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ARTICLE IV - DISTRICT REGULATIONS

400 USE OF LAND

- 400.1 Except as hereinafter provided, no building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is located.
- 400.2 No building or other structure shall hereafter be erected or altered:
- a. to exceed the height or bulk; or
 - b. to accommodate or house a greater number of families; or
 - c. to occupy a greater percentage of lot area; or
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- 400.3 Regulations governing the use of land within the designated Zoning Districts shall be as set forth in the Sections of this Article and the following supporting Articles.

401 R-1 LOW DENSITY RESIDENTIAL DISTRICT

401.1 Purpose

- a. To preserve the predominantly residential atmosphere where single-family and semi-detached homes dominate such that a high level of dwelling quality continue to exist.
- b. To preserve spacious lawns and open space for landscaping or other uses.
- c. To provide for the orderly expansion of low density residential development.
- d. To exclude uses not compatible with such low density residential development.

401.2 Permitted Uses

- a. Single family detached dwellings.
- b. Single family semi-detached dwellings.
- c. Two family detached dwellings.
- d. Private swimming pools.
- e. Accessory buildings and uses customarily incidental to the above uses.

401.3 Conditional Uses (See Section 513)

- a. Churches
- b. Public Schools
- c. Other appropriate public uses and essential services.
- d. Townhouses, subject to Conditional Use requirements and Section 401.6.d.

401.4 Special Exception Uses (See Section 808)

- a. Residential Conversion Units provided that no more dwelling units are provided than are either in a permitted or conditional use category and provided that all other regulations pertaining to the new use can be met.

- b. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purposes other than that which is permitted by right in this Article.
- c. Business Office or Professional Offices combined with residence provided that no more than two employees are employed.

401.5 Height Regulations

The height of a building shall not be greater than thirty-five (35) feet or two and one-half (2½) stories.

401.6 Area and Bulk Regulations

a. Single Family Detached Dwelling

- (1) Minimum lot size - 5,000 sq.ft.
- (2) Minimum lot width - 50 ft.
- (3) Minimum any one side yard setback - 5 ft.
- (4) Minimum aggregate side yard setback - 15 ft.
- (5) Minimum front yard setback - 20 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 30%
- (8) Minimum floor area per dwelling unit - 950 sq.ft.

b. Single Family Semi-Detached Dwelling

- (1) Minimum lot size per dwelling unit - 4,500 sq.ft.
- (2) Minimum lot width per double structure - 80 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.

- (5) Minimum front yard setback - 30 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 40%.
- (8) Minimum floor area per dwelling unit - 800 sq.ft.

c. Two Family Detached Dwelling

- (1) Minimum lot size per dwelling unit - 4,000 sq.ft.
- (2) Minimum lot width - 60 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 30 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 35%
- (8) Minimum floor area per dwelling unit - 775 sq.ft.

d. Townhouses

- (1) Maximum density - eight dwelling units per acre.
- (2) Minimum lot width per interior structure - 16 ft.
- (3) Minimum lot depth - 100 ft.
- (4) Minimum end of row side yard setback - 25 ft.
- (5) Minimum front yard setback - 30 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 50%
- (8) Minimum floor area per dwelling unit - 775 sq.ft.
- (9) No structures shall be closer together than 30 feet.

(10) Townhouse Design Standards

- (a) Each townhouse dwelling unit shall incorporate varied architectural modes and setbacks, and shall contain not less than three (3) nor more than eight (8) dwelling units joined by a common wall.
- (b) An overall structure of attached dwelling units shall not be permitted with one common roof line or with equal front and rear yard setbacks for all dwelling units. Similarly, the appearance of the front and rear wall of the building shall have a distinction between dwelling units by varying the unit width or height, providing different exterior materials on the facade, or by changing the roof lines. Setbacks shall vary from every dwelling unit to the next so that at least every two units are offset from the adjoining units by a minimum of two (2) feet front and rear.
- (c) If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the townhouse development, structures located on the perimeter must be set back a distance sufficient to protect the privacy and amenity of the existing uses as determined acceptable by the Planning Commission. Buffer areas consisting of hedges, evergreens, or other suitable plantings may be required to sufficiently constitute an effective screen.
- (d) All townhouse development is subject to the provisions of applicable Subdivision and Land Development Regulations.

401.7 Yard Regulations

- a. Accessory uses - See Section 508.
- b. On each corner lot abutting a street, there shall be two (2) front yards.

