has been relocated for reasons of an unforeseen disaster (example due to fire) for a period of 15 months.~~
- ~~(2) No sign shall be at any location, where by reason of position, shape, wording or color, it interferes with or obstructs the view or free passage of pedestrian or vehicular traffic.~~
- ~~(3) No sign shall be painted, placed or constructed directly on or project from a roof.~~
- ~~(4) No sign shall be attached to any tree, utility pole or be painted upon or otherwise affixed to any rock, ledge or other natural feature.~~
- ~~(5) No sign shall be affixed or painted to any wall that faces an adjoining residential lot.~~
- ~~(6) No sign shall be closer than 20 feet to a lot line except in the case of a wall sign or corner lot where the setback may be reduced to 10 feet from the public way.~~
- ~~(7) Signs parallel to and attached to a building shall not be set out more than 10 inches from the building.~~
- ~~(8) Any sign that projects from a building over the public way shall be located at least eight feet above the ground. For any sign projecting over a public way, the sign owner must provide to the City proof of liability insurance naming the City as an additional insured party.~~

F. Design standards.

- ~~(1) No sign shall consist of pennants, ribbons, streamers, sheets, spinners or other moving devices.~~
- ~~(2) No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring or moving lights.~~
- ~~(3) Any illuminated sign shall employ only lights emitting a light of constant intensity.~~
- ~~(4) Internally lit signs shall be limited to one per building.~~

~~(5) The use of opaque letters against an illuminated white or light-colored background is prohibited. A dark colored or opaque-colored background is required.~~

~~(6) Illuminated white or light-colored lettering or logos shall not exceed 25% of the total sign area.~~

~~(7) Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character and where their color has been selected to harmonize with the building's exterior colors. Neon signs may not exceed 25% of the window.~~

~~(8) No sign shall be movable or portable unless defined as a temporary sign.~~

#### ~~G. Maintenance of signs.~~

~~(1) Every sign shall at all times be in a safe and structurally sound condition. Signs that do not comply with adequate safety standards shall be removed at the property owner's expense.~~

~~(2) Signs must be regularly maintained, including the replacement of worn parts, painting and cleaning.~~

~~(3) The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced.~~

#### ~~H. Abandoned signs.~~

~~(1) Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.~~

~~(2) Abandoned signs are prohibited and shall be removed by the owner of the sign or owner of the premises.~~

#### ~~I. Billboards. [Amended 1-5-2015]~~

~~(1) Billboards are not permitted and shall not be erected unless approved by the City Council.~~

~~(2) This section shall not apply to billboards existing at the time of the enactment of this section.~~

~~(3) Maintenance and removal.~~

~~(a) Billboards which are abandoned or not maintained in the manner set forth in this chapter shall be removed by the property owner or the owner of the billboard.~~

~~(b) Upon removal of a billboard pursuant to this section, the owner of the sign or property owner shall not be permitted to erect a billboard on the property unless approved by the City Council.~~

~~(c) This section shall not apply to the removal of a billboard which is removed in order to be replaced.~~

## 7-x Signs.

### §7-x-1 Purpose.

These sign regulations are intended to control the size, style, and location of signage within the City of Lackawanna to achieve the following purposes:

- A. To create a more attractive business atmosphere and to protect against the effects of out-of-scale signage
- B. To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type of establishment.
- C. To reduce signs or advertising distractions or obstructions that may contribute to traffic accidents.

### §7-x-2 Definitions.

Sign- Any device visible from a public place whose purpose and design is to convey messages by means of words or images. A sign is not used to describe public art that contains no commercial messages.

Sign Face- The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, non- structural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Sign, Off Premise - A permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed. Also called a billboard.

Sign, On-Premise- A sign erected, maintained, or used for the purpose of the display of messages relating to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

### §7-x-3 Prohibited Signs.

- A. Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to, motor vehicles that are regularly used to conduct normal business activities.
- B. Signs, as regulated by this Ordinance, used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located.
- C. Signs advertising or identifying a business which is no longer operating. Any sign accessory or incidental to a business shall be removed within 30 days after the business ceases to operate.
- D. Signs that create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape or other characteristics common to traffic control devices.

