

LYCOMING COUNTY ZONING ORDINANCE



Lycoming County, PA



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ARTICLE I

TITLE, PURPOSE, AND JURISDICTION

DIVISION 1000 TITLE

This Ordinance shall be known as the “Lycoming County Zoning Ordinance.”

DIVISION 1100 AUTHORITY AND LEGISLATIVE INTENT

A. Authority

This Ordinance is adopted by the Lycoming County Commissioners pursuant to the authority granted by Articles VI through X, inclusive, of Act 247 of 1968 and its amendments, the Pennsylvania Municipalities Planning Code.

B. Legislative Intent

The intent of this Ordinance is to implement the goals and policies of the Lycoming County Comprehensive Plan as adopted on September 22, 1994.

DIVISION 1200 COMMUNITY DEVELOPMENT GOALS

The purpose of this Ordinance is to promote the health, safety, and general welfare of the present and future inhabitants of the County through the accomplishment of the following community development goals:

A. Land Use Patterns and Community Character

1. Provide for a rational and orderly pattern of land use by establishing districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and the surrounding open space.
2. Provide for a harmonious relationship between areas of different community character.
3. Secure adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment.
4. Identify, preserve, and enhance the existing character of communities within the County.
5. Encourage quality, attractive, and economically sound residential, commercial, and industrial development.
6. Ensure that proposed public facilities and development are consistent with the character and environmental limitations of the area.

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B. Natural Resources

1. Preserve and protect the County's natural resources.
2. Avoid or lessen the hazards of flooding, soil erosion, and stormwater accumulation and runoff.
3. Preserve the best agricultural soils for future production.
4. Preserve and protect natural habitats for wildlife.
5. Prevent air and ground water contamination.
6. Protect and maintain the aesthetic and environmental qualities of the County.

C. Public Infrastructure

1. Create an environment that is reasonably safe from fire, flood, and other dangers.
2. Guide the development of the County in order to provide the most efficient use of existing and planned public facilities and utilities.
3. Develop partnerships between local governments and developers to assure the provision of adequate infrastructure.
4. Reduce the danger and congestion of traffic on roads and highways by controlling the location and limiting the number of intersections and driveways.
5. Protect residential streets from degradation by non-residential traffic.
6. Ensure adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities.
7. Promote economy in local government expenditures.

D. Justifiable Expectations and Taxable Value

1. Stabilize the taxable values of land and buildings.
2. Protect landowners from potential adverse impacts of adjoining developments.
3. Protect and respect the justifiable reliance of existing residents, businesses, and taxpayers on the continuation of existing, established, and planned land use patterns.

DIVISION 1300 SCOPE

- A.** From and after the effective date of this Ordinance, the use of all land; the size, shape, and placement of lots; and the use, size, type, and location of buildings and other structures on lots shall be in full compliance with the terms of this Ordinance and other applicable local, state, and federal regulations.
- B.** Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein described shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations contained in Article 11.

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- C. In areas under the jurisdiction of this Ordinance, all general and special purpose units of government, including authorities, departments, commissions or committees, shall comply with this Ordinance and obtain all necessary permits unless specifically exempted by law.
- D. In accordance with Section 619 of the Pennsylvania Municipalities Planning Code, this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

DIVISION 1400 FORCE AND EFFECT

- A. Pursuant to Section 602 of the Pennsylvania Municipalities Planning Code, this Ordinance shall not be effective until it has been enacted by the Lycoming County Board of Commissioners, and shall be limited to apply to those municipalities which have no zoning ordinances in effect at the time the County Zoning Ordinance is enacted. The enactment of a zoning ordinance by any township or borough whose land is subject to County Zoning, shall act as a repeal of the County Zoning Ordinance within the municipality enacting such Ordinance.
- B. This Ordinance has been carefully designed by the Lycoming County Board of Commissioners and Planning Commission to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining property owners, or impose undue limitations on the ability of property owners to use their land in a manner consistent with the goals of the Comprehensive Plan for the County. Great care has been taken to balance both the rights of differing interests and achieve maximum protection with flexibility and a range of use options.

DIVISION 1500 COMMENTARY

Throughout this Ordinance, subsections prefaced Commentary is included to ensure a complete understanding of the purpose and reasoning of the County in adopting that particular section of the Ordinance. Each commentary is included and intended as an official statement of legislative finding or purpose. The commentaries have been legislatively adopted together with the more formal text of the Ordinance. They are intended as a guide to the administration and interpretation of the Ordinance and shall be treated in the same manner as other aspects of legislative history.

DIVISION 1600 SEVERABILITY

If any division, section, paragraph, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such

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judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

DIVISION 1700 WARNING AND DISCLAIMER OF LIABILITY

This Ordinance is not intended to create nor assume liability on the part of Lycoming County or any appointed official, officer, or employee thereof for any changes that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures pursuant to these regulations.

ARTICLE 2

ESTABLISHMENT OF ZONING DISTRICTS

DIVISION 2000 ESTABLISHMENT OF ZONING DISTRICTS

The areas of Lycoming County, Pennsylvania not subject to a municipal zoning ordinance are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district to achieve the purposes of this Ordinance (see Article 1).

DIVISION 2100 ZONING DISTRICTS

For the purpose of this Ordinance, all land and water areas in the County are divided into ten (10) zoning districts which are designated as follows:

Rural Districts:

- Resource Protection (RP)
- Agricultural (AG)
- Countryside (CS)
- Rural Center (RC)

Suburban Districts:

- Estate (E)
- Suburban Estate (SE)
- Suburban Mixed Use (SM)

Urban Districts:

- Regional Commercial (CR)
- Industrial (I)

Existing Neighborhood Districts:

- Neighborhood Preservation (NP)

DIVISION 2200 ZONING MAP

Zoning districts established by this Ordinance are bounded and defined as shown on the Zoning Map of Lycoming County, which together with all explanatory materials contained thereon, are hereby made a part of this Ordinance.

The Official Zoning Map is maintained at the office of the County Zoning Administrator. The copies in the Ordinance are for the convenience of the user and any inconsistency shall be resolved in favor of the Official Zoning Map.

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SECTION 2201 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zone boundary shown on the Zoning Map of Lycoming County:

- A.** Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- B.** Boundaries shown as following or approximately following streets shall be construed as following the centerlines of such streets.
- C.** Boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Lycoming County Tax Maps shall be construed as following such lines.
- D.** Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses and, in the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- E.** Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs A through D above, shall be construed to be parallel to such features and at such distances therefrom as are shown on the Zoning Map.
- F.** All zoning district boundaries run parallel to the shoreline when they abut the high water mark of a lake, pond, or other water body.

DIVISION 2300 STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS

The following sections specify the purpose and intent of the zoning districts established by this Ordinance.

SECTION 2310 RURAL DISTRICTS

Rural Districts are intended to preserve or encourage the continuation of a rural character and rural uses, such as agriculture and forest management. There are four (4) Rural Districts: a Resource Protection (RP) District to protect natural areas; an Agricultural (AG) District designed to minimize the impact of development on agriculture; a Countryside (CS) District which encourages the continuation of rural lifestyle while allowing for some limited development; and a Rural Center (RC) District which provides commercial and other services to the surrounding rural area.

A. RESOURCE PROTECTION (RP) DISTRICT

This district is intended to protect the most important and sensitive natural areas as designated in the County Comprehensive Plan, which contribute greatly to the quality of life in Lycoming County. Protection of timber and other forest resources, wildlife habitat, special plant communities, scenic resources, and other natural areas is the primary objective. Continued harvesting of resources such as timber and game is an important activity of this district and can be beneficial to the resource if conducted properly.

The Resource Protection District discourages intensive growth by requiring large site areas and setbacks that also preserve the rural character of the area where it is used. The minimal development which is allowed must be located so as to maximize the amount of undisturbed natural areas. Examples of areas which may fall within the Resource Protection District include State Game Lands and private hunting/ fishing preserves.

B. AGRICULTURAL (AG) DISTRICT

This district is intended to maintain, preserve and protect areas of Lycoming County that are predominantly in agricultural use, and/or have historically demonstrated high agricultural productivity. Land in this classification should not be used to accommodate the County's growth and are generally rated as Class I, II, and III soils by the U.S. Department of Agriculture, Soil Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of this land is agriculture. This district is intended to prevent or reduce land use conflicts by restricting the type and amount of non-farm development in farming areas.

The Agricultural District is also intended to encourage farmers to invest in farm improvements and to discourage land speculation. Each area of the County where this district is applied is not intended to accommodate growth in the future and therefore petitions for rezonings shall be discouraged. The Agricultural District designation also ensures the continuation of the rural character of these areas of the County.

C. COUNTRYSIDE (CS) DISTRICT

The Countryside (CS) District is designed to permit residential development at densities that are consistent with the maintenance of a rural countryside character. It is intended to encourage the preservation of natural habitats and the scenic values of Lycoming County. It may also serve as a transitional district between natural areas or farmland and more suburban areas, and provide for limited commercial and industrial development opportunities in areas with suitable infrastructure and without severe environmental constraints. Performance standards permit a residential density and non-residential intensity that will not significantly disrupt agricultural or forestry uses.

D. RURAL CENTER (RC) DISTRICT

The Rural Center (RC) District is intended to provide for and encourage the establishment of retail, services, office, or home business uses that serve the rural community. These areas should be located where there are existing rural centers or cross-roads development, or in areas that are well suited to serve a surrounding area. This district may also be used where recreational development is occurring in a rural area.

SECTION 2320 SUBURBAN DISTRICTS

Suburban Districts are intended to provide for greater intensity of development with a suburban character, with an emphasis on a balance between development and natural areas.

A. ESTATE (E) DISTRICT

The Estate (E) District is intended to preserve and enhance an ESTATE character and its attractiveness by encouraging the creation of relatively large lots or the use of open space with smaller lots (minimum of one acre). Bufferyard standards are used to promote a rural appearance despite its residential use. The cluster option in this district promotes resource protection and may, in many instances, even result in a countryside character. It is the most protective of the two estate districts. Both districts are intended to be served with septic systems and disposal fields.

B. SUBURBAN ESTATE (SE) DISTRICT

The Suburban Estate (SE) District is intended to provide for estate lots at the smallest size possible served by septic tanks and disposal fields. Planned development options under the district requirements must be served by public or community sewer and have substantial open space. These requirements will result in an estate character in wooded areas, but extra landscaping and buffering is needed in open areas in order to maintain this character.

C. SUBURBAN MIXED USE (SM) DISTRICT

The Suburban Mixed Use District is intended to provide for a combination of moderate density residential development with moderate intensity office, retail, light manufacturing, and related development in areas where the development pattern is already suburban in character. The Ordinance relies on landscaping and buffering requirements, limitations on the intensity of non-residential development, and other development standards to achieve compatibility between the mixed land uses. It is further intended that this district will be served by public water and sanitary sewer although smaller areas of this type may be served by individual or community septic systems. Cluster and planned residential development options shall provide significant areas of open space in this district in order to fit into the suburban character of this zoning district.

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The Suburban Mixed Use District is also intended to upgrade existing commercial areas with commercial land uses that have a truly suburban character which emphasizes landscaping and buffering. This district will not be used to create new commercial areas which encroach upon existing residential neighborhoods, nor will it be used to extend commercial uses along arterial and collector streets or highways unless access controls are implemented in order to protect the highway function and to minimize safety hazards.

SECTION 2330 URBAN DISTRICTS

A. REGIONAL COMMERCIAL (CR) DISTRICT

The Regional Commercial (CR) District is intended to allow for the continuance of existing shopping centers of a regional scale while providing for other such new shopping centers at planned locations in the County. This district is further intended to accommodate the upgrading of such existing regional commercial areas with improved site design standards. The areas used in this district shall promote compatible and harmonious land uses which emphasize increased landscaping and buffering. The Regional Commercial District will not be used to create new commercial areas which will encroach upon existing residential neighborhoods, nor will it be used to extend commercial uses along arterial and collector streets or highways unless access controls are implemented in order to protect the highway function and to minimize safety hazards.

B. INDUSTRIAL (I) DISTRICT

The Industrial (I) District is intended to provide for the development of moderate to high intensity industrial, office, manufacturing, warehousing and related uses which are compatible with surrounding development. This district is further intended to promote the provision of ample off-street parking, loading areas and landscaped planting screens in areas adjacent to non-business development or other incompatible land uses. Development in the Industrial District should be reasonably compatible with nearby commercial uses through the use of landscaping.

This district should be established at planned locations which can be readily serviced with necessary infrastructure in a campus or park-like setting, where physically possible.

SECTION 2340 PRESERVATION DISTRICT

Preservation Districts are intended to preserve the character of neighborhoods either in existence or under construction at the time of adoption of this Ordinance. The Neighborhood Preservation (NP) Districts are for existing residential areas or approved subdivision plans that were part of the neighborhood when this Ordinance was adopted.

A. NEIGHBORHOOD PRESERVATION (NP) DISTRICTS

The Neighborhood Preservation (NP) Districts are intended for existing residential neighborhoods. They are designed to prevent these neighborhoods and subdivisions from

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becoming non-conforming as they would if they were placed in the other districts in this Ordinance. These districts are also intended to provide for the minor in-filling of existing neighborhoods consistent with their zoning and character at the time of the enactment of this Ordinance. Such neighborhoods are relatively uniform in character and are generally stable. Regulations permit future development consistent with existing neighborhood character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual subdivision plan previously approved.

Neighborhood Preservation Districts consist of an NP-1 District (minimum lot size of one (1) acre) for residential areas with on-site sewage disposal systems and an NP-10 District (minimum lot size of ten thousand (10,000) square feet) to accommodate smaller existing residential lots with public sewer service.

Neighborhood Preservation Districts with an “MH” designation will permit single-wide mobile homes to be placed on the lots permitted within the district. Otherwise, these districts will have all the same standards and regulations as those districts without the “MH” designation.

ARTICLE 3

USE REGULATIONS

DIVISION 3000 PURPOSE

The purpose of this Division is to establish those land uses which are either permitted or not permitted to locate in each zoning district. A further distinction is made for uses which may be located in a given district only after obtaining a Special Exception from the County Zoning Hearing Board. All uses and structures must comply with the applicable provisions of this Ordinance. All uses and their supplementary regulations will be defined in detail in Division 3200.

DIVISION 3100 PERMITTED USES

SECTION 3110 KEY TO TABLE OF PERMITTED USES

- P =** Permitted by right in this district with a Zoning/Development Permit. This means that the use is permitted and only a review to confirm that the proposed use meets all standards is needed to obtain a Zoning/Development Permit. Refer to Division 3200 for land use definitions and applicable supplementary regulations.
- N =** Not permitted in this district.
- S =** Permitted in this district only upon approval of a Special Exception (see Division 10300).

The uses permitted in each district are specifically designated in Section 3120. Other than by zoning change, no use which is expressly prohibited shall be built in a district. The Zoning Administrator, however, may make a determination to permit uses which are not specifically listed but are similar to uses that are expressly permitted in Section 3120.

Commentary: One of the most important functions of zoning is the division of land uses into zoning districts, which at least in theory, contain compatible uses. Conventional zoning ordinances generally attempt to accomplish this objective by creating zoning districts with a very limited range of land uses within each district. This Ordinance uses controls such as bufferyards and intensity standards to foster a compatible mix of residential, business, and services in those areas of the County which have the infrastructure to support growth, as in the Rural Center and Suburban Zoning Districts.

This Ordinance also allows increased flexibility in the choice of housing types. For example, multi-family housing is permitted in the Countryside and Rural Center Districts but is made more compatible with single-family houses by restricting the number of multi-family dwelling units/acre to a level compatible with the rural character of the district, requiring open space for multi-family developments, and requiring bufferyards (see Article 6) between multi-family developments and adjacent single-family homes.

