

BOROUGH OF CLARKS SUMMIT
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT TO AMEND THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE OF JANUARY 30, 2002 (ORDINANCE 2002-01) TO:

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BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Clark Summit Zoning Ordinance of January 30, 2002 (Ordinance 2002-01), as amended, is hereby amended as follows:

ITEM 1 - Delete the following definitions from §303:

Livestock Operation: The raising or keeping of livestock for home use or any commercial purpose. (See §824.)

Livestock: Any animals raised or kept for home consumptive use or profit or any other purpose, including, but not limited to horses cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.

Pets, Keeping of: The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, birds, hamsters, gerbils, and other animals commonly sold in retail pet shops. (See standards in §503.9.)

ITEM 2 - Make the following changes to the noted Schedules of Uses in Article IV:

- A. R-1, R-2, R-3, RP, CC, HC and HC1 - Delete *pets, keeping of* from the list of accessory uses.
- B. R-1, R-2, R-3, RP, CC, HC, HC1, MI and RU - Add *pets, keeping of per Borough Animal Control Ordinance, as amended* to the list of accessory uses.
- C. MI - Delete *livestock operations* and *stables, commercial* from the list of conditional uses.
- D. R-2 - Delete *private stables* from the list of special exceptions.

ITEM 3 - Add the following Subsection C to §503.1 - Accessory Structures:

- C. Mobile Homes, Truck Trailers, Storage Containers, Etc. - The provisions of this §503.1C shall apply to any mobile home, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, shipping or other container, storage unit, shed-like container, other portable structure used for the storage and/or moving of personal or business property or other similar unit not originally designed as an accessory structure, all of which are herein referred to as storage containers. Objects that were originally designed for recreational purposes, and have not been altered, shall not be considered a storage container.

1. Residential Districts - The use of any storage container as an accessory structure in any R-1, R-2, R-3 or RP District is prohibited.
2. Other Districts - The following restrictions shall apply to any storage container located on a lot for more than thirty (30) days total in any calendar year in CC, HC, HC1, MI and RU Districts:
 - a. A zoning permit shall be required.
 - b. The setbacks applicable to principal structures in the District of location shall apply. Side and rear setbacks shall be twice the normal setback in cases where the storage container adjoins a residential use or any R-1, R-2, R-3 or RP District.
 - c. The storage container shall be maintained in good condition and if it adjoins a residential use or any R-1, R-2, R-3 or RP District it shall be screened in accord with §701.1 and §701.2.
3. Temporary Use on Lot - This §503.1C shall not prohibit the use of one (1) shipping container designed as such to be used with standardized transport vehicles, but no other type of storage container, on any lot in any zoning district for not more than thirty (30) days total in any calendar year for moving in or out of a premises. In cases where the shipping container is proposed to be located on a street the following restrictions shall apply:
 - a. A zoning permit shall be required and shall be conspicuously posted on the container.
 - b. The container shall be equipped with DOT-approved reflective tape on all sides or similar equivalent material to improve visibility. If the proposed location is on an arterial or collector highway, or the specific placement warrants, then Type "A" flashing yellow barricade lights shall be placed on the cargo container facing the direction of traffic.
 - c. The container shall be placed as far as possible from the travel portion of the road and shall be located only where parking is otherwise permitted. The container shall not obstruct the flow of pedestrian or vehicular movement. If existing road width does not permit the safe placement of a container due to the existence of driveways, site triangles, intersections, hills or curves, or if the remaining travel lane(s) will be narrower than twelve (12) feet clear in either direction, no permit will be issued and a container shall be prohibited.
 - d. The container shall be placed and supported by nominal two-inch-thick solid lumber to protect the road surface from damage. The permit holder is liable for any damage to the road surface.
 - e. Container exteriors shall be covered in an all-weather coating such as paint, be uniform in color, and only bear the name of the container company and any other safety or operational notices. Container exterior surfaces shall be free from graffiti or commercial advertisements.
 - f. The container shall have the permittee's name and company logo and telephone number. The user is required to be identified on the container and the permit shall be posted on the container in a publicly accessible manner.

ITEM 4 – Delete §503.2 – Fences and Walls:

→ITEM 5 - Amend §503.6 to read as follows:

503.6 Animals and Pets, Keeping of

The keeping of animals and pets is regulated by the Borough Animal Control Ordinance, as amended.

ITEM 6 - Delete §503.9 - Stables, Private in its entirety and mark the section *Reserved*.

ITEM 7 - Delete §824 - Livestock Operations and Commercial Stables in its entirety and mark the section *Reserved*.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

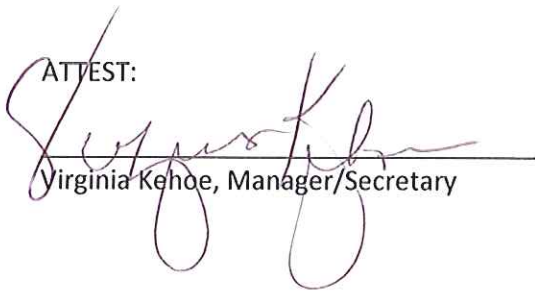
EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.


ADOPTION

ORDINANCE ORDAINED AND ENACTED this 6th day of APRIL, 2016, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, to be effective immediately.

By: 
Gerrie Carey, Council President

ATTEST:

Virginia Kehoe, Manager/Secretary

APPROVED this 6th day of APRIL, 2016

 By:
Patty Lawler, Mayor