

ORDINANCE # 2015-810

An Ordinance of the Borough of Clarion, County of Clarion, Commonwealth of Pennsylvania amending certain provisions of the Clarion Borough Zoning Ordinance #2013-795 (as codified by Ordinance #2013-798, Chapter 210) to add Multi-Family and Senior Housing as a Conditional Use to the MU Mixed Use Zoning District, add Townhouse Dwellings as a Conditional Use to the R-1 Zoning District, add a change to the Table of Dimensional Requirements, and add to Conditional Uses on the Table of Uses.

Whereas, in 2013, the Borough adopted a revised Zoning Ordinance, known as #2013-795, in order to regulate the use of land within the Borough; and

Whereas, Ordinance #2013-795 was incorporated into the Code of the Borough of Clarion as Chapter 210 of Ordinance #2013-798; and

Whereas, the Council of the Borough of Clarion has determined that it is necessary, from time to time to enact amendments to the Zoning Ordinance (#2013-795) in order to further protect, insure and enhance the health, safety, welfare and comfort of the residents of the Borough of Clarion; and

Whereas, this amendment to the Zoning Ordinance (#2013-795) was the subject of a duly and legally advertised Public Hearing; and

Whereas, amending this Ordinance shall be known as the Zoning Amendment Ordinance of 2015.

Now, therefore, be it ordained and enacted by the Council of the Borough of Clarion, and is hereby ordained and enacted by authority of the same as follows:

ARTICLE I

Section 111. Specific Words and Phrases shall be amended to include Senior Housing.

Senior Housing shall be defined as: A structure and/or facility with dwelling units that are specifically designed for and occupied by elderly persons 55 and over which provides supportive residential services which may include housekeeping, 24-hour emergency call system, exercise programs, beauty salon, local transportation, laundry facilities, multi-purpose and community rooms, and recreational programs, together with accessory uses customarily incidental to senior living.

ARTICLE II

Attachment 2, Table of Uses—shall be amended to allow Multi-Family dwellings and Senior Housing in the MU Mixed Use Zoning District as a Conditional Use and to allow Townhouse dwellings as a Conditional Use in the R-1 Single-Family Residential Zoning District.

ATTACHMENT 2

TABLE OF USES

Permitted Uses, Conditional Uses, Special Exceptions by District*

*Natural gas-related uses are identified and classified in Section 422 Natural Gas Uses

R-1 Single-Family Residential District

Permitted Uses

No-impact home-based business
Public and private accredited elementary
or secondary schools
Public parks and playgrounds
Single-family dwellings

Conditional Uses

Bed and Breakfast
Churches
Mobile home
Townhouse dwellings

Special Exceptions

Utilities not regulated by the
Pennsylvania Public Utility
Commission

R-2 Medium-Density Residential District

Permitted Uses

Family day-care homes
Group day-care homes
Home occupations
No-impact home-based business
Public and private accredited elementary
or secondary schools
Public parks and playgrounds
Single-family dwellings
Two-family dwellings

Conditional Uses

Bed and Breakfast
Churches
Mobile home
Single-family - High Density
Occupancy

Special Exceptions

Utilities not regulated by the
Pennsylvania
Public Utility Commission

R-3 High-Density Residential District

Permitted Uses

Family day-care homes
Group day-care homes
Home occupations
Multi-Family dwellings
No-impact home-based business

Special Exceptions

Utilities not regulated by the Pennsylvania
Public Utility Commission
Fraternities and Sororities

Conditional Uses

Nursing homes
Professional services and offices
Public and private accredited elementary or secondary schools
Public parks and playgrounds
Single-family dwellings
Two-family dwellings

Bed and Breakfast
Churches
Funeral parlors
Medical clinics
Mobile home
Mobile home clusters
Rooming houses
Townhouse dwellings

MU Mixed Use

Permitted Uses

Churches
Family day-care homes
Group day-care homes
Home occupations
No-impact home-based business
Professional services and offices
Public and private accredited elementary or secondary schools
Public parks and playgrounds
Retail
Single-family dwellings
Two-family dwellings

Conditional Uses

Bed and breakfast
Medical clinics
Mobile home
Townhouse dwellings
Senior Housing
Multi-Family dwellings

Special Exceptions

Utilities not regulated by the Pennsylvania Public Utility Commission

C-1 Commercial District

Permitted Uses

Art Studio
Corporate offices
Eating and drinking places
Government offices
Personal services
Professional services and offices
Retail
Theaters

Conditional Uses

Parking lot, commercial
Upper story dwellings

C-2 Commercial District

Permitted Uses

Art Studio
Automotive sales and service
Bed and breakfast
Civil/Cultural buildings

Conditional Uses

Multi-Family dwellings
Parking lot, commercial
Single-family dwellings
Two-family dwellings

Corporate offices
Day care centers
Dry cleaning and commercial laundry
Eating and drinking places
Government offices
Hotels and motels
Light warehousing
Massage therapist
Medical clinics
Personal services
Professional services and offices
Public utilities regulated by the
Pennsylvania Public Utility Commission
Rental storage buildings
Retail
Theaters