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SECTION 3120 PERMITTED USES

Table 3120 - Permitted Uses

**Table 3120
Permitted Uses
Zoning District***

| General Use | Rural | | | | Suburban | | | Urban | | Preservation |
|------------------------------------|-------|----|----|----|----------|------|----|-------|----|--------------|
| | AG | RP | CS | RC | E | SESM | CR | I | NP | |
| Agricultural (Section 3210, Pg 14) | | | | | | | | | | |
| A. Agricultural | P | P | P | S | P | S | S | P | P | S |
| B. Clearing | P | P | P | S | P | P | P | P | P | P |
| C. Kennels | P | P | P | S | S | S | N | S | P | N |
| D. Stables (Commercial) | P | P | P | N | P | P | N | N | P | N |
| E. Agricultural Accessory Business | S | S | S | S | S | S | S | N | N | S |
| Residential (Sect. 3220, Pg 16) | | | | | | | | | | |
| A. Single-Family Dwelling | P | P | P | P | P | P | P | N | N | P |
| B. Two-Family Dwelling | P | P | P | P | N | P | P | N | N | P |
| C. Mobile Home: | | | | | | | | | | |
| Double-Wide | P | P | P | P | P | P | P | N | N | P |
| Single-Wide | P | S | P | S | N | S | S | N | N | P** |
| D. Conversion Apartment | P | P | P | P | P | P | P | N | N | S |
| E. Cluster Development | P | P | P | P | P | P | P | N | N | P |
| F. Multi-Family | S | N | P | P | N | P | P | S | N | N |
| G. Mobile Home Park | S | N | P | P | N | P | P | N | N | N |
| H. Commercial Apartment | N | N | N | P | N | N | P | S | N | N |
| I. Retirement | N | N | N | N | N | P | N | N | N | N |
| J. Family Care Unit | S | S | S | S | S | S | S | N | N | S |
| Institutional (Sect. 3230, Pg 23) | | | | | | | | | | |
| A. Outdoor Recreation | P | P | P | P | P | P | P | P | N | S |
| B. Institutions | S | N | S | P | S | S | P | P | N | S |
| C. Public Service | S | S | S | P | P | P | P | P | P | S |
| C.1 Wind Energy Facility | P | P | P | N | N | N | N | N | N | N |
| D. Group Homes | P | P | P | P | P | P | P | N | N | P |
| E. Institutional Residential | S | N | S | S | S | S | P | S | N | N |
| F. Day Care Center | P | N | P | P | S | S | P | P | P | S |
| G. Correctional Institute | N | S | S | N | N | N | N | S | N | N |

P = Permitted by right in this district with a Zoning Permit

N = Not permitted in this district

S = Permitted in this District only with a Special Exception

* **AG** Agricultural

E Estate

CR Regional Commercial

RP Resource Protection

SE Suburban Estate

I Industrial

CS Countryside

SM Suburban Mixed Use

NP Neighborhood Preservation

RC Rural Center

** Permitted in NP districts with an "MH" designation, or in mobile home parks

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TABLE 3120
Permitted Uses (continued)

| General Use | Rural | | | | Suburban | | | Urban | | Preservation NP |
|------------------------------------------------------------|----------------------------|----|----|----|----------|----|----|-------|---|--------------------|
| | AG | RP | CS | RC | E | SE | SM | CR | I | |
| Commercial (Section 3240, pg. 33) | | | | | | | | | | |
| A. Office | N | N | N | P | N | S | P | P | P | N |
| B. Services | N | N | N | P | N | N | P | P | P | N |
| C. Standard Restaurant | N | N | S | P | N | N | P | P | P | N |
| D. Fast Food Restaurant | N | N | N | S | N | N | P | P | P | N |
| E. Tavern | N | N | N | P | N | N | P | P | P | N |
| F. Retail | N | N | N | P | N | N | P | P | S | N |
| G. Heavy Retail/Service | N | N | N | S | N | N | S | P | P | N |
| H. Shopping Center | N | N | N | S | N | N | S | P | S | N |
| I. Commercial Lodging | N | N | N | N | N | N | S | P | P | N |
| J. Country Inn | P | S | P | P | N | N | P | P | P | S |
| K. Home Occupations | P | P | P | P | P | P | P | P | P | P |
| L. Home Businesses | P | S | P | S | N | N | P | P | P | N |
| M. Campgrounds | P | P | P | N | N | N | N | N | N | N |
| N. Commercial Recreation | N | N | N | S | N | N | P | P | P | N |
| O. Commercial Amusement | N | N | N | N | N | N | S | P | N | N |
| P. Adult Entertainment | N | N | N | N | N | N | N | N | S | N |
| Q. Communication Tower | S | S | S | N | N | N | N | N | N | N |
| R. Landing Areas | P | N | P | N | P | N | N | P | P | N |
| S. Airports | N | N | S | N | N | N | N | N | N | N |
| T. Ag Support | P | S | P | P | N | N | P | P | P | N |
| U. Dispensaries | N | N | N | N | N | N | S | N | N | N |
| Industrial (Section 3250, pg. 47) | | | | | | | | | | |
| A. Ag Processing | S | N | S | N | N | N | N | N | P | N |
| B. Sawmills | S | N | S | N | N | N | N | N | P | N |
| C. Light Industry | N | N | S | S | N | N | S | S | P | N |
| C.1 Oil & Gas Staging Facility | P | P | P | N | S | S | P | P | P | N |
| C.2 Oil & Gas Compressor, Processing, Metering Facility | P | P | S | N | S | S | S | P | P | N |
| D. Heavy Industry | N | N | N | N | N | N | N | N | S | N |
| D.1 Oil & Gas Water Reuse Storage Facility | P | P | P | N | S | S | P | P | P | N |
| E. Extraction | N | N | S | N | N | N | N | N | S | N |
| E.1 Oil & Gas Development | P | P | P | N | S | S | S | P | P | N |
| F. Disposal | N | N | N | N | N | N | N | N | S | N |
| G. Junk Yards | N | N | N | N | N | N | N | N | S | N |
| H. Growers/Processors | N | N | N | N | N | N | N | N | S | N |
| I. Medical Marijuana Transport Vehicle Service | N | N | N | N | N | N | N | N | S | N |
| Temporary Uses | See Division 3300 (pg. 62) | | | | | | | | | |
| Accessory Uses | See Division 3400 (pg. 68) | | | | | | | | | |

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P = Permitted by right in this district with a Zoning Permit

N = Not permitted in this district

S = Permitted in this District only with a Special Exception

Areas designed as "Special Exception" are

a permitted use contingent upon satisfaction of criteria set forth in this Ordinance as per Division 10300

as Administratively determined by the County Zoning Hearing Board.

* **AG** Agricultural

E Estate

CR Regional Commercial

RP Resource Protection

SE Suburban Estate

I Industrial

CS Countryside

SM Suburban Mixed Use

NP Neighborhood Preservation

RC Rural Center

DIVISION 3200 USE CATEGORIES DEFINED AND SUPPLEMENTAL CONTROLS

The categories of uses defined by this Ordinance are set forth in this Division. Where the Standard Industrial Classification (SIC) codes are referenced, the publication titled Standard Industrial Classification Manual (1987 or current edition), published by the National Technical Information Service, should be consulted.

All uses are subject to the standards contained in Articles 4, 5, 6, 7, 8, and 9. Those sections of the Ordinance should be consulted to determine the applicability of specific regulations concerning general site development standards, environmental protection standards; site landscaping and bufferyard performance standards; parking, loading, and access requirements; sign standards; and exterior lighting standards. In addition to the above standards, some of the land uses defined in this Division have supplemental controls following their definition.

The uses not enumerated in this Division are not necessarily excluded. The Zoning Hearing Board has the authority to make interpretations of use.

SECTION 3210 AGRICULTURAL USES

3210A Agriculture

1. Definition

[SIC 01, 02, and 07] The use of land for the production of crops, plants, vines, and trees (excluding those uses, which for the purposes of this Ordinance are defined as retail nursery and greenhouse operations); the use of land for the grazing or feeding of livestock; the raising of fur bearing animals; and related agricultural activities such as soil preparation, aerial dusting and spraying, and/or crop preparation for market (excluding agricultural product processing).

2. Supplemental Controls

- a. **Accessory or Principal Farm Buildings.** All buildings associated with the use, i.e., barns, sheds, silos, etc., shall be permitted provided that animal shed, manure storage, or like use shall not be located no closer than the dimensions listed in Table 4230 from any property line or public road or dwelling other than a farm dwelling unit.
- b. **Manure Management.** All agricultural operations shall be in compliance with the guidelines contained in Manure Management for Environmental Protection (and its technical supplements), as established by the PA Nutrient Management Law.
- c. In commercial animal raising operations, the following information must be provided:
 - (1) Contact information for the Integrator, who is contracted by the farmer to provide the livestock, inclusive of the main point of contact, phone number, e-mail address, and mailing address. The Applicant must update the County, upon request, if the Integrator is changed.

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- i. The primary point of contact for the farm will remain the only entity contacted unless and until a situation arises, where the Zoning Administrator deems it necessary.

3210B Clearing

1. Definition

This use includes the clearing or destruction of forested or wooded areas for the purpose of development over a contiguous area of one (1) acre or more.

2. Supplemental Controls

Clearing for agricultural, residential, institutional, commercial, and industrial development shall be limited to areas designated on the site plan for buildings, parking, streets, utilities, and other uses in accordance with the environmental protection standards contained in Division 5200; provided that wooded buffers are retained along streets and property lines, and between proposed or existing structures, according to the standards contained in Article 6.

3210C Kennels

1. Definition

A kennel is defined as any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of twenty-six (26) or more dogs of any age in any one (1) calendar year.

2. Supplemental Controls

- a. The applicant shall provide proof of issuance of a kennel permit from the PA Department of Agriculture prior to issuance of a Zoning/Development Permit
- b. Animal shelters and runways shall be permitted in accordance with the requirements for accessory farm buildings, Section 3210A.2a.

3210D Stables (Commercial)

1. Definition

A commercial stable is defined as a building or land where horses are kept for compensation, hire, sale, boarding, riding, or boarding. Examples include riding academies, livery, or boarding stables. Any building where horse(s) are kept incidental to an existing residential use is defined as a private stable.

2. Supplemental Controls

- a. A lot area of not less than five (5) acres shall be required for commercial stables.
- b. Stables shall be permitted in accordance with the requirements for accessory farm buildings, Section 3210A.2a.

3210E Agricultural Accessory Business

1. Definition: A business, housed in a structure solely dedicated to said business, which is conducted on a single parcel or multiple adjoining parcels, provided the adjoining lots are under common ownership in conjunction with an established agricultural operation. Such uses include: food stand, winery, wine tasting room, produce processing/sales, special event venue; and other similar uses compatible with the character of the agricultural operation and the zoning district-this use specifically excludes agricultural operations involving livestock such as meat processing, petting zoos, and/or private stables which are uses described elsewhere in this Ordinance.
2. Approved Process
 - a. Approval for such uses can only be granted by the Zoning Hearing Board through a Special Exception hearing. As an additional primary use, proposed agricultural accessory businesses shall also be subject to land development review as necessary per the applicable Subdivision & Land Development Ordinance dictates.
 - b. Fruit and vegetable stands and other similar traditional uses which are housed in a structure of less than 1000 square feet can be permitted by right and are not subject to land development review.
 - c. Special seasonal events customarily held on farms that do not require dedicated facilities are exempt from needing a permit.
3. Supplemental Controls
 - a. A majority of the produce or byproduct must be grown or made on site. Sale of items supplementary to the accessory business such as business-branded merchandise or items directly related to the agricultural business operations are permitted provided that the agricultural product is the primary item for sale.
 - b. The Agricultural Accessory Business shall be compatible with the character of the dwelling or the immediate vicinity. The accessory business shall not produce offensive noise, vibration, dust, odors, pollution, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.
 - c. The business shall be conducted by the landowner of the property in which the previously established agricultural uses exists.
 - d. Outside storage of materials incidental to the conduct of the business may be permitted, provided such storage areas are screened so that they are not visible from adjoining properties. Waste storage facilities shall be located in the rear, or in the event the rear of the building directly abuts a resident or road, the side determined by the Zoning Hearing Board (or Zoning Administrator for structures under 600 sq. ft.) to have the least impact and be screened from public view.
 - e. Such uses shall be compliant with the performance standards of this Ordinance inclusive of parking, access, signage, etc.

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- f. Valid building code, sewage, and food safety permits are required to be submitted prior to receiving a zoning permit in addition to other applicable outside agency requirements.
- g. As a condition of approval, the hours of operation will be determined by the Zoning Hearing Board in agreement with the Applicant.

SECTION 3220 RESIDENTIAL USES

General Standards

Foundation Requirements. All dwelling units shall be placed upon and firmly anchored to a foundation. Such foundation shall be so constructed as to leave no open spaces between the building and foundation, except for windows or other openings as may be necessary for such purposes as flood-proofing. One of the following types of foundations shall be utilized:

Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set at least six (6) inches below the frost line. The foundation shall be designed to support the maximum anticipated dead, internal, impact, lateral, wind and live combined loads for that structure or use.

Stand or Pad. A stand or pad, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized for single-dwelling unit structures, particularly in situations where a permanent foundation is not practical or a temporary foundation is desirable. The pad shall be designed to support the maximum anticipated dead, wind, and live combined loads for that structure and use.

Mat or Float Foundations. Mat or float type foundations shall be utilized only when the applied loads of the building or structure are so arranged as to result in practically balanced uniform loading, and the soil immediately below the mat is of uniform weight bearing capacity. The foundation shall be designed to support the maximum anticipated dead, impact, wind, and live combined loads for that structure and use.

Pier Foundations. Pier foundations may only be utilized for single-dwelling structures or mobile homes. Piers shall be cemented or bonded when constructed of multiple members. Piers shall be reinforced and provided with lateral support and base footers adequate to support maximum anticipated dead, wind, and live combined loads for that structure and use. Pier height shall not exceed three (3) feet unless additional reinforcement and base footer support capable of withstanding the maximum anticipated dead, impact, wind, and live combined loads for that structure and use are incorporated.

Minimum Habitable Space. Every single-family dwelling unit must contain a minimum of six-hundred (600) square feet of habitable space on the first floor. In the case of multi-family dwellings or conversion apartment, each unit must contain a minimum of four-hundred (400) square feet of habitable space, except for efficiency apartments, where two-hundred fifty (250) square feet of habitable space must be provided for each unit.

3220A Single-Family Detached Dwelling

1. Definition

A single-family detached dwelling shall be defined as a dwelling designed for or occupied exclusively as a residence for one (1) family; including a vacation home or seasonal dwelling, except for a mobile home as defined in Section 3220C.

3220B Two-Family Attached Dwelling

1. Definition

An attached or semi-attached dwelling where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar; i.e. a duplex.

3220C Mobile Home

1. Definition

A transportable, single-family dwelling intended for permanent occupancy contained in one (1) or more sections designed to be joined into one (1) integral unit capable of again being separated for repeated towing, 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. For the purposes of determining standards which apply, a distinction is made between the following:

- a. **Double-wide** units (minimum twenty-two (22) feet main section width) having H.U.D. certification under 42 U.S.C.A. 5415.
- b. **Single-wide** units or double-wide units not meeting the definition of (a) above

2. Supplemental Controls

- a. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. All mobile home tow bars and hitches which are designed to be removable at the time of installation, shall be removed in accordance with the manufacturer's instructions when the dwelling is installed on a residential lot. This provision shall not apply to mobile homes used as a temporary shelter (see Section 3340E). In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements. The Zoning Administrator shall evaluate the placement of an individual mobile home and may require additional buffering, not to exceed a screening percentage of twenty (20%) percent to ensure compatibility with adjacent dwellings.

Commentary: If the exterior finish, materials, and roof pitch are comparable to conventional site-built homes in the vicinity, then the need for additional buffering will be reduced or eliminated. Buffering measures, which may be required, include additional setback, landscaping, fencing, or other types of screening.

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- b. **Anchoring and Installation Requirements.** Every mobile home shall be firmly anchored prior to the unit being occupied or used in order to resist overturning or uplift, lateral movement, or flotation. The mobile home shall be provided with foundation anchors or tie-downs, such as concrete “deadmen”, eyelets embedded in concrete, screw augers, or equivalent. The anchoring system shall be designed to resist a wind velocity of seventy (70) miles per hour or lateral force of fifteen (15) pounds per square foot and uplifting force of nine (9) pounds per square foot of exterior surface area, whichever is greater.

All mobile homes shall be installed in accordance with:

- (1) The instructions of the mobile home and/or anchor manufacturer;
 - (2) in the absence of the manufacturer’s instructions, in accordance with American National Standards Institute 225.1 – 1982, Manufactured Home Installations; or,
 - (3) in accordance with signed and sealed construction drawings prepared by a registered professional engineer.
- c. Each mobile home shall have a continuous wall around its entire perimeter. The walls shall be constructed in accordance with one of the following methods:
- (1) **Permanent Walls.** A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the frost line; i.e., the extension of a permanent foundation.
 - (2) **Skirting.** If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials, which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior plywood, unfinished wood, or like materials.
- d. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- e. Every mobile home to be used as a dwelling unit must contain a minimum of six-hundred (600) square feet of habitable space. This requirement does not apply for use of a mobile home as a temporary shelter (refer to Section 3340E).

3220D Conversion Apartment

1. Definition

A conversion apartment is defined as a dwelling unit created by the conversion of an existing single-family dwelling into a two (2), three (3), or four (4) family dwelling.

2. Supplement Controls

- a. Conversions shall not exceed four (4) families per structure.
- b. Conversions shall be subject to the habitable floor area requirements set forth in Section 3320, General Standards.

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- c. The lot upon which a conversion is situated shall have a gross area at least equal to the minimum lot size for the district in which it is located.
- d. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Certification verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of an application for a conversion apartment.
- e. No structural alterations shall be made to the exterior of the building, except as may be necessary for safety purposes.
- f. Conversion apartments shall comply with off-street parking and other applicable requirements of this Ordinance.

3220E Cluster Development

1. Definition

This is a group of single-family detached dwellings and/or two-family attached dwellings that include, as part of the subdivision design, relatively smaller lot sizes than allowed under the conventional single-family development option and common open space meeting the provisions of Table 4110C.

3220F Multi-Family

1. Definition

For the purpose of this Ordinance, a multi-family dwelling shall be defined as a single structure designed for and/or constructed to contain three (3) or more dwelling units. Multi-family developments may include single or two-family houses and shall include as part of the subdivision design common open space in accordance with the provisions of Table 4110D.

2. Supplemental Controls

- a. **Traffic Access.** Each multi-family structure must access onto a public street. All new streets or access drives shall be designed and constructed in accordance with applicable state or municipal road standards.
- b. **Sewage Treatment and Water Supply.** Adequate sewer and water facilities must be provided by the developer. The preferred method of sewage disposal shall be by public or community facilities. However, if the applicant can obtain the appropriate on-site disposal system permit(s), then this method of treatment may be permitted. Approvals for proposed systems must be presented to the Zoning Administrator by the applicant.
- c. **Drainage System Requirements.** Stormwater management systems for multi-family structures and developments shall be designed and constructed in accordance with the standards contained in the applicable Subdivision and Land Development Ordinance and Act 167 of 1978, the Pennsylvania Stormwater Management Act.

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- d. **Arrangement of Buildings.** Adequate provision must be made for light, air, access, and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one (1) exterior exposure.
- e. **Recreation Space.** A minimum of ten (10%) percent of the gross area of the development or one-thousand (1,000) square feet per dwelling unit, whichever is greater, shall be provided for recreation space. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The applicant shall show how such recreation space shall be maintained permanently and shall present implementing documents to ensure such maintenance.
- f. **Solid Waste Storage Collection and Disposal.** The developer shall present information to the Zoning Administrator explaining the proposed method of solid waste storage collection or disposal. If such method is not deemed sufficient, then an alternate means must be presented by the applicant.

3220G Mobile Home Park

1. Definition

A mobile home park is a planned development containing two (2) or more mobile home lots for the placement of single or double-wide mobile homes on lots specifically designed for them. Mobile home parks shall include, as part of the subdivision design, common open space meeting the provisions of Section 4110D. Such facilities shall also meet all site development standards for mobile home parks listed in Section 4140C.4.

