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Article 1304  
Special Exceptions and Conditional Uses

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1304.01 SPECIAL EXCEPTIONS

- (a) The special exceptions for each district are shown in Articles 1303.06(a) through 1303.06(g). Special exceptions in each district shall be according to the common meaning of the term or according to definitions set forth in Article 1302. Special exceptions not specifically listed or defined shall not be permitted.
- (b) Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood.
- (c) All special exception applications shall be submitted to the Zoning Officer as provided in this Ordinance. All applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of Section 1309.03 of this Ordinance and the Pennsylvania Municipalities Planning Code. An appropriate fee shall be collected at the time of submission of the application as determined by the City Council.

1304.02 CONDITIONAL USES

- (a) The conditional uses for each district are shown in Articles 1303.06(a) through 1303.06(g). Conditional uses in each district shall be according to the common meaning of the term or according to definitions set forth in Article 1302. Conditional uses not specifically listed or defined shall not be permitted.

- (b) A request for a conditional use shall be approved with conditions or denied by City Council pursuant to the recommendations of the Planning Commission and the express standards and criteria of this Ordinance. The processing of conditional uses shall be as set forth by this Ordinance and the Pennsylvania Municipalities Planning Code.
- (c) A conditional use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this Ordinance.
- (d) Each request for a conditional use approval shall be consistent with the criteria listed below:
  - (1) The request is consistent with all applicable provisions of the comprehensive plan.
  - (2) The request shall not adversely affect adjacent properties.
  - (3) The request is compatible with the existing or allowable uses of adjacent properties.
  - (4) The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
  - (5) The request can demonstrate adequate provisions for maintenance of the use and associated structures.
  - (6) The request has minimized, to the degree possible, adverse affects on the natural environment.
  - (7) The request will not create undue traffic congestion.
  - (8) The request will not adversely affect the public health, safety or welfare.
  - (9) The request conforms to all applicable provisions of this Ordinance.

- (e) The City Council shall have the authority to attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance, and to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional use permit shall not be made unless the evidence presented is such to establish:
  - (1) That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area; and
  - (2) That such use will comply with the regulations and conditions specified in this Ordinance for such use; and
  - (3) The Planning Commission or City Council shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.
  
- (f) All conditional use permit applications shall be submitted to the Zoning Officer as provided in this Ordinance. All applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of Section 1309.03 of this Ordinance and the Pennsylvania Municipalities Planning Code. An appropriate fee shall be collected at the time of submission of the application as determined by the City Council.
  
- (g) Prior to the approval, amending or denial of a conditional use permit, a public hearing shall be held within sixty (60) days from the date of the applicant's request in accordance with the time limit imposed by Section 908 (1.2) the Pennsylvania Municipalities Planning Code. Upon the completion of said public hearing, the City Council shall render a written decision in accordance with and within the time limit imposed by Section 913.2 of the Municipalities Planning Code as follows:
  - (1) The City Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the City Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts.

- (2) Where the City Council fails to render the decision within the period required by this section, or fails to commence, conduct or complete the required hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the City Council to meet or render a decision as hereinabove provided, the City Council shall give public notice of the decision within ten (10) days from the day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance and the Municipalities Planning Code. If the City Council shall fail to provide such notice, the applicant may do so.
- (3) Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- (h) A conditional use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction has been accomplished. When such permit is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the City Council after it receives the recommendations of the Planning Commission.
- (i) A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the City Council.
- (j) An amendment to an approved conditional use permit shall be submitted to the Zoning Officer accompanied by supporting information. After it receives the recommendations of the Planning Commission, the City Council shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.

#### 1304.03 CERTAIN STANDARDS

The following standards and criteria shall be applicable to the following special exceptions and conditional uses:

Amusement Center  
Apartment House  
Boarding House  
Business or Financial Services

Cash Advance Store  
Commercial Parking Lot  
Commercial School  
Congregate Residence  
Funeral Home, Mortuary  
Group Care Facility  
Group Day Care  
Group Home  
Heavy Commercial  
Hospital  
Industrial or Research Park  
Light Commercial  
Light Manufacturing  
Medical and Dental Office  
Multiple Unit Dwelling  
Neighborhood Commercial Center  
Public School  
Regional Commercial Center  
Rehabilitation Center  
Religious, Cultural and Fraternal Activities  
Short-Term Rental  
Warehouse, Wholesale or Storage

(Ord. 1 of 2018, Sect. 3, Passed 5-7-2018)

- (a) The special exception or conditional use shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (b) The special exception or conditional use shall be located on a public street with a minimum cartway of twenty (20) feet.
- (c) The design and landscaping shall be compatible with, and preserve the character of neighboring uses.
- (d) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (e) The special exception or conditional use shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board or City Council, and required licenses, certificates, or permits shall be a condition for approval.
- (g) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.