Upper story dwellings

Special Exceptions

Convenience stores
Funeral parlors
Gasoline service station

CI Commercial and Industrial District

Permitted Uses

Automotive Sales and Services
Bed & Breakfast
Commercial bakeries
Contractor's yards
Corporate offices
Day care centers
Dry cleaning and commercial laundry
Gasoline service station
Hospitals
Hotels and Motels
Laboratory and research facilities
Light manufacturing
Light warehousing
Medical clinics
Mini-storage facilities
Motor vehicle repair facilities
Professional services and offices
Public utilities regulated by the
Pennsylvania Public Utility Commission
Recycling facilities
Rental service and equipment
Rental storage buildings
Retail
Truck terminals
Utilities not regulated by the
Pennsylvania Public Utility Commission

Conditional Uses

Adult uses
Billboard
Colleges and universities
Convenience stores
Heavy manufacturing
Kennels
Parking lot, commercial
Supply yards
Wireless support structure
Wireless telecommunications facilities,
subject to preemption

Warehousing
Wholesale sales and storage

E Educational District

Permitted Uses

Civic/cultural buildings
Colleges and universities
Day care centers
Fraternities and sororities
Gymnasiums
Indoor recreational facilities associated
with educational use
No-impact home-based business
Public and private accredited elementary
or secondary schools
Public parks and playgrounds
Single-family dwellings

Conditional Uses

Stadiums and outdoor fields allied
with educational use

ARTICLE III

Section 1.00 Article IV, Specific Criteria, shall be amended to add Townhouse dwellings as a Conditional Use to the R-1 Residential Zoning District per sub-section 426, add Multi-Family dwellings as a Conditional Use to the MU Mixed Use Zoning District as sub-section 429, and add Senior Housing Development as a Conditional Use in the MU Mixed Use Zoning District as sub-section 430 as follows:

Article IV Specific Criteria

Section 426. Townhouse Development shall be changed to Townhouse Dwellings.

Section 426 Townhouse dwellings shall be amended as to be allowed as a Conditional Use in R-1 Residential Zoning District providing they meet the following additional requirements.

- 1) Minimum lot size shall be 2 acres.
- 2) Lot coverage shall not exceed 45%.

Section 429. Multi-Family Dwellings

Multi-Family Dwellings shall meet all the following objective requirements

- 1) Dimensional Requirements. The lot and yard requirements shall meet the provisions of the MU Mixed Use Zoning District as provided in Attachment 1 (Table of Dimensional Requirements). Exception, the maximum height shall not exceed 45 feet.
- 2) Off-Street Parking.
 - a) 2 parking spaces are required for every dwelling unit.

- b) All off-street parking areas shall have a paved or concrete surface, graded with positive drainage directed to a public storm water management facility or water body.
 - c) Off-street parking shall be improved with a five foot planting strip between the front line and the parking lot. The planting strip shall include one native tree planted every 25 feet on center, shrubs planted 15 feet on center, and the remainder in groundcover.
 - d) Off-street parking lot shall be screened on any side which adjoins a residential district or use. Such screening shall include a mix of native evergreens and deciduous trees, plants, and groundcover.
 - e) Any lighting shall be sufficient to illuminate the parking area and to provide for safety and security, but shall not cause direct or reflected glare to adjoining residential districts or residential areas.
 - f) No parking lot shall be larger than 15,000 square feet.
 - g) Any parking lot larger than 10,000 square feet needs internal landscaping covering at least 4% of the lot consisting of deciduous trees native to the region and/or shrubbery.
- 3) Maximum Permitted Occupancy. One bedroom units shall permit no more than two residents. Two bedroom units shall permit no more than four residents.
 - 4) Minimum size of living spaces. A one-bedroom dwelling unit shall have no less than 600 square feet of livable space. Two-bedroom dwelling units shall have no less than 800 square feet of livable space.
 - 5) Building frontage. All buildings shall front toward the front of the property if possible. On a lot with multiple buildings, those located on the interior of the site shall front forward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens or quadrangles which encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
 - 6) Maximum Permitted Units Per Lot. No more than 20 units permitted per 1 acre lot.
 - 7) Signs. All signs shall comply with the provisions of the Clarion Borough Ordinance.
 - 8) Accessibility. Entrances and sidewalks must be ADA compliant.
 - 9) Solid Waste. All individual refuse containers must be hidden from site until date of pick-up. If large roll-off containers or dumpsters are used for entire Multi-Family dwelling, they must be hidden behind a screened in area with gate closure.
 - 10) Recreational Facilities. Multi-family dwellings consisting of more than 10 dwellings on one lot must provide an area for social or recreational gathering (etc. gazebo, park, courtyard, or pavilion).

Section 430. Senior Housing Development

Senior Housing Development shall meet the following objective requirements.

- 1) Dimensional Requirements. The lot and yard requirements shall meet the provisions of the MU Mixed Use District as provided in Attachment 1 (Table of Dimensional Requirements). Exception, the maximum height shall not exceed 45 feet.
- 2) Off-street Parking.
 - A) 1 parking space per dwelling unit.

