

- (c) All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, may be stored outdoors only in enclosed containers.
- (d) No operations which cause a general nuisance (Section 2.200) shall be permitted.

6.704 Excavation of Topsoil, Gravel, Sand or Rock.

Any excavations for the removal of topsoil, gravel, sand, rock or mineral deposits of any kind, must be enclosed by a fence located at least ten (10) feet from the sides or perimeter of the excavation. All such excavations must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one foot (1) of vertical distance for each two (2) feet of horizontal distance. A rock crusher or processing plant shall not be located nearer than five hundred (500) feet from any adjoining residence.

Topsoil or sod may be removed only under the following conditions:

- (a) As part of the construction or alteration of a building, or the grading incidental to such building.
- (b) In connection with normal lawn preparation and maintenance on the lot from which such topsoil or sod is removed.
- (c) In connection with the construction or alteration of a street.

In no event shall any excavated materials be permitted to form waste piles or mounds, it being the intent of this provision that any excavated material be used as fill or refill or otherwise distributed so as to avoid any unsightly or unnecessary accumulation. (See also Section 6.717)

6.705 Automobile Service, Parking Garages and Parking Lots.

- (a) Location of Exits and Entrances. No vehicular entrance or exit shall be permitted within 50 feet along the same side of a street of any school, public playground, church, hospital, public library, institution for dependents or children except where such property is in

another block or on another street on which the zone lot does not abut. Such access shall not be closer to the intersection of any two street lot lines than 30 feet.

- (b) Location of Appliances or Pits. All automobile servicing pits shall be located entirely within a building. (See also Section 6.714)

6.706 Trailer Court, Trailers and Mobile Homes.

- (a) No trailer, trailer coach or mobile home shall be used outside of a permitted trailer court, to provide living quarters or space for the conduct of business, except that it may be used temporarily for office purposes during the construction of a principal building or a road, on the issuance of a temporary permit by the Zoning Official.
- (b) Except for trailers offered for sale on trailer sales lots, the parking of a trailer, trailer coach or mobile home outside of a permitted mobile home court in any district for 48 hours or more, shall be prohibited.
- (c) Small utility or vacation type trailers are excluded from the provision of (b) above.
- (d) Trailer Courts where permitted shall comply with all other provisions included under Use Class 17, Section 4.303 hereof.

6.707 Animals, Poultry and Gardening.

Animals and Poultry: In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:

- (a) Building in which animals or poultry are kept shall not hereafter be erected within three hundred feet (300) of any lot line.
- (b) Storage of manure or odor or dust-producing substance shall not be permitted within three hundred feet (300) of any lot line.

- (c) Greenhouse heating plant shall not be operated within one hundred feet (100) of any lot line.

Gardening: The tilling of the soil, raising of crops, and gardening shall be permitted in any district.

6.708 Buffer Yards.

- (a) Where an industrial use adjoins a residential district, a buffer yard, of fifty (50) feet in width, shall be provided along the lot lines in addition to the yards required for the district in which it is located.

Where an industrial use abuts a stream, a buffer yard of not less than fifteen (15) feet in width, measured from the edge of the stream shall be required.

- (b) All buffer yard areas shall be planted and maintained with a vegetative material, and in "C" and "M" districts, evergreen screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
- (c) Buffer yards shall not be used for parking.
- (d) Buffer yards other than interior side buffer yards may be crossed by access roads, service drives, and utility easements not more than thirty-five (35) feet in width, provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yards at not less than sixty (60) degrees.
- (e) If a front yard of thirty (30) feet or more in depth is provided, the buffer yard may coincide with the front thirty (30) feet of the front yard.
- (f) All activities involving the raising and keeping of animals shall be set back a distance of at least one hundred (100) feet from any non-farm dwelling.

6.709 Courts.

Courts shall conform to the following requirements:

- (a) An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such room, the windows of which shall open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)
- (b) Outer Court.
  - (1) The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.
  - (2) The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one half ( $1\frac{1}{2}$ ) times the width.
- (c) Inner Court.
  - (1) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet. This shall apply only when adequate light and ventilation cannot be provided.
  - (2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross section area and headroom for the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

6.710 Motels.

In districts where permitted, motels shall be subject to the following safeguards and regulations:

- (a) Cabins or parts thereof shall be placed no closer to any lot line than thirty (30) feet.
- (b) At least one (1) parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Tables 3 and 4 respectively.
- (c) Every cabin or unit shall be provided with running water and toilet facilities for each accommodation.
- (d) With the application for a permit, a plan shall be submitted to the Zoning Officer showing the following:
  - (1) Extent and area of the property.
  - (2) Entrances, exits, driveways, roads and walks.
  - (3) Site of each cabin or unit.
  - (4) Plan for water supply.
  - (5) Plan for sewage disposal.
  - (6) Plan for supply of electricity.

6.711 Private Swimming Pools.

Private swimming pools shall be permitted accessory use in any district and shall comply with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (b) It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than five (5) feet to any property line on which located.
- (c) For excavated swimming pools, the entire property on which the swimming pool is located shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained

in good condition. When a fence is used, it shall not have any openings greater than four inches by six inches, except for approved gates; and when said fence is formed of metal or wire, such metal or wire shall be not less than number 9 gauge.

6.712 Sex Shops.

Sex Shops (as defined in Section 2.200) shall not be permitted in any zone.