401.8 Off-Street Parking and Loading

See Article VI.

401.9 Signs

See Article VII.

402 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

402.1 Purpose

- a. To preserve the existing predominantly residential atmosphere where single family and semi-detached homes generally dominate.
- b. To provide for the orderly development of residential districts which permit a variety of housing types.
- c. To allow a higher density of single family housing type development.
- d. To provide a sufficient number of areas within the City for the placement of mobile homes.

402.2 Permitted Uses

- a. Single family detached dwellings.
- b. Single family semi-detached dwellings.
- c. Two family detached dwellings.
- d. Two family semi-detached dwellings.
- e. Private swimming pools.
- f. Accessory buildings and uses customarily incidental to the above uses.

402.3 Conditional Uses (See Section 5.8)

- a. Townhouses, subject to Conditional Use requirements and Section 401.6.d.
- b. Garden apartments.
- c. Low-rise apartments.
- d. Churches.
- e. Schools.
- f. Other appropriate public uses and essential services.
- g. Public swimming pools.
- h. Mobile home parks in accordance with the provisions of all applicable requirements.

402.4 Special Exception Uses (See Section 808)

- a. Residential Conversion Units provided that no more dwelling units are provided than are either in a permitted or conditional use category and provided that all other regulations pertaining to the new use can be met.
- b. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purposes other than that which is permitted by right in this Article.
- c. Business office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations of societies and offices of accountants, architects, brokers, engineers, lawyers and similar professions.
- d. Neighborhood commercial uses provided that such uses are confined to the first floor or part of the first floor of a building and are designed to serve primarily persons residing in the immediate area and within walking distance of the commercial use.
- e. Boarding and lodging houses, provided that not more than four rooms of a residence are used for such purpose.

402.5 Off-Street Parking and Loading

See Article VI.

402.6 Signs

See Article VII.

402.7 Height Regulations

The height of a building shall not be greater than forty-five (45) feet nor greater than four stories.

402.8 Area and Bulk Regulations

a. Single Family Detailed Dwelling

- (1) Minimum lot size - 4,000 sq.ft.
- (2) Minimum lot width - 40 ft.
- (3) Minimum lot depth - 70 ft.
- (4) Minimum any one side yard setback - 5 ft.
- (5) Minimum aggregate side yard setback - 15 ft.

- (6) Minimum front yard setback - 20 ft.
- (7) Minimum rear yard setback - 30 ft.
- (8) Maximum coverage - 30%
- (9) Minimum floor area per dwelling unit - 800 sq.ft.

b. Single Family Semi-Detached Dwelling

- (1) Minimum lot size per dwelling unit - 4,000 sq.ft.
- (2) Minimum lot width per double structure - 60 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 25 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 40%
- (8) Minimum floor area per dwelling unit - 625 sq.ft.

c. Two Family Detached Dwelling

- (1) Minimum lot size per dwelling unit - 3,500 sq.ft.
- (2) Minimum lot width - 50 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 25 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 40%.
- (8) Minimum floor area per dwelling unit - 700 sq.ft.

d. Two Family Semi-Detached Dwelling

- (1) Minimum lot size per dwelling unit - 2,500 sq.ft.
- (2) Minimum lot width - 80 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 25 ft.
- (6) Minimum rear yard setback - 30 ft.
- (7) Maximum coverage - 40%.
- (8) Minimum floor area per dwelling unit - 625 sq.ft.

e. Townhouses

- (1) Maximum density - twelve dwelling units per acre.
- (2) Minimum lot width per interior structure - 16 ft.
- (3) Minimum lot depth - 80 ft.
- (4) Minimum end of row side yard setback - 20 ft.
- (5) Minimum front yard setback - 25 ft.
- (6) Minimum rear yard setback - 25 ft.
- (7) Maximum coverage - 40%.
- (8) Minimum floor area per dwelling unit - 625 sq.ft.
- (9) No structures shall be closer together than 30 feet.
- (10) Townhouse design standards

The townhouse design standards of Section 401.6.d(10) shall be incorporated herein

f. Mobile Home Dwelling

- (1) Minimum lot size per unit - 6,000 sq.ft.
- (2) Minimum lot width - 50 ft.
- (3) Minimum lot depth - 70 ft.
- (4) Minimum any one side yard setback - 5 ft.
- (5) Minimum aggregate side yard setback - 15 ft.
- (6) Minimum front yard setback - 25 ft.
- (7) Minimum rear yard setback - 25ft.
- (8) Maximum coverage - 30%
- (9) Minimum floor area per dwelling unit - 600 sq.ft.
- (10) Each unit shall be erected and anchored on a permanent masonry foundation with the foundation being totally enclosed around the full perimeter with masonry or other material specifically designed for such use and acceptable to the Planning Commission.

g. Multi-Family Dwellings Including Garden Apartments, and Low-Rise Apartments

- (1) Maximum Density - twenty (20) dwelling units per acre.
- (2) Minimum lot width - 100 ft.
- (3) Minimum front yard setback - 30 ft.
- (4) Minimum side yard setback - 25 ft.