- E. Rotating or revolving signs.
- F. Banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices or strings of lights.

#### §7-x-4 Signs Exempt from Regulation.

- A. Customary holiday decorations;
- B. House addresses, family name signs, “no trespassing” and similar signs;
- C. Traffic control signs;
- D. Gasoline price signs attached to a gasoline dispenser or service island canopy and not exceeding one square foot per face;
- E. Political signs not exceeding four square feet in area erected no earlier than three weeks before an election and removed within seven calendar days following the election;
- F. Real estate signs not exceeding six square feet in area;
- G. No more than two directional and parking signs not exceeding two square feet per face and no taller than seven feet high per business;
- H. Signs, flags or emblems erected and maintained pursuant to any government function;
- I. Decorative or architectural features of a building, except letters or trademarks;
- J. Memorial or historic plaques, markers, monuments or tablets;
- K. Safety signs;
- L. One construction or renovation sign, four square feet in size or less, erected by a contractor, engineer, architect or similar professional or business and removed at the termination of their portion of the project activity

#### §7-x-5 General Standards.

- A. No person shall erect, alter, construct or relocate any sign without having first obtained a sign permit from the Zoning Officer, upon a demonstration of full compliance with the provisions of this chapter.
- B. Signs located along state highways, including NY Route 5, should be submitted to the New York State Department of Transportation for review and approval where appropriate.
- C. In general, all signs shall be permanently mounted and securely anchored. All ground signs must be sufficiently secured to prevent movement from wind.
- D. Illumination
  - 1. Sign illumination shall not cause direct light rays to cross any property line.
  - 2. Sign illumination shall not cause an increase in light measured at any property line, other than a street line, of more than one foot-candle.

#### §7-x-6 Measurement.

- A. Sign Area
  - 1. One-sided sign. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the

- extreme limits of the writing, representation, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed.
2. Two-sided sign. In the case of a two-sided sign, only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45° or less. No sign shall be permitted to have more than two sides.
  3. The supporting structure of a sign shall not be computed as part of the sign area unless such supporting structure or bracing is made a part of the message with the inclusion of any text or graphics.
- B. Sign Height**
1. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign.
  2. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face.

**§7-x-7 Signs Requiring a Permit.**

Upon issuance of a building permit in accordance with §XX-XX, the following sign types are permitted pursuant to the following standards:

- A. Building Mounted Signs**
1. **Wall Sign**
    - a. Wall signs shall not extend beyond the above or beyond the ends of a building or its parapet, or the highest point of the roof, whichever is higher.
    - b. Wall signs shall not project more than 12 inches from the wall face.
  2. **Awning Sign**
    - a. No sign shall exceed 20% of the area of the awning on which it is located.
  3. **Projecting Sign**
    - a. Only one projecting sign is permitted per building frontage that has an entrance for the general public
    - b. A projecting sign shall not exceed 16 square feet per side.
    - c. Signs that encroach into a public right-of-way shall require a permit by the appropriate issuing body prior to their installation.
    - d. The bottom edge of the sign shall be a minimum height of 8 feet from finished grade.
  4. **Window Sign**
    - a. No sign shall exceed 20% of the area of an individual windowpane.
- B. Free Standing Signs**
1. **Ground Sign**
    - a. One ground sign shall be permitted per building on a single parcel.
    - b. Ground signs shall have a maximum height of 8 feet, measured from finished grade to the tallest point of the sign structure.
    - c. The maximum total face area for a ground sign shall be 160 square feet.

