

ARTICLE III

ZONE REGULATIONS

Section 301 Zones and Boundaries

- a) Establishment of Zones: The Borough of Seven Valleys is divided into zones enumerated below and shown on the map entitled "Zoning Map of Seven Valleys Borough" which map is part of this Ordinance.

RA	Rural Agricultural
R	Residential
VC	Village Center
I	Industrial
F	Special Flood Hazard Area

- b) Boundaries of Zones: Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:
- 1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - 3) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
 - 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 5) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
 - 6) Boundaries indicated as parallel to or extensions of features indicated in Sub-section (1) through (5) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - 7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-section (1) through (6), the Zoning Hearing Board shall interpret the district boundaries.

Section 302 Use Regulations

- a) Uses Permitted: The uses permitted in the zones established by this Ordinance and the permitted extent of these uses are as shown in Sections 303 through 307. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
- 1) Additional general provisions are set forth in ARTICLE IV.
 - 2) Modifications to the use or dimensional requirements are set forth in ARTICLE VII.
 - 3) Standards for Special Exception and other selected uses are set forth in ARTICLE VI.
- b) All Other Uses: Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.
- c) Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 401.
- d) Uses With Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.
- e) No more than one principal use is permitted per lot, except in the case of permitted "mixed use" buildings.

Section 303 Rural Agricultural Zone (RA)

- a) Purpose: The primary purpose of this zone is to maintain and promote the rural-agricultural character of the land within this zone. This zone is composed of those areas in the Borough whose predominant land use is rural residential and agricultural. The regulations of this zone are designed to protect and stabilize the essential characteristics of these areas; to minimize conflicting land uses detrimental to agricultural enterprises and to limit development that requires highways and other public facilities in excess of those required by rural-oriented uses.
- b) Uses by Right: The following principal uses are permitted by right in the RA zone:
- 1) Single-family Detached Dwellings
 - 2) Farm Buildings
 - 3) Crops, Pasture

- 4) Dairy, Livestock, Poultry, Small Animals
 - 5) Greenhouse, Nursery
 - 6) Forestation and Wildlife Preserve
 - 7) Group Home
 - 8) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) House of Worship (See Section 611)
 - 2) Cemetery (See Section 604)
 - 3) Kennel, Animal Hospital (See Section 613)
 - 4) Sawmill Operation (See Section 627)
 - 5) Park or Other Recreation Area of a Nonprofit Nature (See Section 621)
 - 6) Public Buildings and Facilities (See Section 623)
 - 7) Club Room, Club Grounds, Meeting Hall (See Section 606)
 - 8) Public Utility Building (See Section 624)
 - 9) Home Business as an Accessory Use (See Section 610)
 - 10) Bed and Breakfast Inn (See Section 603)
 - 11) Farm Occupation as an Accessory Use(See Section 633)
 - 12) Family Day Care Home (See Section 635)
 - 13) Communication Antennas (See Section 637)
 - 14) Communication Towers (See Section 637)
- d) Lot Area and Width: Lot area and lot width consistent with the following dimensions shall be provided for each principal use hereafter established in this zone:
- 1) Minimum Lot Area -- one (1) acre
 - 2) Minimum Lot Width -- 150 feet
- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

- 1) Front setback - Thirty-five (35) feet.
 - 2) Each side setback - Twenty-five (25) feet.
 - 3) Rear setback - Forty (40) feet.
- f) Building Height: The building height limit shall be thirty-five (35) feet, except in the case of farm buildings, in which cases there shall be no height limitation.
- g) Impervious Coverage: Not more than 30 percent of the lot area may be covered by impervious surface.

Section 304 Residential Zone (R)

- a) Purpose: The Residential Zone provides space for day to day living activities. The purpose of this residential zone is to provide for the orderly expansion of residential development, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities, to provide standards which will encourage the installation of public facilities and the preservation of open space; and to exclude any activities not compatible with residential development.
- b) Uses by Right: The following principal uses are permitted by right in the R zone:
- 1) Single-family Detached Dwelling
 - 2) Two-family Dwelling
 - 3) Crops
 - 4) Group Home
 - 5) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) House of Worship (See Section 610)
 - 2) Cemetery (See Section 604)
 - 3) Park or Other Recreation Area of a Nonprofit Nature (See Section 621)
 - 4) Home Business as an Accessory Use (See Section 610)
 - 5) Public Utility Building (See Section 624)
 - 6) Private Day Care Centers or Nursery School (See Section 622)
 - 7) Mobilehome Park (See Section 616)

- 8) Public Buildings and Facilities (See Section 623)
- 9) Funeral Home (See Section 608)
- 10) Multi-family Dwelling (See Section 618)
- 11) Multi-family or Two-family Conversion (See Section 617)
- 12) Bed and Breakfast Inn (See Section 603)
- 13) Animals, Livestock (See Section 602)
- 14) Family Day Care Home (See Section 635)

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone.

		Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area:	All uses except two-family dwellings	10,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
	Two-Family dwellings	15,000 sq. ft.	30,000 sq. ft.	60,000 sq. ft.
Minimum Lot Width:	All uses except two-family dwellings	80 ft.	100 ft.	120 ft.
	Two-Family dwellings	120 ft.	150 ft.	180 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
 - 1) Front Setback - Thirty-five (35) feet.
 - 2) Each side setback - Fifteen (15) feet. Two-family dwellings shall be considered as one building for this purpose.
 - 3) Rear setback - Thirty (30) feet.
- f) Building Height: The height of a main building shall be two and one-half stories, but not over thirty-five feet. The height limit for accessory buildings shall be two stories, but not over twenty-five (25) feet. There shall be no height limitation for farm buildings
- g) Impervious Coverage: Not more than 45 percent of the lot area may be covered by impervious surface.
- h) Cluster Provisions: In the case of residential developments of ten (10) acres or more, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the development may be approved by Borough Council. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification

and will enable a compatible extension of the existing development. The following guidelines shall be followed:

- 1) Minimum lot area and width, lot coverage, open area and paved area requirements may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of land within the Flood Plain Zones and highway and utility rights-of-way, to determine the total number of permitted dwelling units.
- 2) Setbacks and building height shall remain as required in Section e) and f), respectively.
- 3) Public water and public sewer are required.
- 4) Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owners association, shall be subject to the approval of the Borough Council.
- 5) These provisions shall not apply to mobilehome parks.
- 6) All other provisions of this ordinance and any other applicable ordinance of the Borough shall apply to cluster developments. Housing types include only those permitted by Right or Special Exception. Special Exception procedures and requirements (except for lot area and lot width where individual ownership is not proposed) also apply to Multi-family Dwellings included with a cluster development.

Section 305 Village Center Zone (VC)

- a) Purpose: The purpose of the Village Center Zone is to provide reasonable standards for the orderly development and the preservation of residential uses and local commercial services where a nucleus of such uses already exists, and where, due to the character of the area such a mixture of uses is appropriate and compatible. The standards of this zone are designed to prevent the overcrowding of land by restricting maximum housing densities; to exclude any activities not compatible with the Village Center environment; to provide for the public convenience; to minimize traffic congestion and to otherwise fulfill the purposes and objectives of this Ordinance.
- b) Uses by Right: The following principal uses are permitted by right in the VC Zone:
 - 1) Single-family Detached Dwelling
 - 2) Two-family Dwelling
 - 3) Retail Store or Shop
 - 4) Personal Service Business
 - 5) Professional or Business Offices
 - 6) Eating Establishment
 - 7) Parking Lot or Parking Garage

- 8) Caretaker or Watchman Dwelling
 - 9) Tavern
 - 10) Funeral Home (See Section 608)
 - 11) Indoor Recreational Establishment (See Section 641)
 - 12) Outdoor and Vehicle Sales, Service, and/or Repair
 - 13) Public Buildings and Facilities (See Section 623)
 - 14) Group Home
 - 15) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) Multi-family Dwelling or Townhouse (See Section 618)
 - 2) Multi-family or Two-family Conversion (See Section 617)
 - 3) Transportation (Passenger) Terminal (See Section 630)
 - 4) Medical or Dental Clinic (See Section 615)
 - 5) Convalescent Home, Nursing Home or Hospital (See Section 607)
 - 6) Vehicle Service Station, Vehicle Body Shop, Vehicle Repair Garage, or Vehicle Wash (See Section 620)
 - 7) Kennel, Animal Hospital (See Section 613)
 - 8) Public Utility Building (See Section 624)
 - 9) Shopping Center or Mall (See Section 629)
 - 10) Home Business as an Accessory Use (See Section 610)
 - 11) Rooming House, Group Quarters (See Section 626)
 - 12) Outdoor Commercial Recreation Establishments (See Section 620)
 - 13) Research Laboratory (See Section 625)
 - 14) Wholesale Vehicle Sales Terminal or Auction (See Section 632)
 - 15) Private Day Care Center or Nursery School (See Section 622)

- 16) Laundry and Dry Cleaning Establishments (See Section 614)
- 17) Heavy Storage Service (ex.: Warehouse, Building Material Yard) (See Section 609)
- 18) Mini-warehouse (See Section 636)
- 19) Commercial Day Care Center (See Section 634)
- 20) Business Conversion (See Section 639)
- 21) Mixed Use (See Section 640)

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area:	8,000 sq. ft.	15,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width:	60 ft.	100 ft.	150 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
 - 1) Front setback - Thirty-five (35) feet.
 - 2) Each side setback - Five (5) feet. Two-family dwellings shall be considered as one building for this purpose.
 - 3) Rear setback - Twenty (20) feet.
- f) Building Height: The building height limit shall be three stories, but not more than thirty-five (35) feet. The height limit for an accessory building shall be two stories, but not over twenty-five (25) feet.
- g) Impervious Coverage: Not more than 85 percent of the lot area may be covered by impervious surface.