(5) Minimum rear yard setback - 30 ft.

(6) Maximum coverage - 65%

(7) Maximum height - four stories or 45 feet, whichever is the lesser.

h. Business Office Uses, Clinics as a Principal Use

(1) Minimum lot size - none.

(2) Minimum lot width - 80 ft.

(3) Minimum any one side yard setback - 15 ft.

(4) Minimum aggregate side yard setback - 40 ft.

(5) Minimum front yard setback - 20 ft.

(6) Minimum rear yard setbacks - 20 ft.

(7) Maximum coverage - 50%.

402.9 Yard Regulations

a. Accessory buildings - See Section 508.

b. On each corner lot abutting a street there shall be two front yards.

402.10 Special Regulations for Mobile Home Parks

a. Area and Bulk - Mobile home parks shall contain a minimum of one acre.

(1) Minimum average lot size - 5,000 sq.ft.

(2) Minimum individual lot size - 4,000 sq. ft.

(3) Minimum setback of a mobile home:

- (a) From any public street or road - 20 ft.
- (b) From any street in the park - 15 ft.
- (c) From any two mobile homes - 20 ft.
- (d) From any property line - 25 ft.

(4) All setbacks from streets shall be measured from the right-of-way line.

b. Landscaping

Mobile home parks shall be attractively and suitably landscaped. Development plans shall include provisions for screening along all property lines including public rights-of-way. Such screening shall be a minimum of three feet in height when placed and shall be of a type to reach a minimum of five feet in three years.

c. Plan Requirements

All proposals for a mobile home park, whether new or an expansion of existing parks shall be required to submit a proposed site development plan for the entire site for review and recommendation by the City Planning Commission and approval by the City Council. The plan shall include at least the following information:

- (1) Plot plan of the entire property.
- (2) Proposed street layout including pavement and right-of-way widths.
- (3) Proposed locations of utilities, drainage easements, storm sewers, sanitary sewers, water, etc.
- (4) Proposed lot layout including required setback lines for each mobile home.
- (5) Any proposed buildings, their location and use.
- (6) Typical street cross-section showing proposed construction and grading.
- (7) Proposed location of parking areas and/or individual spaces.

403 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

403.1 Purpose

- a. To provide for the orderly development of existing and proposed high density residential areas where adequate public services and circulation facilities are available.
- b. To provide for areas of multi-family dwellings through the conditional use thus insuring their proper location and development in accordance with the provisions of this Ordinance.
- c. To exclude those uses not compatible with such development.

403.2 Permitted Uses

- a. Single family detached dwellings.
- b. Single family semi-detached dwellings.
- c. Two family detached dwellings.
- d. Two family semi-detached dwellings.
- e. Private swimming pools.
- f. Accessory buildings and uses customarily incidental to the above uses.

403.3 Conditional Uses (See Section 513)

- a. Townhouses.
- b. Garden apartments.
- c. High-rise apartments.
- d. Churches.
- e. Public Schools.
- f. Other appropriate public uses and essential services.
- g. Public swimming pools.
- h. Sanitariums.
- i. Nursing homes.
- j. Day care centers

403.4 Special Exception Uses (See Section 808)

- a. Boarding and lodging houses, provided that not more than four rooms of a residence are used for such purpose.
- b. Business office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies and offices of accountants, architects, brokers, engineers, lawyers and similar professions.
- c. Neighborhood commercial uses provided that such uses are confined to the first floor or part of the first floor of a building and are designed to serve primarily persons residing in the immediate area and within walking distance of the commercial use.
- d. Home occupations provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than that which is permitted by right of this Article.
- e. Conversion of existing buildings to any of the permitted uses providing all regulations pertaining to the new uses are met.
- f. Professional offices.

403.5 Off-Street Parking and Loading

See Article VI.