- d. Ground signs shall be setback a minimum of 15 feet from any public right-of-way, 25 feet from any residential lot, and 10 feet from any non-residential lot.
  - e. The base of the sign shall be no less than 75% of the width of the sign.
  - 2. Message Center Sign
    - a. A message center sign shall only be permitted as part of a permitted freestanding sign.
    - b. Message center signs are not permitted in the R-1, R-2, R-3, and NC zoning districts.
    - c. The information displayed on a message center sign shall stay static for a minimum of 10 minutes.
    - d. Each message center sign shall be equipped with dimming capabilities.
    - e. Message center signs shall not located on a site in a manner that the sign is visible from any residential use.
  - 3. Pole Sign
    - a. Pole signs shall be prohibited within the City of Lackawanna.
  - 4. Menu Board Sign
    - a. There shall be a maximum of two menu board signs per drive thru lane.
    - b. Menu board signs shall have a maximum sign area of 36 square feet. The sign area of a menu board will not count towards the total sign area for a development permitted pursuant to §7-x-x of this chapter.
- C. Other Signs
- 1. Home Occupation Sign
    - a. There shall only be one sign permitted per home occupation
    - b. Home occupation signs shall be non-illuminated and shall be a maximum of 2 square feet in area
    - c. Home occupation signs must be affixed to a building wall and are not permitted as a freestanding sign.

**§7-x-8. Sign Area**

- A. The maximum area of all signs, excluding those that are listed as exempt in §7-x-x of this Chapter, shall be calculated based on the zoning district in which the property is located and the length of the façade of the principal building in linear feet that faces a public right-of-way.
- B. In the instance that a building on a corner lot has two or more principal building facades that face a public right-of-way, the allowable sign area shall be calculated by taking a sum of the lengths of each right-of-way facing façade in linear feet.
- C. The minimum allotted sign face area for any non-residential building shall be 50 square feet.
- D. The following table shall be used to calculate the allowable sign face area:

| <u>District</u>                           | <u>Multiplier</u> |
|---|-------------------|
| <u>Neighborhood Commercial (NC)</u>       | <u>1.0</u>        |
| <u>Central Business District (CBD)</u>    | <u>2.0</u>        |
| <u>Regional Commercial (RC)</u>           | <u>1.5</u>        |
| <u>Enterprise (ENT)</u>                   | <u>1.5</u>        |
| <u>Open Space (OS)</u>                    | <u>1.0</u>        |
| <u>Bethlehem Redevelopment Area (BRA)</u> | <u>1.5</u>        |

§ 230-42 Sound.

- A. Sound in the City of Lackawanna shall be measured as the day/night decibel equivalent measured at the property line.
- B. No use in the City of Lackawanna shall generate more than:
  - (1) Sixty decibels of constant sound; or
  - (2) Fifty-five decibels of tonal, intermittent, impulsive or information carrying sound.
- C. Sound levels at residential boundaries shall not exceed 50 decibels.

§ 230-43 Stormwater management.

[Amended 2-5-2008]

- A. All construction activities subject to regulation under Article XII, Stormwater Management, of this chapter shall be subject to the performance and design criteria and other requirements set forth therein.
- B. The following requirements shall apply to all construction activities not subject to regulation under Article XII, Stormwater Management, of this chapter:
  - (1) Postdevelopment stormwater discharge rates, as a result of storms with a twenty-five-year or less occurrence, shall not exceed predevelopment stormwater discharge rates.
  - (2) In no case shall increased runoff due to development activity be directed onto adjacent properties.
  - (3) Groundwater recharge shall be maximized through on-site stormwater retention and/or the employment of best management practices. On-site drainage facilities shall be designed for a one-hundred-year-storm minimum.
  - (4) Construction runoff may not be diverted to the permanent subsurface drainage system unless 90% free of soil particles.
  - (5) All developments shall remediate stormwater runoff so that 80% of suspended solids are removed from stormwater on-site.
  - (6) Stormwater released to natural drainage courses:
    - (a) Shall not disturb the temperature strata of the water column; and
    - (b) Shall be at approved locations only.
  - (7) On-site storm drainage systems shall not carry sewage or industrial wastes other than industrial cooling water or unpolluted process waters. Construction shall be timed so that major soil disturbance occurs when runoff periods are lowest.