Section 306 Industrial Zone (I)

- a) Purpose: The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this zone is:
 - 1) To encourage the development of and continued use of land for industrial purposes.

- 2) To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district.
- 3) To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industrial to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.

b) Uses By Right: The following principal uses are permitted by right in the I zone:

- 1) Public Building and Facilities (See Section 623)
- 2) Public Utility Building (See Section 624)
- 3) Parking Lot or Parking Garage
- 4) Enclosed Processing Establishment, e.g., laundry, large appliance or equipment repair shop
- 5) Research Laboratory (See Section 625)
- 6) Light Manufacturing: Manufacturing and Storage Uses that DO NOT
 - cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
 - cause vibration beyond the boundaries of the lot
 - cause noise exceeding that of street traffic at the front, side and rear lot lines.
 - cause glare observable from beyond the boundaries of the lot.

Permitted light manufacturing uses include but are not limited to:

- printing and publishing
- soft drink bottling
- packaging products in the form of powder or other dry state
- lace manufacture
- sewing apparel
- assembly of electronic apparatus
- instrument making
- tool and die making
- cabinet making

- electroplating metals

- molding plastics

7) General Manufacturing: Manufacturing uses that DO NOT

- constitute an unusual fire or explosion

- create a nuisance by reason of smoke, odor, dust, noise, or glare.

Permitted general manufacturing uses include but are not limited to:

- food, except meat-packing

- furniture

- textiles

- leather

- rubber

- paper

- fabricated metals

- machinery

- stone

- clay

- glass

8) Caretaker or Watchman Dwelling

9) Heavy Storage Service (e.g. warehouse, building material yard) (See Section 609)

10) Vehicle Service Station, Vehicle Body Shop, Vehicle Repair Garage, or Vehicle Wash (See Section 628)

11) Laundry and Dry Cleaning Establishments (See Section 614)

12) Mini-warehouse (See Section 636)

c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in PART VI of this Ordinance.

1) Truck or Motor Freight Terminal (See Section 631)

- 2) Sawmill Operation (See Section 627)
 - 3) Salvage Yard, Automobile Dismantling Plant (See Section 612)
 - 4) Chemical Manufacturing, Processing and Storage Operations (See Section 605)
 - 5) Wholesale Vehicle Sales Terminal or Auction (See Section 632)
 - 6) Conversion of existing building for retail, personal service and/or office use(See Section 639)
 - 7) Indoor Recreation Establishments (See Section 641)
 - 8) Outdoor Commercial Recreation Establishments (See Section 620)
 - 9) Mixed Use (See Section 640)
 - 10) Adult Bookstores and Adult Theaters (See Section 638)
- d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area:	10,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width:	80 ft.	100 ft.	150 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
- 1) Front setback - Thirty-five (35) feet.
 - 2) Each side setback - Twenty (20) feet.
 - 3) Rear setback - Thirty (30) feet.
- f) Building Height: The building height limit shall be three stories, but not more than thirty-five (35) feet. The height limit for an accessory building shall be two stories, but not over twenty-five (25) feet.
- g) Impervious Coverage: Not more than 85 percent of the lot area may be covered by impervious surface.

Section 307

Flood Plain Zone - Special Flood Hazard Area

- a) Purpose: The purpose of this zone 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 that are unsuited for intended purposes because of flood hazards.
- b) 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 jam's and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain zone, or land uses permitted within this zone will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Seven Valleys Borough or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

c) Establishment of the Flood Plain Zone

- 1) Description of Zone: The identified Flood Plain Zone shall be any area of the Borough of Seven Valleys subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration dated September 28, 1979.
- 2) Determination of the One Hundred (100) Year Flood Elevation: For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
 - Corps of Engineers - Flood Plain Information Reports.
 - U.S. Geological Survey - Flood Prone Quadrangles.
 - USDA, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.
 - Pennsylvania Department of Environmental Protection - Flood Control Investigations.

- Known Highwater Marks from Past Floods.
- Other sources.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

- 3) Overlay Concept: The aforementioned Flood Plain Zone shall be an overlay to the existing underlying zones as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Zone shall serve as a supplement to the underlying zone provisions.