403.6 Signs

See Article VII.

403.7 Height Regulations

The height of a building shall not be greater than ten stories nor higher than one hundred fifteen (115) feet.

403.8 Area and Bulk Regulations

a. Single Family Detached Dwelling

- (1) Minimum lot size - 4,000 sq.ft.
- (2) Minimum lot width - 40 ft.
- (3) Minimum any one side yard setback - 5 ft.
- (4) Minimum aggregate side yard setback - 10 ft.
- (5) Minimum front yard setback - 20 ft.

- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 45%.
- (8) Minimum floor area per dwelling unit - 800 sq.ft.

b. Single Family Semi-Detached Dwelling

- (1) Minimum lot size per unit - 4,000 sq. ft.
- (2) Minimum lot width per double structure - 60 ft.
- (3) Minimum any one side yard setback - 5 ft.
- (4) Minimum aggregate side yard setback - 10 ft.
- (5) Minimum front yard setback - 10 ft.
- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 50%.
- (8) Minimum floor area per dwelling unit - 625 sq.ft.

c. Two Family Detached Dwelling

- (1) Minimum lot size per dwelling unit - 3,500 sq.ft.
- (2) Minimum lot width - 50 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 10 ft.
- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 45%.
- (8) Minimum floor area per dwelling unit - 700 sq.ft.

d. Two Family Semi-Detached Dwelling

- (1) Minimum lot size per unit - 2,500 sq. ft.
- (2) Minimum lot width - 80 ft.
- (3) Minimum any one side yard setback - 10 ft.
- (4) Minimum aggregate side yard setback - 20 ft.
- (5) Minimum front yard setback - 10 ft.
- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 50%.
- (8) Minimum floor area per dwelling unit - 625 sq.ft.

e. Townhouse Dwelling

- (1) Maximum density - fourteen dwelling units per acre.
- (2) Minimum lot width per interior structure - 16 ft.
- (3) Minimum lot depth - 80 ft.
- (4) Minimum end of row side yard setback - 20 ft.
- (5) Minimum front yard setback - 10 ft.
- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 50%.
- (8) Minimum floor area per dwelling unit - 625 sq.ft.

f. Multi-Family Dwellings Including Garden Apartments, and High-Rise Apartments

- (1) Maximum Density - twenty (20) dwelling units per acre.

- (2) Minimum lot width - 100 ft.
- (3) Minimum front yard setback - 25 ft.
- (4) Minimum side yard setback - 25 ft.
- (5) Minimum rear yard setback - 30 ft.
- (6) Maximum coverage - 65%.
- (7) Maximum height - ten stories or 115 feet, whichever is the lesser.

g. Business Office Uses, Clinics as a Principal Use

- (1) Minimum lot size - none.
- (2) Minimum lot width - 60 ft.
- (3) Minimum any one side yard setback - 15 ft.
- (4) Minimum aggregate side yard setback - 35 ft.
- (5) Minimum front yard setback - 20 ft.
- (6) Minimum rear yard setback - 20 ft.
- (7) Maximum coverage - 60%.

403.9 Yard Regulations

- a. Accessory Buildings - See Section 508.
- b. On each corner lot abutting a street, there shall be two front yards.

404 C-1 GENERAL COMMERCIAL DISTRICT

404.1 Purpose

- a. To provide for areas of commercial activity which requires large scale parking facilities or has a high traffic impact.
- b. To provide additional areas for multi-family dwelling units and other types of residential development.
- c. To provide additional areas for neighborhood and other type commercial uses.
- d. To exclude uses not compatible with the above objectives.

404.2 Review Procedures

- a. A development plan shall be prepared and submitted to the municipality showing the overall development scheme, including location, proposed site layout, existing zoning, parking facilities, all adjacent highways, streets, and alleys with traffic flow patterns, and a list of the kind of establishments to be located on the site and their floor areas. Also, preliminary architectural sketches, elevations, and engineering plans showing proposed methods of water runoff control.

404.3 Permitted Uses

- a. Business or professional office, bank savings, and loan association or other financial institutions, passenger station for public transportation.
- b. Retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, and job printing.