2. Supplemental Controls

- a. **Screening and Buffer Requirements within the Mobile Home Park.** Repair, maintenance, storage areas or facilities, and sewage treatment buildings shall be effectively and attractively screened from the mobile home lots, internal streets, and public roads or streets by man-made screens or natural plant materials. All mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.
- b. **Recreation Requirements.** A minimum of ten (10%) percent of the gross park area or one-thousand (1,000) square feet per unit, whichever is larger, shall be provided for recreational space. This recreational space shall be suitable for outdoor recreational activity and shall be easily accessible to all manufactured home lots. The applicant shall prepare a Recreation Plan for the required recreational space, including provisions for maintenance.
- c. **Mobile Home Lot Improvements.** All mobile home lots within the mobile home park shall be improved for use by independent mobile homes, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal, and other utility systems. Underground installation of the utility distribution and service lines is required, except where it is unfeasible due to site-specific conditions (such as shallow bedrock).
- d. **Maintenance.** The mobile home park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, streets, sewage disposal and water supply systems, and solid waste collection.

3220H Commercial Apartment

1. Definition

A commercial apartment is a dwelling unit located above the first floor of a commercial building.

2. Supplemental Controls

- a. The maximum number of commercial apartment dwelling units permitted shall be the same as for multi-family development in the underlying zoning district (refer to Table 4110D).
- b. Commercial apartments are required to be included as part of the allowable floor area percentage for a commercial building (see Section 4210).

3220I Retirement Housing

1. Definition

Retirement housing shall include a form of residential development that is designed and operated for elderly individuals and elderly families.

2. Supplemental Controls

- a. Retirement housing shall be allowed as a residential development option in the Suburban Estate District with a maximum gross density of 2.5 units/acre, contingent upon provision of public or community water and sewer service.
- b. The applicant must show, in order to qualify as retirement housing, that single prospective residents have attained the age of at least fifty-five (55) years or that families to occupy such units are elderly families (i.e. families whose heads or their spouses are at least fifty-five (55) years of age or are under a disability as defined in Section 223 of the Social Security Act). Such restrictions shall be guaranteed with a covenant running with the property which shall specify that all units shall be sold back to the community association.

Commentary: The purpose of this provision is to minimize potential impacts to public facilities and services as a result of the increased density allowed for a retirement housing project, and to prevent conversion of retirement housing to non-elderly family ownership.

- c. A bus stop or other public transit facility shall be provided on-site by the developer, or the developer shall provide private transportation for the community residents to be managed by a community association.
- d. All other requirements of the Ordinance for multi-family development shall apply for retirement housing, including but not limited to, bulk standards and screening requirements, except that off-street parking spaces shall be provided at one and two-tenths (1.2) spaces per dwelling unit.

3220J Family Care Unit

1. Definition

A family care unit, as used herein, is intended to provide a place of residence only where some form of personal care or assistance in daily living is necessary, whether for reason of health, handicap or age limitation in daily living capacity. For purposes only of calculating the number of dwellings permitted on a tract, a family care unit is considered an accessory structure for a residence and not a separate dwelling unit.

2. Supplemental Controls

- a. All family care units shall furnish a valid Registration Certificate issued by the Pennsylvania Department of Public Welfare, where required by State Regulations.
- b. Limitations and conditions for occupancy or continuation of occupancy may be established by the Zoning Hearing Board including, but not limited to, life tenure of the resident family member(s), prohibition of commercial rental or compensation, etc.
- c. Where a family care unit is to be connected to the existing sewage system for the principal residence, the applicant shall secure a permit for the modification to connect such unit or shall secure a temporary sewage permit.
- d. Where a live-in attendant is necessary, notification to the Zoning Administrator and the Municipal Sewage Enforcement Officer is required in advance of such occupancy.
- e. Where medical care is to be provided on-site, a certificate from a licensed physician or other medical professional licensed to practice in Pennsylvania may be required to document the need.
- f. Where applicable, the Zoning/Development Permit shall be issued as a temporary permit only, with the duration of the permit, as approved in the Special Exception by the Zoning Hearing Board, specifically noted on the permit.
- g. If the duration of the Zoning/Development Permit is limited to a specific use or family circumstance, when that circumstance no longer exists, the permit shall thereupon become null and void.
- h. Where a free-standing temporary structure is proposed, the Zoning/Development Permit may be limited to a specified structural type which will facilitate removal of the structure upon expiration of the Zoning/Development Permit.
- i. Restoration of the site to pre-existing conditions may be required by the Zoning Hearing Board and/or the Zoning Administrator, where appropriate.
- j. Family care units shall comply with all other standards for principal residences. If compliance with the standards of this Ordinance is not achieved, a variance approval from the Lycoming County Zoning Hearing Board shall be required prior to issuance of a Zoning/Development Permit.
- k. The County Zoning Administrator shall conduct a periodic compliance review of Family Care Unit Permits.

SECTION 3230 INSTITUTIONAL USES

3230A Outdoor Recreational

1. Definition

Outdoor recreational uses and activities include, but are not limited to, hunting and fishing lodges/camps, recreational camps (SIC 7032), youth recreation camps, golf courses and shooting ranges.

2. Supplemental Controls

Any independent structure, building, mobile home, or recreational vehicle (including a motor home, camping trailer, travel trailer, truck camper, or park trailer) being placed on a lot for periodic or seasonal use as a camp, lodge, or vacation home shall be subject to the following requirements:

- a. A Zoning/Development Permit must be obtained prior to the establishment, construction, or placement of any such facility on a lot.
- b. All permits involving temporary placement on a lot (placement for a period of time less than six (6) months) must be renewed annually. Where a recreational vehicle is proposed for temporary placement of not more than fourteen (14) consecutive days on several different occasions, a single permit may be issued to cover all proposed periods of use.
- c. Permanent structures, including mobile homes and recreational vehicles, shall comply with residential site development standards in Division 4100.
- d. Foundation and Habitable Floor Area Requirements:
 - (1) All such buildings or structures will be considered permanent structures or dwellings and shall meet the foundation requirements contained in Section 3220 for permanent structures.
 - (2) Recreational vehicles permanently or temporarily placed on a lot to be used for seasonal purposes will be subject to the foundation requirements for permanent dwellings contained in Section 3220. Such recreational vehicles may contain less than the minimum habitable floor area required for mobile homes, and are not subject to foundation requirements for anchors or open spaces between the building and foundation. No year-round or full-time occupancy will be permitted.
- e. **Sewage and Water Supply.** Every such use shall be provided with adequate sanitary sewage facilities and water supply subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection (DEP). When a structure or vehicle is to be placed on a lot for a period of time exceeding fourteen (14) consecutive days, a sub-surface sewage disposal system or other DEP approved system must be provided. When a unit is to be placed for less than fourteen (14) consecutive days, a self-contained holding tank with permission to periodically dump at a DEP approved dumping station may be considered sufficient. Satisfactory evidence of the permitted sewage facility must be submitted with each application for a Zoning/Development Permit for these activities.

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- f. No buses, trucks, or similar vehicles may be permitted as seasonal housing structures.
- g. Any solid waste generated by the facility shall be collected and disposed of properly by the permittee or facility owner.
- h. A Flood Evacuation Plan that follows Section 3240M, Item 2e, must be provided to the Zoning Administrator.

3230B Institutions

1. Definition

These uses include, but are not limited to, public or semi-public areas for schools, cemeteries, churches, convents, hospitals, community centers, public meeting facilities, libraries, museums, playing fields, playgrounds, swimming pools, tennis courts, stadiums, and sports arenas.

3230C Public Service

1. Definition

These uses include emergency service facilities such as heliports, buildings and garages essential to ambulance, fire, police, and rescue operations; utility substations or transmission and distribution facilities for electric, telephone and television cable service, (excluding communication towers); pumping stations; highway maintenance storage areas; and other similar publicly owned facilities, (excluding solid waste facilities as defined by the Pennsylvania Solid Waste Management Act).

3230C.1 Wind Energy Facility

1. Purpose

The purpose of this Section is to provide for the construction and operation of wind energy facilities, subject to reasonable conditions and information to be provided by an applicant that will protect the public health, safety and welfare. These regulations apply to all new energy facilities proposed to be constructed after the effective date of this Ordinance, except stand-alone wind turbines constructed as an accessory use to residential, site specific non-residential or farm uses. Wind energy facilities are permissible to harvest wind as a natural resource. This use converts wind to energy as a source of power to provide electricity indirectly to the general public through the direct sale of wind-generated electricity to the power grid. This sale is made by privately owned and operated facilities and is considered a public service use.

Wind energy facilities constructed or permitted prior to the effective date of this Ordinance shall not be required to meet the new requirements of this Ordinance. Any physical modification to an existing wind energy facility that materially alters the size, type, location and/or number of wind turbines or other accessory equipment shall require a permit under this Ordinance. Like-kind replacements and routine maintenance activity are exempt from filing a permit application.

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2. Site plan specifications that supplement Section 10240 of the County Zoning Ordinance are as follows:
 - a. Prior to issuance of the Certificate of Occupancy (CO), the applicant shall provide to the County Zoning Administrator evidence of permits and conditions to satisfy all applicable state and federal agencies. A general site plan is required in accordance with Section 10240 of the County Zoning Ordinance.

Information submitted with the general site plan shall be further supplemented with the following:

- (1) A narrative describing the proposed wind energy facility, including an overview of the project; the approximate generating capacity of the facility; the proposed number of turbines, representative types, the range of heights of wind energy turbines (consisting of the tower base at finished grade, tower, nacelle, and blades) to be constructed. Information on the power generating capacity, respective manufacturers, and ancillary facilities shall be submitted with the application, to the extent then known.
- (2) The site plan shall include documents related to decommissioning as per Section 4.i.
- (3) The site plan shall show the road widths, weight-bearing capacity and type of road surface of all state, municipal and private roads to be used by truck and construction equipment traffic to and from the site. Also, the approximate weight and size of the vehicles used to construct the wind energy facility and for ongoing facility maintenance to be provided. An analysis by the applicant shall indicate the road improvements needed to accommodate the weight, girth and turning movements of vehicles and equipment to construct the wind energy facility. The applicant may voluntarily enter into an agreement with the municipality to upgrade the road to the applicable standards as may be needed during the use of existing roads. Access through a residential area shall be prohibited as the sole access.

3. Information Specifications

As part of the application, the applicant shall submit a Community and Environmental Impact Analysis conducted by parties mutually agreed upon by the Applicant and the County which shall contain the following information applicable to areas of land disturbance or as community-wide noted below. The Community and Environmental Impact Analysis may include a timeline for completion for the various items listed below with the understanding that completion must occur prior to issuance of the Certificate of Occupancy:

- a. Hydrologic analysis of surface water and sub-surface water areas.
- b. Geologic conditions in the context of sub-surface stability.

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- c. Soils classification.
- d. Mineral bearing areas to be exposed by excavation.
- e. Land use impacts in the context of the site and all adjacent land owners.
- f. Transportation impacts.
- g. Emergency and safety services needed and arrangements to provide such services.
- h. Economic impact analysis, including impact upon agriculture, the housing market and the tourist industry.
- i. Community impact analysis, in conformance with County and Municipal Comprehensive Plans.
- j. Locations of towers and areas of all construction and post construction disturbance in relation to natural resources attributes (e.g. Natural Diversity Inventories, state designated natural areas); cultural resources attributes (e.g. federal, state, and local, register of historic buildings and landmarks, or National Landmark designation); archaeological attributes.

Commentary: Upon occasion the Zoning Ordinance, in accordance with Division 1500, provides additional background explanation for the application of particular sections. In consideration of the information listed above, such options to siting on a ridge top with a distance setback from the ridge may aid in reducing the visual impact of the extra-large structures in the community. Other techniques include using non-reflective surfaces on the structures and to orient the towers in a configuration that respects the factors that may be found on-site and off-site listed above.

4. Supplemental Controls

- a. Tower Safety. The use shall be in compliance with the Pennsylvania Uniform Construction Code, 34 Pa. Code Section 403.1-403.142. All electrical components shall conform to all relevant and applicable local, state and national codes, and international standards. Design of the wind energy facility shall conform to applicable standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations prior to the issuance of the Certificate of Occupancy. Clearly visible warning signage concerning voltage must be placed at the base of all pad-mounted transformers and substations. Any guy wires to be installed must be clearly marked with flags, reflectors or other visual materials placed up to ten (10) feet from ground level. All access doors to wind towers and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

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- b. Operations. Operations shall meet all performance standards of this Ordinance and all applicable local, state, and federal regulations. Aircraft signal lighting is not permitted other than as required by the Federal Aviation Administration (FAA).
- c. Height. The height of the complete structure and accessory structures are exempt from the height limits found in this Zoning Ordinance.
- d. Setbacks. Wind tower(s) shall be located a minimum setback distance, dependent upon the use of adjacent property, as follows:
 - (1) Wind towers measured from the tower base shall be set back 1.5 times the tower height measured from any street right-of-way line of the nearest public road.
 - (2) Wind towers measured from the tower base shall be set back from the nearest occupied building of any use, located on a participating landowner's property, a distance not less than the dimension of 1.1 times the tower height. Any operator/occupied buildings used in connection with the development are exempt from this distance limit.
 - (3) Wind towers measured from the tower base shall be set back from the nearest occupied building of any use, located on a non-participating landowner's property, a distance not less than the dimension of five (5) times the tower height.
 - (4) Wind towers measured from the tower base shall be set back a distance equal to the blade length from the property line of publicly owned land.
 - (5) Wind towers measured from the tower base shall be set back a distance of 1.5 times the tower height from the non-participating owner property lines
 - (6) There is no setback requirement for towers from participating property owner property lines.
- e. Wind towers shall not be located within any mapped "*Scenic Area*" of adopted plan(s) above, or state designated Natural or Wild area.
- f. Signal Interference. The applicant shall make reasonable efforts to avoid and/or mitigate any disruption or loss of radio, telephone, cellular phone, television or similar signals, and shall mitigate any harm caused by the wind energy facility in a timely manner.
- g. Liability Insurance. There shall be maintained a current general liability policy adjusted annually to the rate of inflation covering bodily injury, property damage, and damage to any public use areas of land, watershed, or air with minimum limits of at least one million dollars (\$1 million) per occurrence and five million dollars (\$5 million) in aggregate. Certificates shall be submitted to the County Zoning Administrator prior to the issuance of the Certificate of Occupancy.

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- h. An Agreement with Host Municipality(ies). An Agreement between the applicant and the host municipality (township or borough where the use will be located), shall be provided to the County Zoning Administrator with the permit application which shall include but is not limited to the provision of improvements or funds to alleviate any undue burden on any public improvements, facilities such as emergency management, utilities, public water supplies, or services.
- i. Decommissioning. The wind energy facility owner and operator, their successors or assigns shall, at their expense, initiate decommissioning of the wind energy facility, or individual wind towers as appropriate, following a period of time exceeding one (1) year during which the wind energy facility is in a non-operational status. Decommissioning will be initiated within one (1) year after the end of the useful life of the facility or individual tower. A decommissioning plan is a component part of a decommissioning agreement between the County of Lycoming and the wind energy facility owner and operator, successors or assigns. The operator will maintain sufficient funds to address decommissioning expenses. The Plan will be prepared by the operator and submitted as part of the Zoning application and may include provisions for:
 - (1) Removal of wind towers and foundation and any other associated facilities and structures.
 - (2) Restoration of all disturbed earth with revegetation.
 - (3) Restoration of access roads, unless to remain in use by the land owner
 - (4) Decommissioning cost estimate. Said estimate is to be submitted to the County Zoning Administrator prior to issuance of the Certificate of Occupancy and updated every fifth (5th) year thereafter.
 - (5) A timeline for the operator, facility owner, or landowner to complete the decommissioning plan.
 - (6) Establishment of acceptable security.
 - (7) Decommissioning does not need to be initiated provided that the operator notifies the County Zoning Administrator when the facility or individual towers(s) is off-line for a period of one (1) year or longer due to technology and equipment factors, and unforeseen events beyond the control of the operator, the abandonment period of one (1) year shall be applied to the facility or individual tower(s) not producing electricity during the one (1) year period.
- j. Permitting Procedure. Refer to County Zoning Ordinance Sections 10250 and 10260. The above criteria and the following are to apply to the use permitted by right category in respective zoning districts from the Table of Uses.

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- (1) The Zoning Administrator shall determine whether the application is complete and advise the applicant accordingly, within 30 days of receipt of application submission. Pre-application submission conference(s) are encouraged due to the level of development on a large geographic scale.
 - (2) Upon receipt of a complete permit application, the Zoning Administrator has not more than seventy-five (75) days to approve or deny the application.
 - (3) As a use permitted by right, the wind energy facility is determined consistent with the adopted Lycoming County Comprehensive Plan Phases I and II.
- k. The applicant shall be a signatory to the Pennsylvania Game Commission Standard Agreement for wind energy facilities at the time of application.
 - l. Notice of a complete permit submittal shall be given via mail delivery for the benefit of public information by the County Zoning Administrator to the host partner municipalities of the County Zoning Partnership, and adjoining property owners. Any other permit submission leading up to a complete application submission such as a temporary permit issued for any meteorological data gathering tower, shall include notice of the permit provided to the host municipality and acknowledgement that the applicant is on notice that the proposed use is public information. The wind energy facility applicant must provide a public information contact person that may be reached during normal business hours by the public upon the submission of any Zoning/Development Permit application.

3230D Group Homes

1. Definition

The residence of a group of persons not related by blood, marriage, adoption, or guardianship and living together as a single housekeeping unit. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally and/or physically handicapped, battered children and women, and specialized treatment facilities providing less than primary health care. Group homes shall be permitted in all districts which permit single-family residential uses.