Where there happens to be any conflict between the provisions or requirements of the Flood Plain Zone and those of any underlying zone, the more restrictive provisions and/or those pertaining to the Zone Plain Zone shall apply.

In the event any provision concerning the Flood Plain Zone is declared inapplicable as a result of any legislative or administrative actions of judicial discretion, the basic underlying zone provisions shall remain applicable.

- 4) Inclusion in Zoning Map: The boundaries of the Flood Plain Zone are established as shown on the Flood Hazard Boundary Map, dated September 28, 1979, prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration. The said map is hereby incorporated into and made a part of the Official Zoning Map of Seven Valleys Borough. A copy of said map shall be kept on file at the Borough office and be available for inspection during regular office hours.

- 5) Zone Boundary Changes: The delineation of the Flood Plain Zone may be revised by Borough Council 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 documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agency.

- 6) Interpretation of Zone Boundaries: Initial interpretations of the boundaries of the Flood Plain Zone shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of the zone, the person questioning or contesting the location of the zone boundary shall be given a reasonable opportunity to present his case to the Borough Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person choose to seek a variance to the zoning regulations to accommodate his development, he must follow the procedures to present his case to the Zoning Hearing Board. Should the person choose to have the zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to Borough Council for a zoning amendment.

- d) Zone Provisions: All uses, activities, land filling and development occurring within the flood plain zone shall be undertaken only in strict compliance with the provisions of this

ordinance and with all other applicable codes and ordinances such as the Borough Building Permit Ordinance and Flood Plain Management Ordinance.

Under no circumstances shall any use, activity, land filling and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration or its successor agency and the Pennsylvania Department of Community and Economic Development.

Special Flood Hazard Zone: In the Special Flood Hazard Area Zone no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) permitted in the underlying zone shall be permitted unless the applicant of the proposed development, use or activity has demonstrated that the proposed undertaking when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. Increases in flood heights shall be calculated by means of current, generally accepted engineering methods.

e) Development Which May Endanger Human Life

1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volumes or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other application provisions:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Celluloid
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel, oil, etc.)

- Phosphorus
- Potassium
- Sodium
- Sulfur and sulfur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

2) Where permitted within any Special Flood Hazard Area (Zone A) any new or substantially improved structure of the kind described in Subsection 1) above shall be:

- i) elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and,
- ii) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

3) Within any Special Flood Hazard Area (Zone A), any structure of the kind described in Subsection 1) above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

f) Special Requirements for Mobile Homes

1) Where permitted within any Special Flood Hazard Area (Zone A), all mobile homes and any additions thereto shall be:

- i) anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following

- over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
- frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or

more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

- all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.

ii) elevated in accordance with the following requirements:

- the strands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.
- adequate surface drainage is provided.
- adequate access for a hauler is provided.
- where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

2) Within any Special Flood Hazard Area (Zone A), mobile homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

g) Prohibited Uses and Activities

The following uses and activities are prohibited if located completely or partially within any of the areas identified as being subject to the one hundred (100) year flood

1) The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- Hospitals
- Nursing homes
- Jails or prisons

2) The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

h) Special Exceptions and Variances - Factors to be Considered: In passing upon applications for Special Exceptions and Variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

1) The danger of life and property due to increase flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed

use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.

- 2) The danger that materials may be swept onto 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 or the service 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 of 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 floodwater expected at the site.
- 12) Such other factors which are relevant to the purposes of this ordinance.

The Zoning Hearing Board with approval of Borough Council may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extra-ordinary public expense, (d) the creation of nuisance, (e) any fraud or victimization of the public, or (f) any conflict with local laws or ordinances.

- i) Existing Structures in the Flood Plain Zone: 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 structures and/or uses located in the Flood Plain Zone shall not be expanded or enlarged unless such expansion or enlargement meets the requirements of all applicable Borough ordinances and the effect of the proposed

expansion or enlargement on flood heights is fully offset by accompanying improvements.

- 2) Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain zone to an extent or amount of less than fifty (50) percent or its market value, shall be elevated and/or incorporated flood-proofing measures regardless of its location in the Flood Plain Zone. However, minor repairs shall be exempt from this provision provided that no structural changes or modifications are involved. Minor repairs shall include the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but shall not include any addition, change or modification in construction, exit facilities, and permanent fixtures or equipment.
- 3) The modifications, alternation, repair reconstruction, or improvement of any kind to a structure and/or use located in a flood plain zone to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this any other applicable ordinance.
- 4) Uses or adjuncts thereof which area, or become, nuisance shall not be permitted to continue.