- c. Restaurant, tearoom, cafe, confectionery, or other place serving food or beverages.
- d. Automobile court or motel, indoor theatre, bowling lanes or other similar place of indoor recreation.
- e. Sale of new automobile and farm implements including repairs, used car and used implement sales only as accessory to new sales, gasolinefilling station, storage garage, public garage, car wash.
- f. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleaning.
- g. Automatic self-service laundry and dry cleaning with proper approval of waste disposal by health authority having jurisdiction.
- h. Frozen food lockers.
- i. Offices or office building for administrative, executive, and professional activity, and similar activities involving the performance or rendering of professional services, such as financial institutions, mortician, the sale of real estate and business office including the showing of samples, sale promotion and demonstration of equipment, and merchandise can be warehoused on the premises for sale, exchange or delivery thereon.
- j. Restaurant, provided, however, that any professional or business establishment may include private cafeteria or lunch room facilities for the exclusive use of its employees, as an accessory use.
- k. Living quarters for a proprietor, building manager, caretaker or watchman, if employed on the premises, as an accessory use within a principal building.
- l. Retail establishment for the sale of plumbing and heating equipment and supplies, lumber yard, including the customary storage and work yards incidental thereto when screened by a fence, wall or planting screen.

- m. Schools for music, dance, business, etc.
- n. Warehouse.
- o. Research and development industries.
- p. Multi-family dwellings including mid-rise apartments.
- q. Multi-family dwellings combined with a neighborhood commercial type establishment.
- r. Nursing homes, sanitariums, and hospitals.
- s. Appropriate public uses and essential services.

404.4 Conditional Uses (See Section 513)

All permitted uses within the R-1, R-2 and R-3 Residential Districts, as listed in Sections 401.2, 402.2 and 403.2.

404.5 Area and Bulk Regulations for Commercial Uses

a. Impervious Coverage

No lot shall be covered by more than 80 percent with impervious surface, including, but not limited to principal and accessory buildings, driveways, and walkways and parking areas.

b. Building Coverage

No lot shall be covered by more than 50 percent by buildings.

c. Minimum Front Yard

There shall be a front yard on each lot the depth of which shall be not less than twenty-five (25) feet inclusive of parking space.

d. Minimum Side Yard

There shall be two side yards of a minimum of fifteen (15) feet per side, except when a mutual agreement is subscribed to by the adjoining property owners, no side yard shall be required where two or more commercial uses adjoin side by side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of such a series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, an unobstructed passage of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet apart.

e. Minimum Rear Yard

There shall be a rear yard of not less than twenty (20) feet.

f. Height

Three stories or forty (40) feet maximum, whichever is the lesser.

404.6 Area and Bulk Regulations for Residential Dwellings

Residential dwellings except high-rise apartments shall conform to the regulations in the High Density Residential District.

404.7 Off-Street Parking and Loading

See Article VI.

404.8 Outdoor Display of Merchandise

The neat and orderly outdoor display of merchandise may be permitted in reasonable amounts provided that such display does not interfere with the safe and efficient flow of pedestrian or vehicular traffic.

404.9 Landscaping

Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be provided with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan. To facilitate the processing of plot plans, a plant schedule should be prepared giving the botanical and common names of the plants to be used, the sizes to be planted, and the quantity and spacing of each.

404.10 Screening and Special Design Requirements

a. See Section 512.

b. Along each side or rear property line which directly abuts an R-1, R-2 or R-3 district boundary line or residential property, the required yard shall be used as a buffer area on which shall be placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen.

404.11 Signs

See Article VII.

405 CBD CENTRAL BUSINESS DISTRICT

405.1 Purpose

- a. To provide and require a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide an efficient, safe, convenient, and attractive shopping area.
- b. To encourage the preservation and revitalization of the central business district.
- c. To provide for the orderly development, expansion and improvement of the central business district.
- d. To provide an area for combined residential and commercial uses.
- e. To exclude uses not compatible with the above objectives.

405.2 Review Procedures

- a. In order to assure the satisfactory development of the Planned Commercial District, it shall be required that development plans be submitted to the municipality under the procedures established in this Ordinance for a Conditional Use.
- b. A development plan shall be prepared and submitted to the municipality showing the overall development scheme, including location, proposed site layout, existing zoning, parking facilities, all adjacent highways, streets, and alleys with traffic flow patterns, and a list of the kind of establishment(s) to be located on the site and the floor area(s) and preliminary architectural sketches.

405.3 Permitted Uses

- a. Business or professional office, bank savings and loan association or other financial institution, passenger station for public transportation.
- b. Retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, job printing, and department stores.