Commentary: This use is to encompass living arrangements for a group of persons who might otherwise be confronted with institutionalization. The intent of this use is to create a setting which most nearly approximates traditional familial living arrangements for mentally, physically, emotionally, or otherwise developmentally handicapped; victims of domestic abuse; and the elderly.

3230E Institutional Residential

1. Definition

Establishments primarily engaged in the provision of residential, social and personal care for children, the aged, and other special categories of persons with some limits on the ability for

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self-care but where medical care is not a major element. These uses would include, but are not limited to, nursing homes except, skilled and intermediate care facilities (see Section 3230B-Institutions); group foster homes; alcohol and drug rehabilitation centers, residential, with health care incidental; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders, and other adjudicated individuals, and does not include training schools for delinquents and other adjudicated individuals; homes for destitute men and women; and homes for the deaf and blind, emotionally disturbed, mentally or physically handicapped, with health care incidental. Residents of such facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category. [SIC 8059 and 836]

2. Supplemental Controls

- a. The applicant shall provide a copy of the complete license application from the Pennsylvania Department of Health, including plans and drawings, as part of the Zoning/Development Permit application. The applicant shall provide proof of compliance with all applicable regulations to the County Zoning Administrator within three (3) months of the granting of the Zoning/Development Permit. Revocation or suspension of the state permit constitutes automatic revocation of the Zoning/Development Permit.
- b. The Zoning/Development Permit application shall specify the maximum number of residents or occupants to be housed or cared for at the facility at one time and shall indicate the specific type of care, counseling or treatment to be provided. Any subsequently issued Zoning/Development Permits shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed in the application.

3230F Day Care Center

1. Definition

A facility where care is provided for seven (7) or more children and where tuition, fees, and other forms of compensation for the care of the children are charged. Refer to Home Occupation (see Section 3240K) for family day care homes for six (6) or fewer children.

2. Supplemental Controls

- a. Child and group day care centers must be licensed and approved to operate as a child care center by the Pennsylvania Department of Public Welfare prior to issuance of a Zoning/Development Permit. Family day care facilities must be registered with the Pennsylvania Department of Public Welfare prior to the issuance of a Zoning/Development Permit.

3230G Correctional Institutions

1. Definition

These uses include, but are not limited to, detention centers, honor camps, houses of correction, jails, juvenile detention centers, penitentiaries, prison farms, reformatories,

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training schools for delinquents and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals. These establishments, regardless of ownership or operation, whether private, non-profit, or public, are engaged in the confinement and correction of offenders sentenced by a court.

2. Supplemental Controls

Applications for Correctional Institutions may only be approved as a Special Exception by the Zoning Hearing Board and shall demonstrate that the following requirements can be fully satisfied:

- a. The proposed correctional institution use is appropriate in the location for which it is proposed, in accordance with the criteria in Section 10310 of this Ordinance.
- b. Traffic, sanitary and environmental safety measures must be provided, and be operational and fully usable before such operations or activities and functions commence.
- c. Light fixtures for security and night operations are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties and nuisance effects on the nearby area.
- d. A formal written standing commitment from the highest responsible official and/or policy board that operational policies, practices (including maximum inmate number) and staffing plans will provide on-going security and control to prevent unauthorized trespass and litter on adjacent properties or unreasonable risk to safety of nearby residents.
- e. An Emergency Response Plan which guarantees that the facility owner will either provide directly or to the municipality whatever supplementary equipment, personnel, and financial resources as deemed necessary by the municipality to properly train and develop the necessary resources for effective response to fire, explosion, riot, epidemic, toxic spill or other identifiable potential incidents.
- f. A Communications Plan which defines in detail the manner in which municipal officials, broadcast and print news media, and any other appropriate public safety officials will be immediately notified and fully briefed on listed reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Lycoming County Planning Commission and municipality to the owner.
- g. An Accountability Chart which identifies the on-site and parent organization chain of command by position and name of incumbents, such names to be regularly updated.
- h. A Maintenance Plan which assures that the physical appearance and utility functions, as well as residential and food processing, storage and serving areas will be kept in a sanitary and secure condition with reasonable effort to assure that the value of adjacent properties will not be adversely affected.
- i. Correctional institution principal and accessory structures shall be a minimum distance of one-hundred (100) feet from any property line and two-hundred (200) feet from any existing residential dwelling, other than the owner's. In cases where a bufferyard (see Article 6) is required, the more restrictive setback shall apply.

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- j. Landscaping plans shall be reviewed by the Board as part of the Special Exception plan rather than requiring any necessary variances, with security as a primary consideration, and the Board shall take into account the security plan when considering any modifications of required landscape planting and/or bufferyards.
- k. All permits, licenses, and approvals required from federal or state agencies must be secured with documentation supplied with the application, or said requirement shall become a condition of approval.

Nothing in this Section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of correctional institutions which are specifically regulated by the Pennsylvania Department of Corrections or U.S. Department of Justice, provided that the above essential precautions are defined by such regulations in as much detail as required herein. The intent of this Section is to provide a mechanism whereby Lycoming County and the municipality can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety, public health and protection of nearby property values.

SECTION 3240 COMMERCIAL USES

3240A Office

1. Definition

Office is defined as a building used to conduct a business or profession and includes, but is not limited to, offices for financial planners and investment brokers, insurance and real estate agents, consultants, engineering firms, lawyers, doctors, dentists, and other health care professionals, social services agencies and government workers.

3240B Services

1. Definition

Services include a wide variety of business and personal services. Business services include, but are not limited to, communications, employment, banking, laundromats, laundry and dry cleaning services; veterinary services for pets, including the temporary boarding of not more than five (5) dogs or domesticated animals; appliance repair shops; and car washes (SIC 7542). Personal services include, but are not limited to, barber and beauty shops, photography studios, and funeral parlors.

3240C Restaurant-Standard

1. Definition

An establishment whose principal business is the sale of food and/or beverages to customers in a ready to consume state, and where customers are served their food and beverages by a restaurant employee at the same table or counter at which the food or beverages are consumed, or as a cafeteria-type operation where food and beverages are generally consumed within the restaurant building.

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2. Supplemental Controls

- a. The sale of alcoholic beverages must be incidental to the sale and consumption of food.
- b. Drive-in window service is prohibited.

3240D Restaurant-Fast Food

1. Definition

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption: (1) within the building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes food and/or beverages usually served in paper, plastic, or other disposable containers.

2. Supplemental Controls

- a. All such restaurants shall provide a trash storage area which shall be screened from the street and adjacent properties.
- b. Trash receptacles shall be provided outside the restaurant for patron use.

3240E Tavern

1. Definition

[SIC 5813] An establishment primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine, and liquor for consumption on the premises.

3240F Commercial Retail

1. Definition

[SIC 274, 275, 276, 277, 278, 2791, 52, 53, 54, 554, 56, 57 and 59] Retail uses include stores selling paint, glass, wallpaper, and/or hardware, but excluding stores selling lumber and building materials; general merchandise stores; food stores; gasoline/convenience marts (without service bays and service functions limited to inflating tires, changing windshield wipers, adding oil, and other minor services); apparel and accessory stores; furniture and home furnishing stores; and miscellaneous goods such as crafts, art, gifts, sporting goods, pharmaceuticals, liquor, books, toys, and cameras; and miscellaneous publishing and commercial printing establishments which primarily sell these products (see Section 3250C for Light Manufacturing).

2. Supplemental Controls

- a. Occasional (as opposed to repetitive and regular) retail sales, including but not limited to, flea markets and yards sales, do not require a Zoning/Development Permit.

3240G Heavy Retail and Service

1. Definition

[SIC 521, 527, 55, and 598] These are retail and/or service activities that have exterior service or storage areas or partially enclosed structures, including, but not limited to, establishments selling lumber and other building materials; mobile home dealers; automobile, boat, motorcycle, and recreational vehicle dealers; gasoline service stations with automotive repair; and fuel oil dealers.

2. Supplemental Controls

- a. Any outside display of vehicles for sale shall meet the required setbacks for the district.
- b. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products that would be considered as industrial or heavy industrial shall be prohibited. For example, while auto or engine repair is permitted, the storage and disassembly of vehicles and the reassembly of various parts are considered manufacturing (heavy industry). Junkyards are considered an industrial use (see Section 3250G).
- c. All repair, painting, parts storage, and body work activities shall take place within a building.

3240H Shopping Center

1. Definition

A shopping center is defined as a combination of commercial retail stores, offices, and establishments providing business and services, and restaurants. These uses may be contained in a single building, or in a group of buildings within the same tract which utilize shared parking.

3240I Commercial Lodging

1. Definition

These uses include hotels, motels, and convention centers.

3240J Country Inn

1. Definition

Country Inns may only be established as the result of conversion or rehabilitation of a structure in existence as of the effective date of this Zoning Ordinance. Country Inns that are bed and breakfast buildings may be established by new construction only if a Special Exception is granted by the Zoning Hearing Board.

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2. Supplemental Controls

- a. Country Inns may only be established as the result of conversion or rehabilitation of a structure in existence as of the effective date of this Zoning Ordinance. Country Inns that are bed and breakfast buildings may be established by new construction only if a Special Exception is granted by the Zoning Hearing Board.
- b. Drive-through and carry-out services are not permitted. Facilities for cooking in guest rooms used for overnight lodging are not permitted.
- c. A limit on the number of rooms for lodging will be established by the Zoning Administrator based upon the building capacity for sleeping rooms, sanitary facilities, and site parking capacity.
- d. Expansion of a Country Inn with an addition to the structure exceeding fifty (50%) percent of the floor area of the original structure shall require a Special Exception from the Zoning Hearing Board.
- e. A Country Inn for use only as an eating establishment is not permitted by new construction.
- f. Country Inns that are established by new construction or expanded with an addition to the structure shall reflect a residential character constructed in an architectural style traditionally used in the community or neighborhood. Special Exception may be granted after the applicant has considered criteria for acceptable exterior architectural character as described in relevant design guidance manuals such as “The Pennsylvania Wilds Design Guide for Community Character Stewardship” and “Main Street Design Guidelines.”

3240K Home Occupation

1. Definition

This use is defined as any occupation which is customarily, in whole or in part, conducted in a residence, and which does not change the essential character of the residential use. Such uses include arts and craft shops, studios, dressmaking, music lessons or tutoring, barber and beauty shops, business or professional offices, family day care, and other similar uses compatible with the residential character of the neighborhood.

2. Supplemental Controls

- a. A home occupation shall be compatible with the residential character of the dwelling and the immediate vicinity. The occupation shall not produce offensive noise, vibration, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.
- b. The proposed use shall be conducted only inside the dwelling, and shall not occupy more than forty (40%) percent of the total floor area of the dwelling, not to exceed one-thousand (1,000) square feet. Home occupations shall not be conducted inside an

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accessory building or garage. There shall be no exterior alterations, additions, or changes to the structure in order to accommodate or facilitate a home occupation.

- c. The use shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.
- d. No more than two (2) home occupations shall be carried on in a single residence.
- e. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.
- f. The residence used for home occupation shall not be a storage facility for a business conducted elsewhere.
- g. No show windows or advertising outside the premises other than the permitted home occupation announcement sign (see Article 8) shall be used.

3240L Home Business

1. Definition

A home business is conducted on a lot in conjunction with a residential dwelling unit. Such uses include: automotive, lawn mower, or appliance repair shops; carpentry, upholstery, woodworking, or metal working shops; antique shops; and other similar uses compatible with the character of the residential dwelling and the zoning district.

2. Supplemental Controls

- a. The home business shall be compatible with the residential character of the dwelling or the immediate vicinity. The home business shall not produce offensive noise, vibration, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions, which are audible, visible, or otherwise detectable by human senses at the property line.
- b. A home business may be conducted inside the dwelling or within an accessory building or garage, but shall not occupy more than sixty (60%) percent of the total floor area of the dwelling unit unless the accessory structure is an existing wood or stone barn.
- c. The business shall be conducted by a resident of the dwelling, and no more than four (4) full-time equivalent employees shall be employed in the business.
- d. No more than two (2) home businesses shall be allowed on a single property.
- e. The home business shall be carried out entirely within the dwelling or accessory structure.
- f. Outside storage of materials incidental to the conduct of the business, including no more than two (2) vehicles under repair may be permitted, provided such storage areas are screened so that they are not visible from adjoining properties.
- g. No show windows or advertising outside the premises other than the permitted home business announcement sign (see Article 8) shall be used.

3240M Campgrounds

1. Definition

[SIC 703] A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space.

2. Supplemental Controls

- a. The minimum tract size for a campground shall be ten (10) acres.
- b. The maximum number of camping spaces within each campground shall be no more than ten (10) per acre of the total area of the tract or tracts.
- c. Each camping space shall be numbered and shall have a minimum area of three thousand five hundred (3,500 sq.ft.) square feet. All recreational vehicles or tents in a campground shall be assigned to a camping space. No camping space shall have more than one (1) recreational vehicle or two (2) tents assigned to it. The placement of any recreational vehicle (RV) or other type of camper trailer, truck camper, or vehicle is prohibited in the floodway section of the Regulatory Floodplain.
- d. The campground owner shall be responsible for the maintenance of all campground facilities, including areas designated as open space, streets, sewage disposal and water supply systems, and solid waste collection.
- e. Flood Evacuation Plans. Whenever such uses are situated in the regulatory floodplain, the campground owner shall be ultimately responsible for evacuation of all units within the campground prior to the occurrence of an anticipated flood event. In addition, the campground owner shall maintain on file with the County Zoning Administrator, an evacuation plan which includes the following:
 - (1) A narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or the Emergency Management Agency;
 - (2) sufficient evidence that all recreational vehicles, campers, travel trailers, and similar temporary uses will be removed from the regulatory floodplain prior to the occurrence of a flood event;
 - (3) the designation of an appropriate site to store each unit during the flood emergency;
 - (4) the name, address and telephone number of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties such as park management and maintenance personnel and all persons responsible as backup;
 - (5) evidence that park rules and regulations require recreational vehicles, campers, travel trailers, and similar vehicles to:
 - i. maintain a current vehicle registration
 - ii. be properly maintained, and fully operational at all times

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- iii. be transportable and not permanently affixed to the land; and,
- (6) confirmation from the applicant that park rules and regulations, in addition to the evacuation plan, has been conspicuously posted at park entrances and at a central location of the campground.
- f. The owner/operator of a campground shall provide a minimum of two (2) deciduous trees per campsite with a tree caliber of not less than 2-1/2 inches. New trees are to be of indigenous (native) species. Pre-existing trees may satisfy this requirement (see Woodland Protection Standards, Woodland definition).
- g. The campground layout must demonstrate compliance with all of the requirements of the Pennsylvania Department of Environmental Protection and regulations found in Pennsylvania Code Title 28 Chapter 19 regarding organized camps and campgrounds.
- h. The Campsite Standards of the Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, shall be used as a guide for campsite layout and construction, taking into account local site constraints such as topography and vegetation.
- i. Campground space may be leased or rented to the same user for maximum time periods of no more than nine (9) continuous months in non-regulatory floodplain areas and no more than six (6) continuous months in the regulatory floodplain areas.
- j. A buffer strip of at least one hundred (100) feet wide shall be maintained from any camp space to exterior property lines, or existing public roads or highways.
- k. Bufferyard shall be required along property lines to effectively screen the campground in accordance with the standards in Article 6, Tables 6420, is within the Class V use class of low to moderate intensity Institutional and Commercial uses on Tables 6410 and 6440.

3240N Commercial Recreational

1. Definition

[SIC 783, 791, 793, 7997, 841] These uses include recreational uses such as movie theaters, dance studios, bowling alleys, video arcades, miniature golf courses, sports and recreation clubs not defined elsewhere, batting cages, pool halls, skating rinks (ice or roller), indoor swimming pools, tennis, racquetball, and handball courts, and other similar private recreational uses.

3240O Commercial Amusement

1. Definition

[SIC 7948, 7992, 7996, 842] These uses include both indoor and outdoor commercial amusement facilities, including but not limited to stadiums and sports arenas, racing facilities, go-cart tracks, driving ranges, theme parks, amusement parks, botanical/zoological gardens, ski lodges, outdoor swimming pools, water slides, wave ponds, gaming establishments and commercial shooting galleries.

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2. Supplemental Controls

- a. Racing facilities and go-cart tracks shall have a minimum lot area of twenty (20) acres and a minimum lot width of six-hundred (600) feet, and shall be setback at least two-hundred (200) feet from adjoining streets and properties. No track shall be located closer than six-hundred (600) feet from any existing dwelling other than dwellings owned by the applicant for the proposed track.
- b. Outdoor structures for any Commercial Amusement use shall be located at least one-hundred (100) feet from any required bufferyard.

3240P Adult Entertainment

1. Definition

These uses include adult book stores, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

2. Supplemental Controls

- a. Adult entertainment uses shall not be located within five-hundred (500) feet of any residential structure; within one-thousand (1,000) feet of any church, school, park or playground; or within one-thousand (1,000) feet of any other adult entertainment use.
- b. Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.
- c. All building openings, entries, exits or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
- d. In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.

3240Q Communication Towers

Purpose

- A. Provide for required telecommunications infrastructure while minimizing the negative impacts of the telecommunications infrastructure in populated areas, and preserve and protect the scenic quality of the County.
- B. Encourage and maximize the shared use of existing towers, buildings, and other appropriate structures for co-location of telecommunication antennas.
- C. Reduce the visual impact on the landscape of extraordinarily large tower structures which also provide community services.

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- D.** Ensure that new towers and telecommunication antenna arrays will be safe, suitably placed and blend into the environment.

1. Definitions

Telecommunications Antenna [Also, referred to as antenna] – Any device or appliance used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals; including without limitation, antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC), or by any governmental agency to operate such device. Mounted base station antennas and pole mounted antennas under fifty (50) feet in height and hobby-use ham radio antennas under fifty (50) feet in height, residential satellite dishes, government and public safety antennas shall be exempt from this provision.