6.713 Apartment Buildings.

When apartment buildings are permitted as a Special Exception, they shall be subject to the following regulations:

- (a) The building shall conform to the height, coverage, yard and area regulations of the district in which it is to be located.
- (b) The exterior appearance of the building shall be so constructed and maintained so as to retain the residential character of the neighborhood.
- (c) Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street.

- (d) Off-street parking shall be provided, as required by this Ordinance.
- (e) Service entrances, trash and garbage and drying yards shall be enclosed, and screened from the adjoining properties.
- (f) Water and Sewers - if public water and sanitary sewers are not available, the lot size for the contemplated development shall be adequate to provide on lot sewage disposal. The basis for additional lot area shall be based upon percolation tests, conducted and certified by qualified personnel. Plans for water and sewer facilities shall meet the standards of the Pennsylvania Department of Environmental Resources and shall be submitted for review and approval.

6.714 Motor Vehicle Access.

Whenever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

(a) Driveways and Curbs.

Access to the lot shall comply with the following regulations:

- (1) Access shall be by not more than two (2) driveways for each one hundred (100) feet frontage on any street.
- (2) No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.
- (3) Each driveway shall be not more than thirty-five (35) feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- (4) Driveways shall be no closer than ten (10) feet to the point of intersection of two property lines at any corner as measured

along the property line, and shall not extend across such extended property line.

- (5) For non-dwelling uses, where there is an existing curb and gutter or sidewalks on the street or private road a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street or private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the municipal engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street or private road are required as shown on Plate 1, attached to this Ordinance and made by this Ordinance as if fully described and detailed herein.
- (6) For non-dwelling uses, where there is not an existing curb and gutter or sidewalk, a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height as shown on Plate 1, attached to this Ordinance shall be constructed along the entire length of the property line, except in front of the permitted driveways.
- (7) No access to public highways shall be permitted within three hundred (300) feet of the intersection of said public street with interchange ramps.

(b) Location of Gasoline Pumps.

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.



6.715 Cemeteries, Crematories, Columbaria, and Mausoleums:  
Due consideration shall be given to compatibility with adjacent land uses, existing or proposed highways, and any elements or factors deemed to affect the public health, safety and welfare of the surrounding area, and a minimum setback may be required from any property line for any structure, grave or place of temporary or permanent burial, and such walls, fences, and/or planting of shrubbery, trees or vines may be required as may be reasonable and proper to afford adequate screening.

6.716 Flood Plains.

The provisions of this Section shall apply to all lands within the municipality which are located within the boundaries of Floodway and Flood-Fringe Districts as defined in Section 2.200 and as delineated by the Pennsylvania Department of Environmental Resources.

- (a) The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
- (1) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies,
  - (2) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding,

- (3) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage,
- (4) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(b) Interpretation of District Boundaries.

Where interpretation is needed concerning the exact location of any boundary of the Flood-way or Flood-Fringe District, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(c) Compliance.

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

(d) Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the municipality or any officer or employee thereof for any flood damages that

result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(e) Description of Districts.

The Floodway and Flood-Fringe Districts shall include all areas subject to inundation by waters of the one-hundred (100) year flood (Regulatory Flood). The basis for the delineation of these districts shall be the Flood Plain Map, as amended from time to time, and as prepared by the Pennsylvania Department of Environmental Resources which is declared to be an official part of this Ordinance.

The Floodway and Flood-Fringe Districts shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for these two (2) districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of either the Floodway or Flood-Fringe District and those of any underlying district the more restrictive provisions and/or those pertaining to the Floodway or Flood-Fringe District shall apply.

(f) District Boundary Changes.

The delineation of either of the two (2) flood plain districts may be revised by the municipality where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual.

(g) District Provisions.

All uses, activities, and development occurring within any flood plain district shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Municipal Building Code, and Municipal Sub-division and Land Development Ordinance.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(1) Floodway District (FW).

In the Floodway District no structural development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or State authorities.

(a) Permitted Uses.

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boatlaunching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
3. Residential uses such as yard areas, gardens, play areas, and pervious parking areas.
4. Industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

(b) Uses Permitted by Special Exception.

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

1. Structures accessory to the uses and activities in Section A above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
4. Extraction of sand, gravel, and other materials.
5. Temporary uses such as circuses, carnivals, and similar activities.
6. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
7. Other Similar uses and activities.

All uses, activities, and structural developments, shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

(2) Flood-Fringe District (FF).

In the Flood-Fringe District the development and/or use of land shall be permitted in

accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

(h) Special Exceptions.

In passing upon applications for Special Exceptions the Zoning Hearing Board shall consider all relevant factors specified in other sections of the ordinance and:

- (1) The danger of life and property due to increased flood heights or velocities caused by encroachments.
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood-plain management program for the area.

- (10) The safety of access to the property in times of flood of ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) Such other factors which are relevant to the purpose of this ordinance.

(i) Nonconformities.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

- (1) Existing nonconformities (structure and/or uses) located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements).
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) located in the Floodway District to an extent or amount of less than fifty (50) percent of its value, shall be elevated and/or floodproofed to the greatest extent possible.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) regardless of location, to an extent or amount of fifty (50) percent or more of its value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
- (4) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

6.717 : Planned Residential Developments (PRD).

It is the purpose and intent of this Section to permit and encourage the laying out of land and