- c. Restaurant, tearoom, cafe, confectionery or other place serving food or beverages, provided that no outdoor counter or curb service shall be permitted.
- d. Indoor theatre, bowling lanes or other similar place of indoor recreation.
- e. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleaning.
- f. Offices or office building for administrative, executive and professional activity, and similar activities involving the performance or rendering of professional services, such as financial institution, mortician, the sale of real estate and business office including the showing of samples, sale promotion and demonstration of equipment, provided, however, that no merchandise shall be warehoused on the premises except for sale, exchange or delivery thereon, and further provided that nothing herein preclude sale or manufacturer's representatives from arranging for the sale of merchandise manufactured, fabricated or warehoused at, or delivered to, locations outside of the Central Business District.
- g. Automatic self-service laundry and dry cleaning establishment with certificates of approval by the Public Health agency having jurisdiction, with regard to waste disposal, by the Fire Marshall, with regard to compliance with all safety regulations.
- h. Any use which is similar to the above and which is not primarily a highway type commercial establishment. This shall be handled as a special exception by the Zoning Hearing Board under the provisions of Section 308.
- i. Appropriate public uses and essential services.
- j. Multi-family units on the second or third floors over a permitted business establishment.

405.4 Area and Bulk Regulations

a. Impervious Coverage

No limitation shall be placed on impervious surfaces.

b. Building Coverage

No lot shall be covered by more than 95 percent by building.

c. Minimum Front Yard - None Required

d. Minimum Side Yard - None Required

e. Minimum Rear Yard

There shall be a rear yard of not less than ten (10) feet.

f. Height

Ten stories or one hundred twenty (120) feet maximum.

405.5 Outdoor Display of Merchandise

The neat and orderly outdoor display of merchandise may be permitted in reasonable amounts provided that such display does not interfere with the safe and efficient flow of pedestrian traffic.

405.6 Off-Street Parking and Loading

See Article VI.

405.7 Signs

See Article VII.

406 I-1 GENERAL INDUSTRIAL DISTRICT

406.1 Purpose

The purpose of the I-1 Industrial District is to provide sufficient space, in appropriate locations, to meet the current and anticipated future needs for a wide range of industrial activity. It is further intended that approved industrial operations will be compatible with adjacent uses.

406.2 Permitted Uses

- a. Industrial and manufacturing activities.
- b. Warehouse and distribution centers.
- c. Truck and bus terminals and related facilities.
- d. Access ways to adjacent properties.
- e. Repair and maintenance facilities.
- f. Parking facilities.
- g. Any facilities required by federal, state or local pollution control authorities.
- h. Accessory buildings and uses customarily incidental to the above uses.

406.3 Conditional Uses

- a. Disposal and waste storage areas incidental to the operation of industrial activities provided evergreen tree screening which attains a minimum height of five (5) feet in three years is installed.
- b. Landfills incidental to the operation of industrial activities if screening is provided and the applicable regulations of the Department of Environmental Resources are met.
- c. Public Uses and Essential Services deemed appropriate.

406.3 Conditional Uses (Continued)

- d. All permitted uses within the "C-1 General Commercial District", as listed in Section 404.1, and all permitted uses within the R-1, R-2 and R-3 Residential Districts as listed in Sections 401.2, 402.2 and 403.2.

406.4 Area and Bulk Regulations

- a. No minimum lot size or width shall be required.
- b. Yard (Setbacks)
 - (1) Minimum front setback - 20 ft.
 - (2) Minimum side yard - 30 ft.
 - (3) Minimum rear yard - 30 ft.
 - (4) Maximum impervious coverage - 80%.

406.5 Off-Street Parking and Loading

See Article VI.

406.6 Signs

See Article VII.

407 OS Open Space District

407.1 Purpose

The purpose of the OS Open Space District is to provide for the preservation and conservation of the natural environmental and natural resources and areas of particular value for recreational purposes while providing for such uses and development as are compatible with these objectives.

407.2 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.

- a. Public and private parks and recreation areas, golf courses, country clubs, and swimming pools.
- b. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
- c. Yard areas
- d. Conservation uses such as preservation of natural vegetation and excessive slope areas exceeding 25% slope conditions.
- e. Accessory buildings and nonresidential structures customarily incidental to the above uses.

407.3 Special Exception Uses

Appropriate public uses and essential services.

407.4 Off-Street Parking and Loading

See Article VI

407.5 Signs

See Article VII.

407.6 Supplemental Regulations

See Article V.