Communications Equipment Building – A building or cabinet containing communication equipment required for the operation of antennas, covering a floor area no greater than two-hundred fifty (250) square feet, and not more than twelve (12) feet in height measured to the highest point from finish grade at the wall below which is an accessory structure to the primary use of the communications tower and respective telecommunications antenna.

Communications Tower – A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to hold communications antenna(s) which may be owned privately or by a government agency whether located on public or private land. (Also referred to as telecommunications tower or tower in this Section.)

Height of Communications Tower – The vertical distance measured from the ground level at finished grade at the base of structure to the highest point on the telecommunications tower, inclusive of vertical antennas, which may be accommodated on any particular tower.

Public Utility Transmission Tower – A structure owned and operated by a public utility company that is regulated by the Pennsylvania Public Utility Commission.

2. Supplemental Controls [Special Exception criteria is followed based on Table 3120]

- a. Communication tower applicant shall secure a Zoning/Development Permit prior to site preparation and construction, and prior to operation of an existing tower upon change of primary use. A Zoning/Development Permit shall be secured to attach any communication antenna to any tower, structure, and building.
- b. The permit application shall demonstrate that the communication tower structure applicant has secured at least one (1) antenna contract agreement to locate on such tower and:
 - (1) All state and federal permits have been secured prior to issuance of the County Zoning/Development Permit. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-F

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Manual, as amended. The professional engineer of the applicant has certified that the tower complies with these standards and is in compliance with the Zoning Ordinance provisions.

- (2) The tower will not interfere with reception in nearby residential areas. Antennas shall not be located on any single-family detached dwelling, two-family dwelling, townhome or multi-family complex. All antennas shall comply with all applicable standards that govern human exposure to electromagnetic radiation. A statement from a qualified, licensed professional engineer shall be provided which states that the non-ionizing electromagnetic radiation (NIER) emitted from tower antenna(s) and any antenna(s) on any other proposed location do not result in an exposure at any point on or outside such facility, exceeding the lowest applicable exposure standards established by any state or federal agency. Compliance with applicable FCC regulations to address non-interference on normal reception of other radio wavelengths used by aircraft, boats, etc. is required.
- (3) The tower shall be positioned in such a manner that it cannot collapse onto adjacent property or create a safety hazard. Adjacent property includes land of others with or without buildings and streets. A hold harmless agreement shall be filed that holds municipalities harmless of liability due to any unforeseen collapse onto adjacent property. Certification that collapse of the tower complies with the above section by a professional engineer shall be provided. The tower must be certified to collapse within the property fencing of the site.
- (4) A professional engineer has certified the tower design, including all associated facilities and supporting structures, guy wires, wind load, ground connections/anchors, etc. are based on sound engineering practices. The tower shall be designed to accommodate up to five (5) and not less than four (4) antennas, and the tower is to be finished in non-reflective material. Single antenna towers may be allowed when certain circumstances arise that are justified by the applicant.
- (5) There is room for maintenance vehicles to maneuver on the property. The applicant shall demonstrate on the site plan that parked vehicles at the facility will not impede traffic on adjoining roadways. The cartway shall be surfaced minimally with a mud-free durable gravel surface. Grade of access drive shall not be more than a fifteen (15%) percent slope. All stormwater runoff shall be designed in compliance with stormwater runoff regulations.
- (6) A tower removal performance bond shall be provided to the County. This bond shall remain with the County, and may be invoked upon failure by the tower owner to remove an abandoned tower.
- (7) When co-location is not proposed, the applicant shall provide the following:
 - i. Evidence from a qualified licensed professional engineer that in terms of location and construction, there are no existing towers, buildings, structures,

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elevated tanks, silos or similar structures able to provide the platform for the antenna within a one (1) mile radius of the selected location in the application.

- ii. A coverage diagram and/or technical report that demonstrates co-location on existing towers or other structures is not technically possible to serve required needs, or that planned equipment would exceed the structural capacity of existing towers or other structures, and that structural reinforcement is not feasible.
 - iii. Evidence that the planned antenna and equipment installation will cause radio frequency (RF) interference with existing or planned equipment for that tower, and such interference cannot be prevented as controlled by the FCC.
 - iv. Evidence that existing or approved towers do not have the space on which the planned antenna can be placed so that it can function effectively and at least in parity with other similar planned or existing antenna(s); and
 - v. Additional reasons particular to the applicant which make it impractical to place an antenna on existing or approved towers, structures, buildings or any other buildings.
- c. The applicant must show evidence of having exhausted co-location options with existing communication towers and existing buildings or other structures to place any antenna. The co-location option for an antenna shall not require Special Exception approval. In order to be permitted under the co-location option, the following shall be required:
- (1) Telecommunication antennas may be attached to any existing building or structure in all zoning districts, including but not limited to, large hotel buildings, municipal or governmental buildings, water towers, any agricultural building such as silos, and electrical transmission towers. Telecommunications antennas shall not be located on any existing residential buildings listed in previous Section 2.b.(2).
 - (2) Telecommunication antennas shall be permitted to exceed the height limit of the applicable zoning district by no more than twenty (20) feet when located on an existing building.
 - (3) When the use of an existing structure is proposed, the applicant shall submit evidence from a registered professional engineer certifying the proposed installation will not exceed the structural capacity of the existing building or other structure, considering wind and other loads associated with antenna placement. A Hold Harmless Agreement to indemnify municipalities of liability shall be provided.
 - (4) Antennas located on existing structures and buildings shall be architecturally compatible with respective buildings/structures. Antennas shall be designed to blend into the community when located on existing buildings/structures. A detailed construction and elevation drawing shall be submitted to indicate the antenna mounting on the structure or building to ascertain how it will be seen in the community viewed from ground level.

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- (5) Applicant shall submit agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be located so that installation, operation and maintenance of antennas can be accomplished.
- (6) Compliance with all other applicable provisions of this Section.
- d. **Maintenance/Abandonment:** The tower shall be regularly maintained and inspected by a properly qualified professional at least annually for structural safety as a condition of permit validity. Upon abandonment of use, the tower and all associated equipment shall be dismantled and removed from the property within ninety (90) consecutive calendar days of notice from the Zoning Administrator. The following shall be provided by the applicant (at the applicant's expense) to the Zoning Administrator:
 - (1) An annual inspection report shall be submitted no later than June 30.
 - (2) At any time that a tower becomes abandoned, the applicant shall supply such information to the Zoning Administrator the day that abandonment occurs. Notice is to be issued by the Zoning Administrator to the applicant/tower owner that the tower shall be dismantled and removed within ninety (90) consecutive calendar days from date of notice. County enforcement proceedings of fines and invoking the tower removal bond to remove the tower may occur after the ninety (90) consecutive calendar day period if the subject tower has not been removed. [Note: "abandonment is currently defined in the Lycoming County Zoning Ordinance as to cease from maintaining, practicing, or using."]
- e. The tower shall have either a locked anti-climbing device installed on the tower, or the tower shall be completely enclosed by a locked protective fence at least six (6) feet tall with barbed wire or any other wire located above the top.
- f. The tower shall have at least one (1) sign at the base of the tower warning of possible electrical shock or high voltage. At least one (1) sign shall be placed at the access entrance of the street identifying that the driveway is private including emergency contact information. Sign sizes shall not exceed three (3) square feet. Lighting shall not conflict with Federal Aviation Administration requirements. Other exterior site lighting shall be prohibited unless necessary for security and shall not glare onto any adjacent properties or right-of-ways.
- g. All mechanical or electrical equipment must be locked and properly secured to prevent unauthorized access. All service lines for electric or other cable wires shall be placed underground or overhead so to be compatible with service utilities in the area.
- h. **Landscaping** – Landscaping is to screen the foundation, base, and equipment buildings from abutting properties.
 - (1) Landscape plants to screen the mass of the tower base shall be installed wherever the tower base, with or without the fence enclosure, is located within any distance up to the corresponding height adjacent to any residential, institutional, public school, public park uses, or public street. The landscaping to be installed shall be at the one hundred (100%) percent ratio found on Table 6440 of the County Zoning Ordinance

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when using the Proposed Use Category VII found next to II. All other provisions of Section 6400 are to be followed.

- (2) Landscape plants to screen vehicle access, installed solely for the tower, shall be installed along the access drive length. Plants installed to screen access roads shall follow the fifty (50%) percent range of plants found on Table 6440 of the County Zoning Ordinance. The plants for screening need not be installed when agricultural field operations would be hindered.
 - (3) The Zoning Administrator has the discretion to accept existing plants that are retained which provide the effect of the vegetative screening in the zoning code.
 - (4) Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved except for site access and site construction of a tower.
- i. Historic properties – Antennas and towers shall be prohibited from locating on any site or building that is defined as a historic building according to the Zoning Code. If feasible, locating antennas may be permissible when such are not visible at the exterior of a historic building.
 - j. Towers and antennas shall be finished with non-reflective surface treatment. Materials shall not detract from the surrounding community appearance. Towers are encouraged to be designed to appear as trees, farm silos, and natural features if feasible. At any site location mapped as “scenic area” within the adopted and amended County Comprehensive Plan, the appearance of the towers and antennas must be designed to achieve minimal visual impact and respect the scenic area goal. The tower height, inclusive of vertical antennas, is to be kept to the minimum necessary height for operational effectiveness. The height limit of Table 4230 is not applicable.
 - k. In addition to public notice requirements to the Special Exception provisions of Section 10310, property owners within three-hundred (300) feet shall receive notice of the Zoning Hearing Board meeting not less than seven (7) days prior to the hearing.

3240R Landing Areas

1. Definition

A landing area is a single runway or designated landing area intended for the private use of an individual, farm, or business and includes landing areas used by helicopters and ultra-light aircraft.

2. Supplemental Controls

- a. Any proposed runway or landing area shall comply with the standards of the Federal Aviation Administration for the class of airport proposed, in accordance with their published Rules & Regulations. Proof of compliance shall be submitted with the application.

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3240S Airports

1. Definition

An airport is a group of two (2) or more runways serviced by one (1) or more central terminals which coordinate the handling of passengers and airfreight, and where aircraft maintenance and storage facilities are provided.

2. Supplemental Controls

- a. Any proposed runway or landing area shall comply with the standards of the Federal Aviation Administration, Department of Transportation for the class of airport proposed in accordance with their published Rules and Regulations. Proof of compliance shall be submitted with the application.
- b. All repair of airplanes and machinery shall be done inside hangers.

3240T Agricultural Support

1. Definition

[SIC 07, 4221, 4222, 5083, 5191] This category includes soil preparation services; crop services; large animal veterinary services; animal services; farm labor and management services; farm product warehousing and storage; refrigerated warehousing and storage; interior storage of boats, automobiles, airplanes, or heavy equipment within barns or accessory farm buildings which were in existence as of the effective date of this Ordinance; commercial nurseries; heavy farm equipment sales; seed and supply stores; lawn and garden supply stores; tack shops; and farm machinery repair. Specifically excluded are the sales of any equipment not specifically used for agriculture. Year-round farm stands are also included and such facilities may sell agricultural products not grown on site.

3240U Medical Marijuana Dispensary

1. Definition

A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

2. Supplemental Controls

- a. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from DOH.
- (1) Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the temporary Zoning/Development Permit.

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- b. Medical Marijuana Dispensaries shall comply with the minimum yard setbacks of commercial uses in Table 4230 (Non-residential Bulk Standards).
- c. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- d. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- e. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- f. Permitted hours of operation of a dispensary shall be 8 am to 8 pm (of the same calendar year).
- g. A medical marijuana dispensary shall:
 - (1) Not have a drive-through service;
 - (2) Not have outdoor seating areas;
 - (3) Not have outdoor vending machines;
 - (4) Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - (5) Not offer direct or home delivery service.
- h. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- i. A medical marijuana dispensary may not be located within 1,000 ft. of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- j. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
- k. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
- l. Loading and off-loading areas with the structure are preferred. If any external loading dock arrangement is designed, it should be from within a secure environment.

SECTION 3250 INDUSTRIAL USES

3250A Agricultural Product Processing

1. Definition

[SIC 20] This use category includes industrial uses involving the processing of farm products including, but not limited to, the processing of meat, fish, and dairy products, cider mills and flour mills.

3250B Sawmills

1. Definition

[SIC 242] These are establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock; lumber drying and storage; planing mills combined with sawmills; and separately operated planing mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber.

2. Supplemental Controls

- a. Wood processing components of the sawmill operation shall be a minimum distance of one-hundred (100) feet from any property line and two-hundred (200) feet from any existing residential dwelling, other than the owner's. Lumber storage sheds and sawmill offices are exempt from this setback requirement, and may be located in accordance with the standard bufferyard requirements contained in Article 6. Sawdust piles shall be set back a minimum of fifty (50) feet from streams or water bodies in accordance with the standards contained in Section 5220 (Aquatic Resource Buffers).

Commentary: The purpose of the above requirements is to encourage the wood processing parts of the sawmill operation, which have the most potential to create adverse impacts to adjacent properties such as noise and dust, to be located within the center of the tract. Lumber storage sheds and sawmill offices located on the perimeter of the site will, in effect, help buffer the adjacent properties from the noise and dust associated with the sawmill operation.

3250C Light Industry

1. Definition

This general use category includes construction, light manufacturing, transportation, and wholesale trade uses:

Construction [SIC 15, 16, and 17] Construction uses are defined as those areas used by general building, heavy construction, and special trade contractors for the partial assembly of structures or the storage of materials and/or equipment.

Light Manufacturing [SIC 20, 21, 22, 23, 24, 25, 26, 27, 283, 31, 34, 357, 36, 38, and 39] Light manufacturing uses include the processing of food and kindred products (excluding

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those uses defined by this Ordinance as Agricultural Product Processing, and excluding alcoholic beverages), tobacco products, textiles and apparel, lumber and wood products (excluding sawmills), furniture and fixtures, paper products (excluding paper mills), printing and publishing, drugs, leather and leather products (excluding tanning and finishing), fabricated metal, computer and office equipment, electric and electronic equipment (excluding electric distribution and electrical industrial apparatus), instruments and related products, and other similar miscellaneous manufacturing industries.

Transportation [SIC 41, 421, 4225, 4226, 423, 47] Transportation uses include bus terminal operations; storage, dispatching, and maintenance facilities for local and intercity buses, school buses, bus charter companies, taxis, and other similar uses; intermodal transport terminals; trucking and warehousing operations (excluding SIC 4221, farm product warehousing and storage, and SIC 4222, refrigerated warehousing and storage which are classified under Ag and Forestry Support Services); services incidental to transportation such as packing and crating operations; and other similar uses.

Wholesale Trade [SIC 50 and 51, except for 5191, farm supplies which is classified under Ag and Forestry Support Services.] This use includes establishments primarily engaged in selling merchandise to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers.

Mini-Storage This use includes mini-warehouses, which contain separate storage units leased or rented on an individual basis.

3250C. 1 Oil and Gas Staging Facility

A light industry activity that adds a separate use to an existing well pad in 3250E.1, or to an expansion of an existing well pad in 3250E.1, or to a new free-standing site requires the Applicant obtain a Zoning/Development Permit following the light industry sub-sections of this Ordinance.

1. Definition

Staging Facility: A facility or location on a permitted site for the storage of equipment and vehicles used to support gas development activities at other permitted sites.

2. Supplemental Controls

NOT APPLICABLE AT THIS TIME

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance.
- b. Information in Section 3250E.1.6 as required by the Zoning Hearing Board.

3250C.2 Oil and Gas Compressor, Processing, Metering Facility

A light industry activity that adds a separate use to an existing well pad in 3250E.1, or to an expansion of an existing well pad in 3250E.1, or to a new, free-standing site requires the Applicant obtain a Zoning/Development Permit following the light industry sub-sections of this Ordinance.

1. Definition

Compressor Station/Processing Plant: A permanent structure with equipment, tanks and site disturbance used to process and/or compress gas that is used as a midstream operation supporting oil and gas production.

Metering Station: A permanent structure that is used as a midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

The oil and gas compressor station, processing plant or metering station as defined apply only to the surface activity resulting from natural gas development and production.

2. Supplemental Controls

- a. The compressors are required to be enclosed in a building with doors.
- b. The building and roofing color is required to blend with the community character of the site.
- c. A written commitment to the County from the Applicant that the site will be restored within one year following the termination of production.

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance.
- b. Information in Section 3250E.1.6 as required by the Zoning Hearing Board.

3250D Heavy Industry

1. Definition

[SIC 2082-85, 261-3, 28, 29, 30, 311, 32, 33, 35, 361, 362, and 37] Heavy industry uses include the processing of alcoholic beverages; paper, pulp, or paperboard mills; the manufacture of chemicals and allied products (excluding drugs, see Light Industry, Section 3250C); the processing of petroleum and coal products, rubber and miscellaneous plastics; leather tanning; the manufacture of stone, clay, and glass products; primary metal industries; the manufacture of industrial machinery and equipment; the manufacture of electrical distribution equipment and electrical industrial apparatus; and the manufacture of motor vehicles, aircraft, ships, boats, railroad equipment and other similar types of transportation equipment, and solid waste transfer stations.

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Commentary: This group contains those uses which have high potential for negative impact on any uses located relatively close to them. It differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have potential for generating odors and may involve large amounts of exterior storage. Because of their scale, they are likely to have an area-wide impact.

2. Supplemental Controls

- a. Any pumps, underground fuel storage tanks and islands, including any canopies, shall be at least twenty-five (25) feet from any street or lot line. Entrances and exits to streets shall be a minimum of one-hundred (100) feet from any intersection as measured from the intersecting right-of-way lines.
- b. All above-ground chemical or fuel tanks (except propane tanks) shall be located in a depressed area sized to hold all the tank volume with a one (1) foot freeboard. Such depressions shall be lined with materials that prevent the chemicals to be stored from soaking into the ground and have a positive drainage to an area for pumping up any spill. Tanks in excess of four-thousand (4,000) gallons shall be enclosed in a chain-link, barbed-wire topped fence.
- c. Chain-link, barbed-wire topped screening and/or fencing (guy wires not included) is required for high-voltage transformers, and any other utility structures or equipment of potential hazard to residents or passersby. Such enclosures shall be screened with hedges.