- (h) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.
- (i) The hours of operation may be established by the Board or City Council based on consideration of neighboring uses.
- (j) With respect to group day care facilities for children only, for all new construction, and where feasible for existing structures, off-street loading and unloading shall be provided to deliver and pick up children. This requirement is intended for the safety of the children and the protection of the neighborhood. Where it is not feasible to provide off-street loading and unloading at existing structures, the applicant shall demonstrate how pick up and delivery shall occur in a safe manner.
- (k) For apartment houses and multiple unit dwellings, all dwelling units shall have separate kitchen and bathroom facilities as well as living/sleeping spaces, and all dwelling units shall have, at a minimum, the required usable floor area, as determined by applicable state and local laws and regulations.
- (l) No rehabilitation center that is a methadone clinic shall be established or operated within five hundred (500) feet of:
  - (1) A church or other religious activity;
  - (2) A public or private school;
  - (3) A public library;
  - (4) A group day care;
  - (5) An outdoor recreation area adjacent to any residential district; and
  - (6) A child oriented business as defined in Section 1305.01

For the purpose of this section, measurement shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest building line of the building or structure where a methadone clinic is established or operated, to the nearest property line of the premises of an affected church or other religious activity, public or private school, public library, group day care, or child oriented business, or to the nearest property line of an affected outdoor recreation area.

#### 1304.04 PUBLIC UTILITY STATIONS

The following standards and criteria shall be applicable to public utility stations:

- (a) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (b) A public utility station shall be enclosed by a security fence. The height of a security fence shall provide proper security for the installation, and, therefore, may exceed the height limitations otherwise set forth in this Ordinance.
- (c) No outdoor storage shall be permitted.
- (d) The special exception shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (e) The special exceptions shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) All necessary licenses or permits issued by city, county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (g) All outside compressors shall be so enclosed as to muffle their sound from surrounding uses.

#### 1304.05 HOME OCCUPATIONS

Home occupations and studios are a potential intrusion upon residential areas and as such must meet all the requirements listed in this section:

- (a) **Parking:** In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- (b) **Employees:** No more than one (1) outside employee, other than a family member, shall participate or work in the home occupation.
- (c) **Restrictions:** No activity which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities excluded as home occupations shall be dog kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive body work and similar undertakings.

- (d) Home occupations may include, but are not limited to, art studios, music studios (limited to one (1) student at a time), business or financial services, professional offices, dressmakers, beauty shops and barber shops.
- (e) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- (f) No more than thirty (30%) percent gross floor area of the dwelling unit and accessory buildings combined may be used for a home occupation.
- (g) One (1) sign may be used to announce the name or purpose of the home occupation, and such sign shall be in accordance with the criteria set forth by this Ordinance.
- (h) Home occupations shall not operate before 7:00 a.m. nor after 10:00 p.m. prevailing time.
- (i) No more than one (1) home occupation per dwelling unit shall be permitted. Home occupations shall not be permitted in multiple unit dwellings.

#### 1304.06 BED AND BREAKFAST

Such uses are intended to provide overnight or short-term lodging for transient guests in a home-like atmosphere, and as such must meet all the requirements listed in this section: (Ord. 1 of 2018, Sect. 4, Passed 5-7-2018)

- (a) A bed and breakfast shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (b) A bed and breakfast shall be located on a public street with a minimum cartway of twenty (20) feet. (Ord. No. 4 of 2016, Sect. 3, Passed Finally 08-01-2016)
- (c) The design and landscaping shall be compatible with, and preserve the character of neighboring uses.
- (d) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.



- (e) A bed and breakfast shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) Two (2) signs may be permitted at a bed and breakfast, and such signs shall be in accordance with the criteria set forth by this Ordinance.
- (g) No more than ten (10) guest rooms will be permitted at a bed and breakfast.
- (h) A bed and breakfast may prepare or serve foods for consumption on-site for breakfast, lunch and dinner offered to its transient guests only. A bed and breakfast shall not be a restaurant.
- (i) A bed and breakfast may cater occasional on-site events or activities for no more than forty (40) persons at a time, including, without limitation, wedding rehearsal parties, business meetings, small office parties, and similar events or activities. A bed and breakfast shall not cater or prepare foods for consumption for any off-site event or activity.
- (j) A bed and breakfast that serves meals other than breakfast, or caters on-site events or activities as described in this Ordinance, shall be subject to the rules and regulations of the Franklin Board of Health. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (k) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (l) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.