407.7 Area and Bulk Regulations for Structures

- a. Minimum lot size - none.
- b. Minimum setback from any property line -
30 ft. for buildings, none for other uses.
- c. Maximum coverage - 20%.

408.1 Purpose and Policy

Portions of the City of Jeannette are subject to flooding resulting in danger to life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. The Federal Emergency Management Administration has declared the City eligible for federally assisted flood insurance, which will mitigate the effects of damages from such natural disasters as hurricanes and severe storms and their attendant flooding. This District is to insure the continued availability of said flood insurance; to comply with state and federally funded requirements; and to protect the public health, safety and general welfare, by minimizing flood losses in the affected areas of the City.

408.2 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

408.3 Special Definitions

For the purpose of this District, the following definitions shall apply:

- a. Zone Designation for the purposes of this ordinance the areas considered to be flood-prone within the City shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the City of Jeannette by the Federal Emergency Management Administration and dated April 17, 1978.

For the purposes of this ordinance, the following nonmenclature is used in referring to the various kinds of flood-prone areas:

- (1) FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by FEMA.
- (2) FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by FEMA.

- b. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, other inland waters or from the unusual and rapid accumulation of runoff of surface water from any source.
- c. Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Where floodproofing is required, a registered professional engineer or architect shall certify that the floodproofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood, and the Zoning Officer shall maintain in his office a record of such certifications.

- d. Floodway - the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- e. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- f. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. (Reference is made to the Flood-Proofing Regulations, Office of the Chief of Engineers, U.S. Army EP 1165-2-314).
- g. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passages of water. (Reference is made to the floodproofing regulations, Office of the Chief Engineers, U.S. Army, ED 1165-2-314).
- h. Substantial Improvement - means any repair, reconstruction, or improvement of structure, the cost of which equals or exceeds fifty percent of the market value of a structure either (1) before the

improvement is started or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

- i. Base Flood Elevation - means the expected whole foot water surface elevation of the base (100 year) flood.
- j. Water Surface Elevation - means the heights in relation to the National Geodetic Vertical Datum of 1929 expected to be reached by floods of various magnitudes and frequencies at pertinent points in the flood planes of riverine areas.
- k. Residential - the term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area or piece of land or any building used exclusively for family dwelling purposes or intended to be so used.
- l. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- m. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- n. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

- o. Mobile Home - a transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

408.4 Development in Any Zone

- a. Zoning and building permits shall be required for all proposed construction or other improvements or development within said zones.
- b. All zoning and building permit applications shall include all necessary permits required from Federal and State Agencies. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
- c. Zoning and building permit applications for new construction or substantial improvements, including mobile homes, within the flood plain zones shall include adequate design to assure that the proposed construction (1) is protected against flood damage, (2) is designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure, (3) uses construction materials and utility equipment that are resistant to flood damage, and also uses construction methods and practices that will minimize flood damage.
- d. Certification shall be provided by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevation, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.

- e. Subdivision proposals and other proposed new development shall be designed to assure that (1) all such proposals are consistent with the need to minimize flood damage (2) all public and private utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, or constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided to as to reduce exposure to flood hazards.
- f. New or replacement public and private water supply systems and treatment plants and sanitary sewage plants and systems to be designed to minimize or eliminate infiltration of flood waters into the systems and plants and discharge from the systems and plants into flood waters shall be required as well as on-site waste water disposal systems to be located so as to avoid impairment of them or contamination from them during flooding period.
- g. All proposals for subdivisions of greater than fifty lots or five acres whichever is the lesser shall include base flood elevation data on all lots proposed in the subdivision.
- h. No permit shall be issued that will result in development, such as fill, new construction, and substantial improvements, in the floodway, as described in the Flood Insurance Study prepared for the City by the Federal Emergency Management Administration, and which is incorporated herein by reference, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements.
- i. All new or replacement public and private utility and facility systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

408.5 New Improvement or Development Within Any Flood Prone Area

a. Residential Structures

All new construction shall have the lowest floor - (including basement) elevated to at least one and one-half foot above the 100 year floodplain as defined by the National Geodetic Vertical Datum of 1929 ("Base Flood Elevation").

b. Nonresidential Structures

All new construction shall have the lowest floor (including basement) elevated to at least one and one-half foot above the "Base Flood Elevation", in relation to the National Geodetic Vertical Datum of 1929, or be designed so that below the aforementioned elevation, the structure, together with attendant utility and sanitary facilities are completely dry or essentially dry as defined herein.