3250D. 1 Oil and Gas Water Reuse Storage Facility

A heavy industry activity that adds a separate use for water reuse and storage to an expansion of an existing well pad in 3250E.1, or to a new, free-standing site requires the Applicant obtain a Zoning/Development Permit following the provisions outlined in the heavy industry sub-sections of this Ordinance.

1. Definition

Water Reuse Storage Facility: Tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water that has been used and is being reused.

2. Supplemental Controls

- a. The criteria of Zoning Ordinance Section 3250D.1, as heavy industry and sub-section 3250D.2.b for above ground tanks, and any equipment that will contain frack water.
- b. Complete site restoration within one year following the termination of production in accordance with PADEP regulations.
- c. Impoundments that are used solely for fresh water storage do not require a zoning permit.

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance.

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- b. Information in Section 3250.1.6 as required by the Zoning Hearing Board.

3250E Extraction

1. Definition

[SIC 10, 12, and 14] This category includes extraction uses such as mining and quarrying of sand, clay, dolomite, shale, gravel, topsoil, or similar materials, including borrow pits (excavations for removing material for filling operations) which exceed two-thousand (2,000) tons in a one (1) year period. For borrow pits of less than two-thousand (2,000) tons, see Section 3300D.9.

2. Site Plan Specifications

- a. The applicant shall provide a full set of all documentation and plans required for such uses to meet the permit requirements of the Pennsylvania Department of Environmental Resources.
- b. The site plan will show the widths, bearing capacity, type of road surface of all township or borough roads used by truck traffic to or from the site and the nearest state roads; and the weight of the vehicles using the facility. An analysis shall indicate the improvements needed to accommodate the weight of vehicles using the facility.

3. Supplemental Controls

- a. **Location.** No extraction use shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.
- b. **Operations.** Extraction operations shall meet all development and performance standards of this Ordinance and all applicable local, state, and federal regulations.
- c. **Setbacks.** An excavation or quarry wall shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way. The setbacks listed in Table 3250E are required from the periphery of the subject property to any excavation, quarry wall, or storage area on the subject property. Setback distance is dependent upon the use of the adjacent property.

TABLE 3250E
Required Setbacks from Lot Lines For Extractive Operations

| Use of Abutting Property | Required Setback From Lot Line ** |
|---------------------------------|------------------------------------------|
| Vacant | 200 feet |
| Open Space/Recreation | 200 feet |
| Agricultural | 150 feet |
| Residential* | 1500 feet |
| Institutional | 200 feet |
| Commercial | 150 feet |
| Industrial | 50 feet |
| Waterbody | 150 feet |
| Watercourse | 150 feet |
| Well | 250 feet |

* 200 feet if owned by the extractive operation

** State standards if more restrictive

Table 3250E – Required Setbacks from Lot Lines for Extractive Operations

- d. **Access.** Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties and to ensure the quality of public roads. There shall be a minimum of five-hundred (500) feet of sight distance at the entrance to the facility. No extraction facility should take access through a residential street. Access roads shall meet the municipal specifications for base and pavement or the applicant may enter into a voluntary agreement with the municipality to upgrade the access road to the applicable standards. Such agreement shall be in a form approved by the governing body of the affected municipality.

3250E.1 Oil and Gas Development

1. Definition

[SIC 13] The oil and gas development use includes the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy production and all associated equipment, structures and construction at the drilling site including the well pad, access roads, hydraulic fracturing, production, pipelines, tanks, meters, and temporary work crew and supervisor trailers for exploration and production at a single well pad, including multiple wells at a single well pad, and all subsequent site reclamation activities which follow the production phase.

2. Purpose

This section provides practical and reasonable criteria for oil and gas development use. The use includes the site specific equipment, structures and disturbance associated with the use. Information and certain measures are provided to determine that public health, safety and welfare is protected. These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of this Ordinance. Local governments are preempted

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from regulating the same features of Oil and Gas well operations or accomplishing the same purposes regulated under the PA Oil and Gas Act. Local zoning regulates surface land use.

Oil and gas development sites permitted under this zoning ordinance prior to the effective date of this Ordinance Amendment shall not be required to meet the requirements of this Amendment. Any physical modification to an existing site materially altering the size, type, location and/or number of wells or other accessory equipment shall require a permit or, in the case of additional wells, notice under this Ordinance.

Lycoming County's terrain is characterized by ridge and valley terrain. To reduce visual impact from the valley floor, it is strongly encouraged that drilling proposed to be sited near a ridge top be setback from the edge of ridge to minimize visibility from the valley floor. Other techniques to address off-site impacts may include: using non-reflective surfaces on the structures, orienting safety lighting with shielding to reduce off-site glare and orienting the derricks in a configuration that respects the on-site and off-site factors.

3. Procedure

The reuse of a well pad is encouraged. Following written notification to the Zoning Administrator and prior to issue of a Certificate of Occupancy, the permit will remain valid and effective for previously permitted uses but shall not allow a change in use or a new use without a new permit. Any change to the support or ancillary equipment including accessory structures that does not materially alter the site, shall not require a new permit but will require a notification to the Zoning Administrator.

A Zoning/Development Permit shall be obtained for oil and gas development following the provisions outlined in sub-sections below:

- a. Seismic Testing does not require a zoning permit.
- b. A Zoning/Development Permit shall be obtained for each well pad.
- c. Within 14 days of receipt of the information described in Section 3150E.1.4 and the required fee, the Zoning Administrator or his or her designee shall issue a Zoning/Development Permit placard. The Applicant shall post this placard at the nearest point of public access to the site.
 - i. For well pad sites located in districts listed as "S" on the use table Section 3120, the County Zoning Hearing Board process is applicable and will require more than 14 days to complete a permit action.
- d. When multiple wells are located on the same well pad, a separate permit for each well is not required. However, written notification must be provided to the Zoning Administrator at least 14 days, but no more than 90 days, prior to drilling of each well not already identified in a Zoning/Development Permit.

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- e. Installation, operation and maintenance of oil and natural gas pipelines, including water lines and reused water pipelines related to oil and gas development (even when initially installed from the surface), subsurface horizontal drilling boreholes and associated subsurface production pipe, casing, cement, are permitted uses by right in all zoning districts. Application for and issuance of a zoning permit for pipeline installation in any zoning district is not required, except where installation of such facilities crosses over and disturbs the surface of a state or municipal public road per Section 10120A6.
- f. A Certificate of Occupancy is not required, but may be requested by the Applicant. In response, the Zoning Administrator will issue a Certificate of Occupancy once all reclamation activities are completed.

4. Information Specifications

The following information shall be submitted to allow issuance of the Zoning/Development Permit for a well pad:

- a. A narrative describing the proposed drilling use, including:
 - i. the approximate number of acres to be disturbed for development;
 - ii. the proposed number of wells, including the DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later; and
 - iii. a description of how damage to public roads adjacent to the tract will be addressed.
- b. A map showing the well pad, planned access road, allowable drilling area, and planned permanent improvements.
- c. A site address determined by the County 911 addressing program at the time of application for emergency and safety services and information needed to gain access in the event of an emergency.
- d. A statement that the development will be constructed and operated in compliance with all Federal and State permitting requirements.
- e. A copy of any permits issued at the time of submittal, including any DEP permits and any applicable PennDOT or municipal highway occupancy or driveway permits.
- f. A copy of letter notifying the affected municipality(ies) Board of Supervisors, or Borough Council of intent to seek a Zoning/Development Permit.

5. Supplemental Controls

The following supplemental controls represent the minimum standards. Landowners that also own the relevant mineral rights may provide additional standards or controls within their lease agreements.

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- a. Vehicular access to any natural gas well, oil well or well pad shall minimize danger to traffic and nuisance to surrounding properties.
 - i. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is discouraged.
 - ii. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.
 - iii. Driveway slope requirements of Section 7204 may be exceeded when the Applicant submits information acceptable to the County Zoning Administrator establishing, where applicable, that literal compliance with the driveway slope requirement is shown to be unreasonable, would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results. An approval requirement shall include a security gate installed at the driveway entrance and a leveling area of sixty (60) feet in length at the driveway entrance with the road, if determined feasible by the Zoning Administrator.
- b. A Zoning/Development Permit shall not be issued for any well to be drilled within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by Federal Emergency Management Agency (FEMA).
 - i. Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain.
 - ii. Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
 - iii. Drilling, associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are strongly discouraged. Upon reasonable justification submitted by the Applicant that the only suitable place on the property controlled by the Applicant to access the gas or oil is from a site area located in the flood fringe segment of the Regulated (or 100-year) Flood Plain, a Zoning/Development Permit may be issued by the Zoning Administrator, provided:
 - 1) There is compliance with the Section 5160 of this Ordinance.
 - 2) There is compliance with Section 10130H of this Ordinance.
 - 3) Following the submission of a flood evacuation plan.
 - iv. A closed loop system for drill cuttings is preferred within the 100-year flood fringe (Zoning Ordinance Section 5160).
- c. Safety
 - i. Oil and Gas drilling activities and associated equipment shall comply with all applicable federal and state safety standards.
 - ii. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
 - iii. During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

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- iv. During drilling and hydraulic fracturing, a guard station with 24-hour staffing at the entrance to the site is permitted in lieu of fencing.
- d. Aircraft Considerations. Aircraft signal lighting is not permitted other than as required by the Federal Aviation Administration (FAA).
- e. Height. The height of the drilling rig and facilities on site such as drying tanks, etc. are exempt from the height limits found in this Zoning Ordinance. Permanent structures whether principal or accessory must comply with the height regulation contained in Section 4230 of this Ordinance as an “Other Industrial” use.
- f. Setbacks. The well bore (centered on the derrick drilling rig) shall be located a minimum setback distance, dependent upon the use of adjacent property, as follows:
 - i. Well bore shall be setback 200 feet from any of the following:
 - 1) Any roadway designated as eligible for scenic byway status in the document titled “A Scenic Byways Program for Lycoming County”, or any subsequent County scenic byways plan.
 - 2) Designated Pennsylvania Department of Conservation and Natural Resources (DCNR) trailheads or boating/canoe launch points.
 - 3) The following named trails from the adopted County Recreation, Park and Open Space/Greenway Plan: The Pine Creek Rail Trail, Black Forest Trail, Loyalsock Trail, and Mid-State Trail. Please refer to map.
 - 4) Designated scenic overlooks.
 - 5) Building or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
 - 6) Any right-of-way line of the nearest public or private road respectively.
 - 7) From property line of publicly owned land.
 - ii. All other setbacks for structures, buildings, and production equipment shall comply with Section 4230 Non-Residential Bulk Standards as an “Other Industrial” use.
 - iii. Side and rear setback requirements shall not apply to well pads where common law, contractual rights or statutory provisions authorize the surface use to cross property lines.
 - iv. Buffer yards set forth in Section 6400 only apply to Special Exception uses.
 - v. The setback requirements of this section may be reduced when the Applicant submits information acceptable to the County Zoning Administrator establishing, where applicable, that literal compliance with the setback requirement is shown to be unreasonable, would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.
- g. Fence and Screening Standards.
 - i. Fences shall not be required on drill sites during initial drilling, completion or reworking operations as long as 24-hour on-site supervision is provided.

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- ii. During drilling and hydraulic fracturing, a secured entrance gate on the access road with arrangements for appropriate access to emergency management personnel shall be required and all gates are to be kept locked when the employees, sub-contractors are not on the premises.
 - iii. Applicant must provide the County Communications Center necessary information to access the well pad in case of an emergency.
 - iv. Screening. When site pads are being constructed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.
 - h. Signal Interference. The Applicant shall make reasonable efforts to avoid and/or mitigate any disruption or loss of radio, telephone, cellular phone, television or similar signals, and shall mitigate any harm caused by the oil and gas use in a timely manner.
 - i. Signal impairment to the County of Lycoming communications system shall not occur under any circumstances.
 - i. Agreements with Municipalities. When an Agreement exists between the Applicant and the municipality(ies) (township or borough where the use will be located), said agreement shall be submitted to the County Zoning Administrator prior to the issuance of the Certificate of Occupancy.
 - j. Revocation of any required federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the Zoning/Development Permit.
6. Criteria applied to the Zoning Districts that permit the use by Special Exception.

In addition to the Special Exception Procedures found in Division 10300 of this Ordinance, the Zoning Hearing Board shall require the Applicant to provide the following:

- a. Steps the Applicant will take to mitigate or resolve impacts, whether temporary or permanent, specifically related to the site, all adjacent land, nearby roads, light emission and land use.
- b. The chain link fencing to be installed shall be dark green or black coated steel wire. A sample standard follows for guidance:
 - i. The fence shall be at least six (6) feet in height.
 - ii. Support posts shall be set in concrete and imbedded into the ground to a depth sufficient to maintain the stability of the fence. Temporary fence posts shall not be required to be set in concrete.
 - iii. The chain link fence shall have a minimum thickness of eleven (11) gauges.
 - iv. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of one-fourth by three-fourths inch.

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- v. All chain link fences shall be equipped with at least one (1) gate. The gate shall meet the following specifications:
 - 1) Each gate opening shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span.
 - 2) The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence.
 - 3) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked when no one is working on the site.
- c. Noise standards. Sound disturbance during the drilling gas and oil exploration stage shall be addressed as follows: The Applicant shall install sound attenuation, with mitigation devices to address sound levels that would exceed the noise level standards when located near facilities such as schools, and churches, and critical facilities such as medical providers, fire and emergency stations. The Applicant shall demonstrate compliance with the noise standards contained in Section 5130 Noise Protection Levels for all permanent phases of the use.
- d. Buffer yards set forth in Section 6400 only apply to Special Exception uses.

3250F Disposal

1. Definition

[SIC 4953] Establishments primarily involved in the collection and disposal of refuse by processing or destruction, the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials. Disposal uses shall also include hazardous waste facilities which include the use, storage, production, processing, control, or disposal of industrial residual wastes, infectious wastes, chemotherapeutic wastes, radioactive wastes, and toxic substances.

Site Plan Specifications

- a. The applicant shall provide a copy of all documentation and plans required for such uses to meet the permit requirements of the Pennsylvania Department of Environmental Resources.
- b. The site plan will show widths, bearing capacity, type of road surface of all state or municipal roads used by truck traffic to or from the site, and the weight of the vehicles using the facility. An accompanying analysis shall indicate the improvements needed to accommodate the weight of vehicles using the facility.

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2. Supplemental Controls

- a. **Hazardous Waste Facilities.** A hazardous waste facility may be permitted only upon approval of a Special Exception in the Industrial District. The applicant shall provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or township laws.

In addition, as part of the application for a Special Exception, the applicant shall submit a Community and Environmental Impact Analysis which shall contain the following information:

- (1) Hydrologic analysis
 - (2) Geologic conditions
 - (3) Soils classification
 - (4) Mineral bearing areas
 - (5) Land use impacts
 - (6) Transportation impacts
 - (7) Emergency and safety services
 - (8) Economic impact analysis, including impact upon the agricultural industry
 - (9) Air quality impact analysis, including a risk analysis of impacts to human health, animals, and vegetation
 - (10) Community character impact analysis, including conformance with county and municipal comprehensive plans
- b. **Location.** No disposal use shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.
- c. **Setbacks.** All disposal uses shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way. The setbacks listed in Table 3250F are required from the periphery of the subject property to any disposal area, excavation, or storage area on the subject property. Setback distance is dependent upon the use of the adjacent property.

TABLE 3250F
Required Setbacks From Lot Lines For Disposal Operations

| Use of Abutting Property | Required Setback From Lot Line ** |
|---------------------------------|------------------------------------------|
| Vacant | 200 feet |
| Open Space/Recreation | 200 feet |
| Agricultural | 150 feet |
| Residential* | 1500 feet |
| Institutional | 200 feet |
| Commercial | 150 feet |
| Industrial | 50 feet |
| Waterbody | 150 feet |
| Watercourse | 150 feet |
| Well | 250 feet |

* 200 feet if owned by the extractive operation

** State standards if more restrictive

Table 3250F – Required Setbacks from Lot Lines for Disposal Operations

- d. **Access.** Truck access to any disposal area shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties, and to ensure the quality of public roads. There shall be a minimum of five-hundred (500) feet of sight distance at the entrance to the facility. No disposal facility should take access through a residential street. Access roads shall meet the municipal specifications for base and pavement or the applicant may voluntarily enter into an agreement with the municipality to upgrade the road to the applicable standards. Such agreement shall be in a form approved by the governing body of the affected municipality.

3250G Junkyard

1. Definition

Any land or structure where junk is stored, disposed of, processed, accumulated, salvaged, or sold; provided that any site utilized by an officially recognized (as designated in the County Solid Waste Plan or by the County Recycling Coordinator) group or organization conducting a recycling operation for the temporary storage of junk in anticipation of collection for recycling shall not be deemed a junkyard.

2. Supplemental Controls

Commentary: The intent of provisions (a) and (b) below is to recognize that certain items of junk as herein defined, while having value to the owner, nonetheless may create an adverse property value impact or public nuisance when left in open public view, or negative public health impact if improperly stored. Therefore, this Ordinance allows private individuals, not engaged in a commercial junkyard or repair enterprise, the freedom to own and store junk vehicles and reasonable amounts of other junk so long as such individuals take reasonable

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care to avoid creating adverse property value effects on their neighbors, or public health and safety hazards.