(8) The fording of streams or major swales subject to rapid runoff is prohibited.

§ 230-44 Utilities.

- A. All exterior on-site utilities shall be installed and maintained underground.
- B. On-site underground utilities shall be designed and installed to minimize surface disruption.
- C. Temporary overhead power and telephone facilities are permitted during construction only.

#### §7-x Outdoor Storage and Display

- A. Outdoor display and storage shall be allowed in the RC and ENT districts in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section.
- B. Outdoor Display. Outdoor Display constitutes the display of items that are actively for sale.
  - 1. Outdoor Display shall be permitted only in a location that is adjacent to a wall of the principal building and shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building and sidewalk.
- C. Outdoor Storage is the temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.
  - 1. No outdoor storage shall be permitted within the following areas:
    - a. The public right-of-way;
    - b. Any required landscape area;
    - c. A required front or side setback;
    - d. Between a front setback and the building front;
    - e. Between a side setback along a public right-of-way and any structure; and
    - f. Any required off-street parking areas.

#### §7-x McKinley Parkway

- A. Design standards. Along McKinley Avenue, from McKinley Circle to South Park Avenue, the following regulations shall apply in addition to those regulations of the underlying zone:
  - 1. The use of the following high canopy street tree species is encouraged:
    - a. Acer plananoides Cleveland — Norway Maple cultivar.
    - b. Acer rubrim Autumn Blaze or Karpick — Red Maple cultivar.
    - c. Fraxinux excelsior Empire — European Ash cultivar.
    - d. Quercus rubrum — Northern Red Oak.
    - e. Tilia cordata Crimean, Glen Haven, Greenspire or Redmuond - Littleleaf Linden Cultivar.
    - f. Ulmus Delaware, Homestead, or Liberty — Elm cultivar.
  - 2. Sign design.
    - a. Signposts and signs shall be finished in a dark color, preferably black with green in it, so as to be visually recessive and provide a parklike image.
    - b. Sign lettering and graphics should be white, silver or gold.
  - 3. Paving materials.
    - a. Where slope, durability or reduced maintenance is required, asphalt or a dark-pigmented concrete should be used.
    - b. The use of unit pavers such as brick should be limited to areas of special importance such as entrances.

#### §7-x Seaway Trail

- A. Design standards. Where a property abuts Route 5/Seaway Trail it shall comply with the following design guidelines in addition to those regulations of the underlying zone:
  - 1. A public view of Lake Erie shall not be obstructed for more than 400 feet.

2. Where a building obstructs a public view of Lake Erie, side yards shall be a minimum of 100 feet in width.
3. Parking lots shall be screened from view on the Seaway Trail through the use of dense vegetation.
4. No fences, walls or hedges greater than four feet shall be erected, placed or maintained between the waters of Lake Erie and the nearest point of the principal building located on the premises.
5. Seaway Trail, Inc., logo shall be incorporated in signs visible from Route 5.
6. Daffodils should be incorporated in landscaped areas along Route 5.
7. Pedestrian and bicycle facilities shall be provided along the entire length of Route 5 with pedestrian overlooks on bridges where possible.

#### §7-x Smokes Creek

##### A. Design standards.

1. Within 15 feet of the mean water line of Smokes Creek, an undisturbed buffer of native or naturalized vegetation shall be established through the natural succession of existing plant materials. Within this buffer area no more than 10% of vegetation may be cleared to provide creek access.
2. Within 50 feet of the mean water line of Smokes Creek the following uses shall be permitted:
  - a. Trailways, overlooks, picnic shelters and other structures appropriate to passive recreational uses.
  - b. Access for water-related activities.
  - c. Stormwater detention/retention.
3. Within 50 feet of the mean water line of Smokes Creek the following uses shall be prohibited:
  - a. Sand and gravel excavations;
  - b. Dumping of snow or ice containing deicing agents;
  - c. Bulk storage of salt, chemicals or petroleum products; and
  - d. Parking lots.