- c. The fulfillment of a. and b. above shall be a condition necessary to the issuance of the building permit referred to in Section 408.3 of this section. Therefore, the lowest floor elevation must be indicated by the developer prior to a permit being issued.
- d. The above requirements of Section 408 are also applicable to substantial improvements of structures.

408.6 Activities Requiring Special Permits

a. Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any floodplain district:

1. hospitals - public or private
2. nursing homes - public or private
3. jails
4. new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

b. Application Requirements

Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Building Permit Application Form.
2. A small scale map showing the vicinity in which the proposed site is located.

- c. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
 - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

- c. complete information concerning floor depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - d. detailed information concerning any proposed floodproofing measures;
 - e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
 - c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
 - d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

- e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
 - f. the appropriate component of the Department of Environmental Resources' "Planning Module for Land development";
 - g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
 - h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
 - i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.
- c. Application Review Procedures

Upon receipt of an application for a Special Permit by the City, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the City Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the City Engineer for review and comment.

2. If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respects the application is deficient.
3. If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five (5) working days after date of approval.
 5. Before issuing the Special Permit, the City shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the City.
 6. If the City does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.
 7. If the Department of Community Affairs should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the Special Permit.
- d. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (i) the structure will survive inundation by waters of the one-hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred (100) year flood elevation.
 - (ii) the lowest floor elevation (including basement) will be at least one and one-half (1½) feet above the one-hundred (100) year flood elevation.

- (iii) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred (100) year flood.
 - b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others 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 City and the Department of Community Affairs.
- e. Within any (floodplain district/identified floodplain area), any structure of the kind described in Subsection a. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - f. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

408.7 Prohibited Acts and Uses in Floodplain

No person shall hereafter engage in, cause or permit other persons to engage in prohibited uses within a delineated floodplain. The following uses shall be prohibited:

- a. Placing, depositing, or dumping any solid waste, garbage, refuse, trash, rubbish, debris;
- b. Dumping or discharging untreated domestic sewage or industrial wastes, either solid or liquid;
- c. 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 materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be prohibited:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

408.8 Special Requirements for Mobile Homes

- a. Within any FW (Floodway Area), mobile homes shall be prohibited.
- b. Within any FA (General Floodplain Area), mobile homes shall be prohibited within the area measured fifty (50) feet landward from top-of-bank of any watercourse.
- c. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), all mobile homes and any additions thereto shall be:
 1. 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:
 - a. 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.

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

2. elevated in accordance with the following requirements:

- a. the stands 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.
 - b. adequate surface drainage is provided.
 - c. adequate access for a hauler is provided.
 - d. 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.
- d. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate City officials for mobile home parks.

408.9 Watercourse Alterations

- a. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified, and until all required permits or approvals have been first obtained from the Commonwealth.
- b. The Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

408.10 Controlling Maps and Data

The controlling maps for the purposes of administering these regulations shall be the Zoning Map based upon the Flood Insurance Study prepared for the City by FEMA. The areas considered to be flood-prone may be revised or modified by the City Council where studies and information provided by a qualified agency or person documents the need or possibility of such revision. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study mentioned above shall be made without prior approval from the Federal Emergency Management Administration.

408.11 VariANCES Applicable to Flood Plain District

If compliance with the elevation or floodproofing requirements of these regulations would result in an exceptional hardship for a prospective builder, developer, or landowner, the City may, upon request, grant relief from the strict application of the requirement.

Requests for variances shall be considered by the Board in accordance with the following procedures:

- a. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- b. If granted, a variance for those activities listed at Section 408.6 shall involve only the modification of the freeboard requirement.
- c. In granting any variance, the Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of these regulations.
- d. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks of life and property.
- e. In reviewing any request for a variance, the Board shall consider, but not be limited to, the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.

- f. A complete record of all variance requests and related actions shall be maintained by the Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one hundred (100) year flood.

408.12 Warning and Disclaimer of Liability

The degree of flood protection required herein is considered reasonable for regular purposes and is based on scientific studies. Larger floods may occur. This ordinance shall not be deemed to imply that areas inside or outside designated Flood Hazard Zones will be entirely free from flooding or flood damages, and shall not create liability on the part of the City or any officer or employee of any administrative decision lawfully made thereunder.

408.13 Special Floodway and Stream Setback Requirements

- a. Within any FW (Floodway Area), the following provisions apply:
 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

b. Within any FA (General Floodplain Area), the following provisions apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.