- a. **Limitation on junk vehicles.** It shall be unlawful for any person to place, store, or permit to be placed or stored on any property a junk vehicle, unless such vehicle is kept in a fully enclosed structure or otherwise screened from public view. This provision shall not preclude:
 - (1) The diligent repair of a junk vehicle within a period not to exceed sixty (60) days; provided, however, that such vehicle is owned by the resident of the dwelling unit at which it is parked;
 - (2) the placement or storage of junk vehicles on any lot containing a heavy equipment and specialized vehicle sale, rental and service establishment, a junkyard, a motor vehicle storage and impoundment yard, a service station, a vehicle service establishment or a vehicle sale, rental and ancillary service establishment, provided such placement or storage is in accordance with the applicable provisions of this Ordinance for such uses; or,
 - (3) the placement or storage of junk farm vehicles and conveyances which are part of the inventory of a bona fide agricultural operation.
- b. **Limitation on accumulation of junk.** No person or owner shall allow the accumulation of junk to occur on their premises except in accordance with the applicable provisions of this Ordinance for junkyards. This provision shall not preclude the accumulation of material that may be regarded as junk being stored in an orderly fashion under a proper cover or within an appropriate structure, or otherwise screened from open public view, provided that:
 - (1) The accumulation of junk cannot be observed by the public from any point accessible to the public;
 - (2) no offensive or noxious sounds, odors, or sights which are hazardous to the health, safety, and welfare of the people of the County or detrimental to their property rights or that generally interfere with the peacefulness or orderliness of the community are caused thereby; and,
 - (3) the accumulation of junk does not result in the breeding or harboring of rats, mosquitoes, or other vectors.
- c. **Limitation on the storage of waste tires and tire-derived materials.** Any person or owner proposing to store waste tires or tire derived materials shall obtain DEP approval of a plan prior to such storage that addresses the DEP “Interim Policy for the Storage of Waste Tires and Tire-Derived Materials” or any subsequent regulations which are promulgated to address this issue. The approved plan shall be submitted to the County Zoning Administrator as part of the Zoning/Development Permit application.

Commentary: DEP’s “Interim Policy for the Storage of Waste Tires and Tire-Derived Materials” sets forth storage requirements for waste tires and tire-derived materials, including duration of storage, isolation distances, access control, hazard prevention, nuisance control, recordkeeping and reporting, and site closure.

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- (1) The provisions of this subsection do not apply to persons who store less than five-hundred (500) waste tires/equivalent amount of tire-derived materials in open storage or store less than one-thousand five-hundred (1,500) tires/equivalent amount of tire-derived materials in enclosed storage; unless such storage threatens or causes harm to the public health, safety, welfare, or the environment.
 - (2) No person or owner may store waste tires or tire-derived materials for more than one(1) year unless seventy-five (75%) percent of the total number of waste tires (including tire-derived materials) that were present at the site during the preceding calendar year were processed or disposed of. Any facility in which waste tires or tire-derived products are stored contrary to the provisions of this subsection shall be classified as a waste disposal facility and shall be subject to the provisions of Section 3250F of this Ordinance and may be subject to the applicable requirements of the Solid Waste Management Act (Act 97) and regulations promulgated thereunder. Each person or owner that stores waste tires or tire-derived materials shall submit a copy of an annual operation report to the County Zoning Administrator, prepared in accordance with the DEP Interim Regulations, on or before January 30th of each year.
- d. **Buffering.** In addition to the bufferyard standards of Article 6, the applicant shall demonstrate that berms or fences are used to ensure that no part of the facility is visible from residential dwellings or roads located within five-hundred (500) feet of the use. If the use covers more than ten (10) acres in area, the distance shall be increased to two-thousand (2,000) feet.
 - e. The site shall have appropriate measures taken that prevent site contamination from oils, gas, grease, or other contaminants including metals. At a minimum, there shall be five (5) feet of soil between the water table or bedrock. Should there be wells located within one-thousand (1,000) feet of the site, the Lycoming County Zoning Hearing Board may require a liner and guarantee that any contaminated topsoil shall be removed by the applicant.
 - f. No garbage or other organic waste shall be stored on such premises.
 - g. The junkyard shall be enclosed by a wall or fence of a uniform design, texture, and structure not less than eight (8) feet in height. Erection of such fence or wall shall be controlled by the bufferyard setback requirements contained in Article 6. The walls of buildings used for such purposes as offices, storage, and other appropriate uses may form a portion of said fence or wall providing that such structures do not project into the required bufferyard setback.
 - h. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junk shall be spaced in rows with at least twenty (20) feet between each double row so as to permit movement of fire fighting equipment. Junk shall not be piled to a height of more than six (6) feet from the ground.
 - i. All gasoline and fluids shall be drained from any junked vehicle into containers and properly disposed of within twelve (12) hours from arrival on said premises of the junked vehicle. Fluids shall be stored in accordance with the Pennsylvania Department of

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Environmental Protection Regulations and the National Fire Protection Association Standards.

- j. Such premises shall be maintained in such a manner so as not to cause a public or private nuisance; a menace to the health or safety of persons on or off the premises; offensive or noxious sounds or odors; the breeding, harboring, or infestation of rats, rodents, or vermin; or a violation of any health or sanitation law, ordinance, or regulation of any governmental body.
- k. No burning of junk, rubbish, or other material connected with a junkyard shall be ignited or otherwise commenced except between the hours of 9:00 A.M. and 3:00 P.M., Monday through Friday, and at no other times. No oil, grease, tires, gasoline or any other material that might be hazardous or tend to produce noxious odors or smoke shall be burned within a junkyard at any time. Burning must be attended and controlled at all times. All burning shall be prohibited where not allowed by other municipal ordinance or state regulations.

3250H Medical Marijuana Grower/Processor

1. Definition

A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of health (DOH) to grow and process medical marijuana.

2. Supplemental Controls

- a. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- b. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
- c. There shall be no emissions of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- d. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- e. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- f. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.

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- g. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

3250I Medical Marijuana Transport Vehicle Service

1. Definition

Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

2. Supplemental Controls

- a. A traffic impact study is required where the office is operated.
- b. Parking requirements will follow the parking schedule found in Article/Part _____ & _____ Off-Street Parking Regulations
- c. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- d. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
- e. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

DIVISION 3300 TEMPORARY USES

SECTION 3310 AUTHORIZATION

Temporary uses are permitted only as expressly provided in this Division.

SECTION 3320 TEMPORARY ZONING PERMIT REQUIRED

No temporary use shall be established unless a temporary Zoning/Development Permit evidencing the compliance of such use with the provisions of this Division and other applicable provisions of this Ordinance shall have first been issued.

SECTION 3330 USE LIMITATION

No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article 8.

SECTION 3340 PERMITTED TEMPORARY USES

The following are temporary uses which are subject to specific regulations and standards as set forth below, in addition to the other requirements specified in this Ordinance.

3340A Christmas Tree Sales

1. Supplemental Controls
 - a. Permitted in any district.
 - b. Maximum length of permit for display and open-lot sales shall be sixty (60) days per year.

3340B Contractors Office, Watchman Trailers, Construction Equipment Sheds, Trailers

1. Supplemental Controls
 - a. Permitted in any district where the use is incidental to a construction project. Water and sanitary facilities shall be provided; sleeping and/or cooking accommodations may be provided.
 - b. Permits shall be issued for one (1) year, and may be extended for additional periods until construction has ceased or has been completed.
 - c. The temporary structure shall be removed from the property upon issuance of an Occupancy Permit for the new or rehabilitated building.

3340C Special Events

1. Definition

These include carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, outdoor religious meetings, rodeos, outdoor concerts, tractor pulls, special outdoor entertainment on commercial properties, and other similar activities.

2. Supplemental Controls

- a. Activities which are sponsored by an organization whose principal administrative offices are located within Lycoming County (including, but not limited to, volunteer fire companies, local chambers of commerce, veterans' organizations, service clubs, civic organizations, churches or religious organizations, sports or hunting clubs, charitable, educational, or non-profit organizations or recognized chapter thereof) are exempt from the requirement of a temporary Zoning/Development Permit.
- b. When the activity is sponsored by an entity whose principal administrative offices are outside of Lycoming County, a temporary Zoning/Development Permit shall be required prior to commencement of the activity. A temporary Zoning/Development Permit may be issued for a period not to exceed twenty-one (21) consecutive days.
- c. The access to the property shall be adequate for the crowds anticipated.

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- d. Adequate water and sanitary facilities must be supplied to the site. Light, noise, and dust from the activity shall be confined within the site.
- e. Adequate parking shall be provided for the anticipated number of vehicles.
- f. At the end of the allowed time period, the temporary use and all debris shall be removed. The Zoning Administrator may require a signed contract with a disposal firm as part of the application for the temporary use to ensure that all debris is removed. A new permit allowing the same temporary use at the same location may not be issued for a period of six (6) months from the date that the original permit was issued.

3340D Real Estate Office Sales

- 1. Supplemental Controls
 - a. Permitted in any district for any new development approved in accordance with the Lycoming County Zoning Ordinance and applicable county/municipal subdivision and land development ordinances. A model home may be used as a temporary sales office.
 - b. Maximum length of the permit shall be one (1) year, and may be renewed from year to year until the completion of the development.
 - c. The office shall be removed upon completion of the development of the subdivision.

3340E Temporary Shelter

- 1. Definition

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted as a temporary use.
- 2. Supplemental Controls
 - a. Required water and sanitary facilities must be provided.
 - b. Maximum length of the permit shall be six (6) months, but the Zoning Administrator may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least thirty (30) days prior to expiration of the original permit.
 - c. The mobile home shall be removed from the property upon issuance of any Certificate of Compliance for the new or rehabilitated residence.

3340F Produce Stands or Farmstands

- 1. Supplemental Controls
 - a. Permitted in all districts except the Neighborhood Preservation (NP) District.

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- b. Farmstands operating as a temporary use shall be open for no more than six (6) months per year. Fifty (50%) percent or more of the gross receipts of the products sold shall be grown within the state.
- c. All temporary signs shall be affixed to the stand, and when added together, shall not exceed thirty-two (32) square feet in area. The sign(s) may contain the name of the stand, but shall only contain advertising that pertains to the produce sold at the stand. This type of sign will not require the issuance of a sign permit.
- d. The stand and parking for the stand shall neither block nor be located within any right-of-way.
- e. The stand and parking for the stand shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal, or device.

3340G Temporary Concrete or Asphalt Batch Plants or Asphalt Reprocessing Plants

1. Supplemental Controls

- a. Such facilities shall be erected only in conjunction with public road improvements in Lycoming County involving more than five (5) miles of new paving, or other substantial public construction projects.
- b. They shall be permitted only for the period of actual highway work or project construction.
- c. No such facility shall be located within one-thousand (1,000) feet of a sinkhole towards which it drains or within five-hundred (500) feet if it drains in another direction. Nor shall it be closer than five-hundred (500) feet from any home or well not on the facility property.
- d. The contractor shall submit a routing plan to the Zoning Administrator, who shall refer the routing plan to the Lycoming County Planning Commission and the municipal governing body for its review and recommendation for trucks traveling between the road improvement project site and the proposed plant as a condition prior to approval.
- e. Such facilities shall only be allowed access via arterial or collector roads and highways. Access via local residential roads and/or collector roads serving residential areas shall be prohibited.
- f. In order to ensure that the area used for such facilities shall be restored to a condition of practical usefulness and attractiveness, the owner or operator shall, prior to the issuance of a Zoning/Development Permit, submit an agreement with the municipality whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the municipality.

3340H Borrow Pit

1. Definition

Small excavations of less than two-thousand (2,000) tons cumulative total for the removal of materials for compensation or valuable consideration. (Does not apply to personal use on the same property.)

2. Supplemental Controls

- a. Prior to conducting such an operation, the applicant shall submit a copy of the approved small operator permit from the Pennsylvania Department of Environmental Resources.
- b. Borrow pits shall be located a minimum of fifty (50) feet from any property line or one-hundred (100) feet from any existing residence, other than the owner's.
- c. Performance bonds for restoration and repair of roads shall be required by the municipality.

Commentary: The small operator permit establishes controls of dust, reclamation and revegetation, erosion and sedimentation controls, and conservation of topsoil.

3340I Logging

1. Definition

Logging is defined as the act of cutting trees for cord wood, timber, pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than one (1) acre for development of building sites (see Section 3210C for clearing of one (1) acre or more), or clearing for farm operations, if there is no altering of natural drainage courses.

See Section 3210A, Agricultural Uses for Christmas Tree Farming, and Section 3340A for a temporary permit required for Christmas Tree Sales.

2. Supplemental Controls

- a. Logging is permitted in all districts.
- b. Roads, paths, or trails that are temporary in nature and are solely meant to support the logging operation are not subject to the slope or width requirements of this ordinance.
- c. The property owner or his agent shall submit a copy of a letter notifying the affected municipality(ies) board of supervisors prior to issuance of a temporary Zoning/ Development Permit and commencement of the logging operation.
- d. Upon receipt of a temporary use permit application, a processing fee and the aforementioned letter, the municipal permit officer, the Zoning Administrator, or his designee shall issue a temporary use permit placard for the logging operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.

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- e. Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the temporary Zoning/Development Permit.

3340J Mobile Sawmills and Chip Harvesters

1. Supplemental Control

- a. Mobile or portable commercial sawmills are permitted in the Agricultural, Resource Protection and Countryside Districts for timber cut from that property provided that the active operations shall continue no longer than two-hundred twenty-five (225) calendar days, or the following requirements shall apply:
 - (1) Minimum tract size of five (5) acres;
 - (2) mobile sawmills shall be located a minimum distance of one-hundred (100) feet from any property line and two-hundred (200) feet from any existing residential dwelling, other than the owner's; and
 - (3) a notice of resumption shall be provided by the mobile sawmill operation to the Zoning Administrator after suspension of activities for more than thirty (30) days.
- b. "Hobby" or personal use sawmills, which are used for sawing timber from the property where the sawmill owner resides or for hobby (i.e. recreational, not livelihood) purposes are exempt from the above requirements.
- c. Sawdust piles shall be set back a minimum of fifty (50) feet from streams or water bodies in accordance with the standards contained in Section 5220 (Aquatic Resource Buffers).
- d. The applicant may apply for an extension of time, up to a cumulative total of one (1) year, upon review by the Zoning Hearing Board.

3340K Grading

1. Definition

The act of excavation, or filling, or combination thereof, or any leveling, or compaction of earth to create a smooth horizontal or sloping surface on a property in preparation of a subdivision or land development that has either been granted conditional approval or preliminary approval.

Supplemental Controls

- a. A grading permit will only be required if an applicant wishes to proceed with site preparation work prior to meeting all conditions necessary to receive final subdivision or land development plan approval. In no other instances will a grading permit be required.
- b. The project must have a valid zoning permit for the use specified and has been granted land development approval, but is still working to meet conditions that have been applied by the Planning Commission.
- c. The applicant must have all permits determined necessary for grading including, but not limited to the following: E&S approval, NPDES or ESCGP-2.

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- d. With exception to instances where a developer's agreement is in place between the applicant and the agency with the SLDO approval authority-no improvements beyond grading and any stormwater management BMP installations, as specified in the land development plan, shall be implemented until the land development plan has been recorded and the zoning permit has been issued.

3340L Storage of Mobile Homes

1. Definition

- a. The temporary placement of a mobile home (see Section 3220C.1), which is in transit from one site to another and sits for no longer than fourteen (14) consecutive days upon a parcel, does not require a temporary Zoning/Development Permit.
- b. Temporary storage of a mobile home upon a parcel for fifteen (15) or more consecutive days shall require that a temporary Zoning/Development Permit application be submitted for review and zoning approval. The application shall be submitted within ten (10) days of placement upon a parcel or prior to such placement.

2. Supplemental Controls

- a. A temporary Zoning/Development Permit application shall specify the applicant data, location, type and use, the structural characteristics and dimensions, and describe in detail the duration of storage.
- b. The location may be permitted if minimum setbacks (see Table 4230-Commercial Land Use) are maintained, the mobile home does not pose a health or safety hazard nor create a nuisance (see Section 5110), and it is not converted to any other use unless a change of use application is made and approved.
- c. The temporary Zoning/Development Permit shall be issued for a specified period of time not to exceed six (6) months. No renewal will be permitted without cause.

3340M Water Withdrawal

1. Definition

- a. Water withdrawal is defined as the non-potable water withdrawal from any surface stream source or well. The ancillary disturbance area is also considered part of the water withdrawal use. The use consists of a site approved by the Susquehanna River Basin Commission (SRBC) as a consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f). The zoning permit should include information about the use, including: off-street parking, electrical services, pumps and pumping equipment, and areas where mobile water storage tanks are located. The water withdrawal is considered temporary when a piping system is installed to transport water.

2. Supplemental Controls

- a. Water withdrawal is permitted in all districts.

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- b. The property owner or agent shall submit a copy of a letter notifying the governing body of the affected Municipality(s) prior to issuance of a Temporary Zoning permit and commencement of the water withdrawal operation.
- c. Upon receipt of a temporary use permit application, a processing fee and the aforementioned letter, the Municipal Permit Officer, the Zoning Administrator, or designee shall issue a temporary use permit placard for the water withdrawal use. The property owner or agent shall conspicuously post this placard at the nearest point of public access.
- d. Revocation of any required Federal, State, Municipal, or other required approvals applicable to this use only shall constitute an automatic revocation of the Temporary Zoning Permit.
- e. Upon cessation of the water withdrawal use, the site shall be returned to natural groundcover in the locations that were disturbed to accommodate vehicles and mobile water tank parking and storage.
- f. Due to the location of water withdrawal sites located along streams that are in the mapped floodplain, the non-conforming purpose provisions are not applicable.
- g. A zoning permit is required for water withdrawal uses in existence at the time of the enactment of this amendment to protect the health, safety and welfare of the public. This is consistent with the rules found in Zoning Ordinance Definition Section for development and Section 5160 (Development Which May Endanger Human Life, 5160G).
- h. Water withdrawal for emergency purposes to protect the public health and safety is exempt from a permit.
- i. Water withdrawal not requiring an SRBC permit is exempt from a permit.

DIVISION 3400 ACCESSORY USE REGULATIONS

SECTION 3410 GENERAL STANDARDS

- A.** All accessory uses, buildings and structures shall require a Zoning/Development Permit and shall be permitted in all districts, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure or principal use served on the lot prior to the issuance of a Zoning/Development Permit for an accessory structure, accessory building or accessory use.
- B.** No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.