#### 1304.07 RESIDENCE AS A SECONDARY USE

This special exception is specifically designed to allow residential uses in the C-1 Commercial District and CBD Commercial Business District on upper floors only. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:

- (a) In the C-1 Commercial District only, provide for off-street parking for occupants, either on-lot or within four hundred (400) feet of the proposed dwelling unit. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.
- (b) Each dwelling unit shall be allowed only on second or higher stories.
- (c) Dwelling units shall not be allowed in the same building where the occupancy is defined by the International Fire Code as a Hazardous Use Group.

#### 1304.08 AUTOMOTIVE MOTOR FUEL DISPENSING FACILITIES AND MAJOR AUTOMOTIVE REPAIR ESTABLISHMENTS

Automotive service motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities, and major automotive repair establishments shall be permitted subject to the following regulations:

- (a) All fuel pumps shall be at least thirty (30) feet from any lot line.
- (b) No vehicles will be parked or stored along the front property lines.
- (c) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers, or parts of vehicles. The outside display of items for retail sale shall be allowed during regular business hours only. The overnight parking of customer vehicles and the storage of DEP/EPA-approved trash containers shall be permitted.
- (d) Automotive service motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities and major automotive repair establishments shall meet all parking and loading/unloading requirements as set forth in this Ordinance.

- (e) Automotive service motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities and major automotive repair establishments shall be located on a public street with a minimum cartway of twenty (20) feet.
- (f) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (g) All parking areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (h) The special exceptions shall meet all requirements for luminaries as set forth in this Ordinance.
- (i) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (j) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (k) All outside compressors shall be so enclosed as to muffle their sound from surrounding uses.
- (l) The hours of operation of major automotive repair establishments may be established by the Board based on consideration of neighboring uses.

#### 1304.09 JUSTICE SYSTEM RELATED RESIDENTS

Whenever residents are accepted into a prison, jail or rehabilitation center by virtue of having been accused of a crime, or found by any government tribunal, court or agency to be guilty of a criminal offense, or to be a delinquent, or otherwise a danger to society, or because they are released from or under the jurisdiction of a government bureau of corrections or other agency of the criminal justice system, the facility in which they reside shall meet, in addition to any other requirements imposed by this Ordinance, the following standards:

- (a) The prison, jail or rehabilitation center shall take all necessary measures for adequate security, including all security requirements set forth in applicable federal, state and local laws and regulations.

- (b) The prison, jail or rehabilitation center shall be licensed by the Commonwealth of Pennsylvania and shall at all times operate in accordance with all requirements of federal, state and local laws and regulations.
- (c) The prison, jail or rehabilitation center shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (d) The prison, jail or rehabilitation center shall be located on a public street with a minimum cartway of twenty (20) feet.
- (e) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (f) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (g) The prison, jail or rehabilitation center shall meet all requirements for luminaries as set forth in this Ordinance.
- (h) All necessary licenses or permits issued by local, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (i) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (j) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.

#### 1304.10 FAMILY DAY CARE

The following standards and criteria shall be applicable to family day care facilities:

- (a) For all new construction, and where feasible for existing structures, off-street loading and unloading shall be provided to deliver and pick up children. This requirement is intended for the safety of the children and the protection of the neighborhood. Where it is not feasible to provide off-street loading and unloading at existing structures, the applicant shall demonstrate how pick up and delivery shall occur in a safe manner.

- (b) All necessary licenses or permits issued by local, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.

#### 1304.11 VETERINARY HOSPITALS AND DOG KENNELS

The following standards and criteria shall be applicable to veterinary hospitals and dog kennels:

- (a) All outdoors runs or kennels shall be at least fifty (50) feet from any neighboring property line.
- (b) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.
- (c) Veterinary offices and dog kennels shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (d) Veterinary offices and dog kennels shall be located on a public street with a minimum cartway of twenty (20) feet.
- (e) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (f) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (g) Veterinary offices and dog kennels shall meet all requirements for luminaries as set forth in this Ordinance.
- (h) All necessary licenses or permits issued by local, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (i) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (j) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.