- B) 1 parking space per on-shift employee/staff.
 - C) 1 parking space per five units.
 - D) All off-street parking areas shall have a paved or concrete surface, graded with positive drainage directed to a public storm water management facility or water body.
 - E) All off-street parking lots shall be improved with a five foot planting strip between the front line and the parking lot. The planting strip shall include one native tree planted every 25 feet on center; shrubs shall be planted 15 feet on center, and the remainder in groundcover.
 - F) Off-street parking shall be screened on any side which adjoins a residential district or use. Such screening shall include a mix of native evergreens and deciduous trees, plants and groundcover.
 - G) Any lighting shall be sufficient to illuminate the parking area and to provide for safety and security, but shall not cause direct or reflected glare to adjoining residential districts or residential area.
 - H) No parking area shall be larger than 15,000 square feet.
 - I) Any parking lot larger than 10,000 square feet needs internal landscaping covering at least 4% of the lot consisting deciduous trees native to the region and/or shrubbery.
- 3) Americans with Disability Act Compliance. All development and/or structures shall comply with the current applicable Americans with Disability Act requirements and all other applicable Federal, State and Local laws.
 - 4) Maximum Permitted Occupancy. One-bedroom units shall permit no more than two residents. Two-bedroom units shall permit no more than four residents.
 - 5) Building frontage. All buildings shall front toward the front of the property if possible. On a lot with multiple buildings, those located on the interior of the site shall front forward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens or quadrangles which encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
 - 6) Signs. All signs shall comply with the provisions of the Clarion Borough Zoning Ordinance.
 - 7) Lighting. All lighting and/or illumination shall comply with the provisions of the Clarion Borough Zoning Ordinance.
 - 8) Accessibility. All entrances and sidewalks must be ADA compliant.
 - 9) Solid Waste. All individual refuse containers must be hidden from site until the date of pick-up. If large roll-off containers or dumpsters are used for entire Senior Development, they must be hidden behind a screened in area with a locking gate.
 - 10) Recreational Facilities. Senior developments must provide an area for social or recreational gathering (etc. gazebo, park, courtyard or pavilion).

ARTICLE IV

Attachment 1, Table of Dimensional Requirements—shall be amended to provide the following dimensional requirements for Multi-Family dwellings and Senior Housing allowed by Conditional Use in the MU Mixed Use Zoning District:

- 1) Maximum height shall not exceed 45 feet.
- 2) Lot coverage shall not exceed 45%.
- 3) Minimum lot size shall be 1 acre.

Attachment 1, Table of Dimensional Requirements shall be amended to provide the following dimensional requirements for Townhouse dwellings allowed by Conditional Use in the R-1 Residential Single-Family Zoning District:

- 1) Lot coverage shall not exceed 45%.
- 2) Minimum size of lot shall be 2 acres.

ATTACHMENT 1

TABLE OF DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Front Yard (feet) ¹	Minimum Rear Yard (feet)	Minimum Side Yard (feet)	Maximum Height (feet)	Maximum Lot Coverage (percentage)
R-1 Single-family Residential/ Townhouses	7,500 87,120	50 200	25 25	15 15	10 10	35 35	35% 45%
R-2 Medium-Density Residential							
1-family	7,500	50	25	15	10	35	35%
2-family	8,500	50	25	15	10	35	35%
R-3 High-Density Residential							
1-family	7,500	50	25	15	10	35	35%
2-family	8,500	50	25	15	10	35	35%
Multi-Family	10,000	50	25	15	10	35	35%
C-1 Commercial District ³	4,800	40 interior; 60 corner	None	20	None	60 ²	None specified
C-2 Commercial District ³	4,800	40 interior; 60 corner	25	20	10	60 ²	90%
CI Commercial/industrial District	10,000	90	30	15	None	75 ²	90%
E Educational District	10,000	90	30	15	None	60	50%
MU Mixed Use District	7,500	50	25	15	10	35	35%
Senior Housing	43,560	100	25	15	10	45 ²	45%
Multi-Family	43,560	100	25	15	10	45 ²	45%

NOTES:

1. Parcels located on corner lots must provide front yards on each street except where the side of the building is on a secondary street with a cartway of less than 15 feet.
2. Structures over 35 feet in height may be referred to the Clarion County Airport Authority for review.
3. Residential dwellings in the Commercial Districts are subject to residential lot, yard and height requirements as apply in the residential districts to single-family, two-family and multi-family dwellings.

ARTICLE V

Section 1.00 Any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects of this Ordinance.

Section 2.00 The provisions of this amending Ordinance, insofar as they are the same as those Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactment.

Section 3.00 The provisions of this Ordinance shall not affect any act done, or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any of the Ordinances, or sections of Ordinances, repealed or amended by this Ordinance.

Section 4.00 The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provisions not been included herein.

ORDAINED AND ENACTED this _____ day of _____, 2015.

ATTEST:

BOROUGH OF CLARION

Borough Secretary

President of Council

EXAMINED AND APPROVED this _____ day of _____, 2015.

ATTEST:

BOROUGH OF CLARION

Borough Secretary

Mayor