- (k) The hours of operation may be established by the Board based on consideration of neighboring uses.

#### 1304.12 HEAVY MANUFACTURING AND RECYCLING FACILITIES

The following standards and criteria shall be applicable to heavy manufacturing and recycling facilities:

- (a) Heavy manufacturing and recycling facilities shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (b) Heavy manufacturing and recycling facilities shall be located on a public street with a minimum cartway of twenty (20) feet.
- (c) The design and landscaping shall be compatible with, and preserve the character of neighboring uses.
- (d) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (e) Heavy manufacturing and recycling facilities shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) Heavy manufacturing and recycling facilities shall meet all performance standards as set forth in this Ordinance.
- (g) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (h) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (i) The hours of operation may be established by the Board based on consideration of neighboring uses.
- (j) Heavy manufacturing and recycling facilities shall submit a general plan and narrative for the proposed development.

### 1304.13 BOTTLE CLUBS

The following standards and criteria shall be applicable to bottle clubs:

- (a) Bottle clubs shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (b) Bottle club shall be located on a public street with a minimum cartway of twenty (20) feet.
- (c) The design and landscaping shall be compatible with, and preserve the character of neighboring uses.
- (d) All parking areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (e) Bottle clubs shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (g) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (h) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.
- (i) The hours of operation may be established by the Board based on consideration of neighboring uses.
- (j) Bottle clubs shall not be within three hundred (300) feet from the nearest church, school, or other institution of learning or educational facilities, library, park or playground.
- (k) No person shall consume, or display, or allow consumption or display of intoxicating beverages on the premises of a bottle club between the hours of 2:00 A.M. and 11:00 A.M. (prevailing time).

#### 1304.14 ADULT ORIENTED BUSINESSES

The following standards and criteria shall be applicable to adult oriented businesses:

- (a) Adult oriented businesses shall comply with Section 1305 of this Ordinance.
- (b) Adult oriented businesses shall meet all parking and loading/unloading requirements as set forth in this Ordinance.
- (c) The design and landscaping shall be compatible with, and preserve the character of neighboring uses.
- (d) All parking areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance.
- (e) Adult oriented businesses shall meet all requirements for luminaries as set forth in this Ordinance.
- (f) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval.
- (g) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides.
- (h) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses.
- (i) The hours of operation may be established by the Board based on consideration of neighboring uses.

#### 1304.15 SIMILAR USES

For Commercial District (C-1), Central Business District (CBD), Transitional Residential Commercial District (TRC), and Industrial District (IN) uses only, similar uses shall be permitted subject to the following guidelines/procedures:

- (a) If a use, presented to the Zoning Officer, does not clearly fall under the existing schedule of uses for a district, the permit shall be denied.



- (b) If such denial is in a district which permits "similar uses," the applicant can apply to the Zoning Hearing Board if the intended use is similar in type and character to other uses in the district.
- (c) The Zoning Hearing Board shall treat the request as a Special Exception and follow the following procedures:
  - (1) The Zoning Officer shall notify the Planning Commission and City Council of the request;
  - (2) At the hearing, require the applicant to show specifically how the intended use is similar to the current uses in the district by providing, at a minimum, the following information:
    - (a) The name of the activity and a brief description of same, including items or services provided, customers and business activity;
    - (b) Expected parking requirements, loading and unloading; and
    - (c) Special needs or features, such as storage of flammable or hazardous substances, machinery, etc.; and
  - (3) Uses clearly not similar will be denied; for example, a manufacturing activity in a retail area.
- (d) If the Zoning Hearing Board finds the use similar in nature to the other uses in the district, it still may attach reasonable conditions to the same, which shall include the following:
  - (1) The similar use shall meet all parking and loading/unloading requirements as set forth in this Ordinance;
  - (2) The Board may require that the similar use be located on a public street with a minimum cartway of twenty (20) feet;
  - (3) The design and landscaping shall be compatible with, and preserve the character of neighboring uses;

- (4) All parking and recreation/play areas which abut residential uses shall be screened in accordance with the applicable requirements set forth in this Ordinance;
- (5) The similar use shall meet all requirements for luminaries as set forth in this Ordinance.
- (6) All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates, or permits shall be a condition for approval;
- (7) All dumpsters and/or garbage/trash storage areas shall be enclosed on three (3) sides;
- (8) All outside compressors shall be so enclosed as to baffle their sound from surrounding uses; and
- (9) The hours of operation may be established by the Board based on consideration of neighboring uses.