SECTION 3420 PERMITTED ACCESSORY USES

3420A Private Swimming Pools

1. Supplemental Controls

- a. Swimming pools of permanent construction, whether above or below ground, except portable pools which are not more than two (2) feet in height, shall be completely surrounded by a fence or wall not less than four (4) feet in height and shall be constructed so as to permit no uncontrolled access. A lockable gate shall be provided. This enclosure shall be designed per the applicable specifications within the International Building Code.
- b. A dwelling or accessory structure may be used as part of such enclosure.
- c. Pools shall not be located within any required front yard nor closer than fifteen (15) feet to any property line.
- d. Permanent pools located in the regulatory floodplain are prohibited.

3420B Garage, Private Parking Structure

1. Definition

A private parking structure or garage is a detached accessory building or a portion of a principal building used primarily for the storage of automobiles by family residents upon the premises.

2. Supplemental Controls

- a. Private parking garages shall not be used for storage of more than one (1) commercial vehicle.

3420C Caretaker's Residence

1. Definition

A caretaker's residence is a dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and is located on the same parcel as the principal use.

3420D Outside Storage

1. Supplemental Controls

Outside storage, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use, shall be permitted subject to the following additional provisions:

- a. All outside storage areas shall comply with the minimum screening and buffer requirements for the primary use contained in Article 6.

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- b. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or may be edible or otherwise attractive to rodents or insects shall be stored outside only in closed containers.
- c. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except as permitted by state or federal regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
- d. No junk vehicles, recreational vehicles, buses, trucks, or similar vehicles shall be permitted as outside storage structures. Mobile homes or truck trailers may be permitted as storage structures as provided below:
 - (1) The Lycoming County Zoning Hearing Board may permit residential storage structures upon approval of a Special Exception in all zoning districts. The Lycoming County Zoning Hearing Board shall evaluate the exterior condition of residential storage structures and may require buffering measures such as additional setback, location or placement of such structure, landscaping, fencing, or other types of screening in order to insure compatibility with the neighborhood.
 - (2) The Zoning Administrator may permit non-residential storage structures as accessory non-residential uses in all zoning districts. The Zoning Administrator shall evaluate the exterior condition of the non-residential storage structures and shall require buffering measures including, but not limited to, additional setback, location or placement of such structure, landscaping, fencing, or other types of screening in order to insure compatibility with the neighborhood.

3420E Open Air Accessory Structures

1. Definition

Open air structures (not enclosed), whether attached to or detached from the principal permitted use. Structures included in this definition include, but are not limited to decks, porches, pavilions, pergolas, and gazebos. Walkways and paver/cement patios are specifically exempt from permit requirements.

2. Supplemental Controls

These open air structures shall comply with the minimum yard setbacks in Table 4230 (Non-residential Bulk Requirements), but shall comply with Section 4140 (Residential Bulk Standards) in all other bulk requirements when attached to the primary residential use.

3420F Residential Greenhouse

1. Definition

An enclosed building, permanent or portable, which is used for growing of plants, incidental or as an accessory to an existing residential use. Residential greenhouses used exclusively by

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the occupants of the premises are not considered an agricultural use or a commercial greenhouse.

2. Supplemental Controls

Residential greenhouses shall comply with the minimum yard setbacks in Table 4230, but shall comply with Section 4140 in all other bulk requirements.

3420G Small Wind Energy System

1. Definition

A single tower, or multiple towers, situated on a lot to provide energy from a wind turbine source to an individual home, multi-family residential use, office or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

2. Supplemental Controls

Lot size shall not be less than one (1) acre inclusive of the permitted principal use. The tower height inclusive of blade tip shall not exceed one-hundred twenty (120) feet measured from the ground level below the base of the tower. Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from locating in the front yard. Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant. Section 3210B of the County Zoning Ordinance on clearing is applicable and Section 5230C of the County Zoning Ordinance need not apply for the removal of trees to have a successful small wind energy system function on a residential lot. The small wind energy system is to operate on the same lot to serve the principal use.

3420H Enclosed Accessory Structures

1. Definition

A structure to be used, or intended to be used, for the private non-commercial, non-industrial enclosed storage uses by the property owner clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property

2. Supplemental Controls

Enclosed accessory structures, that are not attached to the primary structure, shall comply with the minimum yard setbacks in Table 4230 (Non-residential Bulk Requirements).3420E Decks, Porches, Pavilions, Pergolas, Gazebos

3420I Accessory Animal Sheds

1. Accessory Animal Shed Uses

- a. Residential Coop. This structure type is limited to the keeping of egg laying chickens (or other similar egg laying hens), and to a maximum square footage of 40 SF. Roosters, geese, and turkeys are prohibited from being kept in a structure that falls under this classification
- b. Horse Barn. This structure type is limited to the keeping of horses and associated storage.
 - i. In the AG, RP, and CS districts a horse barn can hold no more than four (4) horses, and is limited to a maximum square footage of 1,500 SF.
 - ii. In all other districts, a horse barn can hold no more than two (2) horses, and is limited to maximum square footage of 1,000 SF.
 - iii. This use is prohibited in the Suburban Estate, Regional Commercial, and Industrial.
- c. Animal Shed. All other animals that are customarily kept in an agricultural setting may be housed in this structure type. Animal Sheds may have a maximum square footage of 1,500 SF.
- d. Large Scale Animal Shed. This structure type pertains to all structures over 1,500 SF that contains any animals that are customarily kept in an agricultural setting including kennels.

2. General Requirements for Animal Sheds for Residential Coops, Horse Barns, and Animals Sheds Less Than 1,500 SF.

- a. Shelter and enclosure requirements. All such animals shall be properly protected from the weather and predators in a shelter or coop, and where access to a grazing area is provided the animals **must still be contained within an enclosure or fence.**
- b. Shall not be located within the regulatory floodplain without an evacuation and response plan and adequate anchoring per Section 5160F of this Ordinance.
- c. Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height.
- d. Prevention of Nuisance Conditions. Owners shall care for poultry, and farm animals in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:
 - i. The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors;
 - ii. Feces, discarded feed, and dead animals are regularly collected and stored in a manner to prevent nuisance odors and the attraction of vermin until it can be disposed properly;

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- iii. Farm poultry and farm animal feed are stored in a manner to prevent attraction of vermin;
- iv. Farm poultry and farm animals shall remain in the shelter or enclosure at all times and shall not run at large.

Other uses may be classified as an accessory use as decided by the County Zoning Hearing Board.

DIVISION 3500 PERMITTED USES IN OPEN SPACE

Areas must be set aside as open space to meet the minimum requirements for cluster, multi-family, and mobile home park uses as required by Division 4100. Where such open space is required to meet the district standards, it may be used for active or passive recreational uses except that no day camps, youth camps, or similar facilities shall be permitted.

Agricultural use of open space is permitted as provided in Section 3120. Land modifications for drainage, stormwater detention, and common or public land treatment or soil absorption systems are also permitted uses in open space. Structures such as picnic shelters, gazebos, essential public facilities, or structures essential to the principal use, such as changing rooms with a pool, are permitted uses in open space, provided they are part of the plan submission for the use of open space.

ARTICLE 4

SITE DEVELOPMENT STANDARDS

DIVISION 4000 PURPOSE

The purpose of Article 4 is to set the basic performance standards for site development so that the intent of this Ordinance is fulfilled. Standards controlling the density and bulk of residential development are presented in Division 4100. Standards controlling the intensity and bulk of non-residential uses are presented in Division 4200.

SECTION 4010 COMPLIANCE

All uses and activities shall comply fully with the provisions of the following standards as a precondition of being permitted pursuant to Table 3120.

SECTION 4020 APPLICABILITY

Site development standards apply to all land use activities in all zoning districts, including subdivisions and land developments in those municipalities under this Ordinance, and are applied to each site at the time a development plan is prepared.

DIVISION 4100 RESIDENTIAL SITE DEVELOPMENT STANDARDS

This Division contains the basic density and bulk standards applicable to single-family, clustered single-family, multi-family, and mobile home parks where such uses are permitted by Section 3120 of this Ordinance. The standards of this Division are minimum standards and shall apply to each district and use therein. Whenever the standards contained in this Division are different from another performance standard articulated in this Ordinance, the strictest standard shall always govern.

SECTION 4110 RESIDENTIAL DENSITY STANDARDS

The residential density standards contained in Tables 4110 A, B, C, and D are intended to ensure that a density of development occurs within a zoning district which preserves the character of that district, even after the ultimate development of any particular parcel.

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TABLE 4110A

**Conventional Single-Family Dwellings
for AG, RP, and CS Districts**

| Zoning District | Number of Dwellings Permitted | Size of Tract as of March 1, 1992* |
|---------------------------------|-------------------------------------------------------|-----------------------------------------------|
| Agricultural (AG) | 1 | 1 - 4.99 acres |
| | 2 | 5 - 14.99 |
| | 3 | 15 - 29.99 |
| | 4 | 30 - 59.99 |
| | 5 | 60 - 89.99 |
| | 6 | 90 - 119.99 |
| | 7 | 120 - 149.99 |
| | 8 dwellings plus 1 for each additional 30 acres | >150 |
| Resource Protection (RP) | 1 | 1 - 4.99 acres |
| | 2 | 5 - 14.99 |
| | 3 | 15 - 29.99 |
| | 4 | 30 - 49.99 |
| | 5 | 50 - 69.99 |
| | 6 | 70 - 89.99 |
| | 7 | 90 - 109.99 |
| | 8 dwellings plus 1 for each additional 20 acres | >110 |
| Countryside (CS) | 1 | 1 - 2.99 acres |
| | 2 | 3 - 6.99 |
| | 3 | 7 - 11.99 |
| | 4 | 12 - 17.99 |
| | 5 | 18 - 24.99 |
| | 6 | 25 - 31.99 |
| | 7 | 32 - 38.99 |
| | 8 | 39 - 46.99 |
| | 9 | 47 - 54.99 |
| | 10 | 55 - 62.99 |
| | 11 | 63 - 71.99 |
| | 12 | 72 - 80.99 |
| | 13 | 81 - 89.99 |
| | 14 | 90 - 99.99 |
| | 15 dwellings plus one for each additional 10 acres | >100 |

* Effective Date of the Zoning Map and Amendments

Table 4110.A – Conventional Single Family Dwellings for AG, RP, and CS Districts

Lycoming County Zoning Ordinance

TABLE 4110B

**Conventional Single Family Dwellings
for RC, E, SE, SM, and NP Districts**

| Zoning District | Maximum Number of Dwellings Per Acre of Gross Site Area | Minimum Lot Area | Sewage* Disposal |
|--------------------------------|------------------------------------------------------------------------|---------------------------------|-----------------------------|
| Rural Center (RC) | 0.85 | 1 acre | OS* |
| Estate (E) | 0.22 | 4 acre | OS* |
| Suburban Estate (SE) | 0.6 | 1 acre | OS* |
| Suburban Mixed Use (SM) | 2.0 | 10,000 sq. ft. | WS** |
| | 3.5 | 10,000 sq.ft. | In Growth Area*** |
| Neighborhood Preservation (NP) | | | |
| NP - 1 | 1.0 | 1 acre. | OS* |
| NP -10 | 4.0 | 10,000 sq. ft. | WS** |

*OS: On-site sewage disposal system

**WS: With sewer or community treatment system

***Growth Area: As identified in the respective adopted Comprehensive Plan

Table 4110.B – Conventional Single Family Dwellings for RC, E, SE, SM and NP Districts

Lycoming County Zoning Ordinance

TABLE 4110C

Clustered Single Family Residential Option*

| Zoning District | Minimum Open Space Percentage | Maximum Number of Dwellings Per Acre of Gross Site Area | Minimum Tract Area | Minimum Single Family Lot Area |
|------------------------|----------------------------------------------|------------------------------------------------------------------------|-------------------------------|-----------------------------------------------|
| Agricultural | 85% | .10 | 30 acres | 20,000 sq.ft.* |
| Resource Protection | 85% | .15 | 40 acres | 20,000 sq.ft.* |
| Countryside | 65% | .40 | 20 acres | 20,000 sq.ft.* |
| Rural Center | 25% | 1.40 | 5 acres | 10,000 sq.ft.* |
| Estate | 40% | .30 | 20 acres | 1 acre |
| Suburban Estate | 30% | .75 | 10 acres | 20,000 sq.ft.* |
| Suburban Mixed Use | 25% | 2.50 | 5 acres | 10,000 sq.ft.* |
| | 30% | 4.50 | 5 acres | 5,000 sq.ft.** |

* Requires public sewer or a community treatment system.

** In Growth Area as identified within the respective adopted Comprehensive Plan

Table 4110.C – Clustered Single Family Residential Option

Lycoming County Zoning Ordinance

TABLE 4110D
Multi-Family and Mobile Home Park Residential Option ⁽¹⁾

| Zoning District | Minimum Open Space Percentage | Maximum Number of Dwellings Per Acre of Gross Site Area | Minimum Tract Area |
|--------------------------------------|----------------------------------------------|--------------------------------------------------------------------|-------------------------------|
| Agricultural | 90% | 0.15 | 50 acres |
| Countryside | 85% | 0.4 | 20 acres |
| Rural Center | 30% | 2 | 5 acres |
| Suburban Estate | 40% | .90* | 20 acres |
| Suburban Mixed Use | 30% | 3 | 5 acres |
| Suburban Mixed Use in Growth Area | 30% | 5 | 5 acres |
| | 33% | 6 | 5 acres |
| | 35% | 7 | 5 acres |
| | 40% | 8 | 5 acres |
| | 43% | 9 | 5 acres |
| | 45% | 10 | 5 acres |
| Regional Commercial ⁽²⁾ | 20% | 5.5 | 20 acres |
| Preservation ⁽³⁾ NP-MH | 10% | 7.92/7.25** | 5 acres |

(1) Requires public sewer or a community treatment system. For the minimum lot area, see Section 4140C.

(2) Mobile home parks are not permitted in the Regional Commercial (CR) District.

(3) Neighborhood Preservation - multi-family dwellings are not permitted in any NP district.

* Retirement housing permitted at 2.50 gross net density (see Section 3220I).

** The first number represents the maximum number of mobile homes installed on lots without a garage, and the second number represents those installed with a garage (see Section 4140C).

Table 4110.D – Multi-Family and Mobile Home Park Residential Option

Lycoming County Zoning Ordinance

SECTION 4120 CLUSTERED, MULTI-FAMILY, AND MOBILE HOME PARK RESIDENTIAL DENSITY CALCULATIONS

The maximum number of dwelling units permitted for clustered, multi-family, and mobile home park residential developments is determined by multiplying the maximum gross density factor for the applicable zoning district by the base site area as shown below:

In order to calculate DISTRICT MAXIMUM DENSITY YIELD:

Take BASE SITE AREA [Section 4130] _____

Multiply by MAXIMUM GROSS DENSITY (x) _____
[Table 4110C or 4110D]

Equals DISTRICT MAXIMUM DENSITY YIELD (=) _____

SECTION 4130 BASE SITE AREA CALCULATIONS

The following calculation methodology shall be used to determine the base site area for residential and non-residential uses:

1. Gross site area as determined by actual on-site survey. _____ acres
2. Subtract land constituting roads and land within ultimate right-of-ways of existing roads. (-) _____ acres
3. Subtract land which is not contiguous to land that is cut off from the main parcel by a road, railroad, existing land uses, or major stream, such that common use is hindered or that the land is unavailable for building purposes. (-) _____ acres
4. Subtract land which is in a previously approved subdivision encompassing the same land, as part or all of the subject parcel, was reserved for resource protection reasons (e.g. flooding) or for recreation. (-) _____ acres
5. Equals Base Site Area. (=) _____ acres

SECTION 4140 RESIDENTIAL BULK STANDARDS

4140A Single-Family Bulk Standards

Table 4140A provides the standards that govern the construction of conventional single-family dwellings. These standards apply only to single-family dwellings and any additions, alterations, or attachments which utilize on-site sewage disposal systems. Standards for single-family dwellings which utilize sewer or community treatment systems are contained in Section 4140B.

TABLE 4140A
Conventional Single-Family Bulk Standards*

| Frontage | Minimum Lot Area | Minimum Lot Width | Minimum Yard Setbacks (ft) | | | Maximum Height | Maximum BC ⁽³⁾ |
|------------------|------------------|-------------------|----------------------------|---------------------|------|----------------|---------------------------|
| | | | Front ⁽¹⁾ | Side ⁽²⁾ | Rear | | |
| Arterial Highway | 1 acre | 250 ft | 100 | 20/50 | 50 | 35 ft | 0.2 |
| Collector Road | 1 acre | 200 ft | 75 | 20/50 | 50 | 35 ft | 0.2 |
| Local Road | 1 acre | 150 ft | 50 | 20/50 | 50 | 35 ft | 0.2 |

* In the Rural Center, Suburban Mixed Use, and Neighborhood Preservation Districts, the Cluster Bulk Standards (Table 4140B) shall apply to single-family dwellings on lots of less than one acre which utilize on-site sewage systems, provided that said lot was in existence prior to the enactment of this Ordinance.

⁽¹⁾ When a lot is accessed by a private drive (measuring over 100 ft. in length) from an Arterial Highway or Collector Road, but does not front the public road-the minimum front yard setback shall revert the local road standard.

⁽²⁾ The first number represents the minimum side yard required per side and the second number represents the minimum total side yard requirements.

⁽³⁾ Building coverage.

Table 4140.A – Conventional Single-Family Bulk Standards

4140B Bulk Standards for Residential Cluster Housing

This Section provides bulk standards for cluster housing as provided for in Table 3120, Permitted Uses; and Table 4110C, Clustered Residential Single-Family Option. Single-family dwellings in the Suburban Mixed Use and Neighborhood Preservation District which utilize sewer or community treatment systems, shall also comply with the following bulk standards:

TABLE 4140B
Table of Cluster Bulk Standards

| | Lot Size | | |
|---------------------------|------------------------|--------------------------------|------------------------------|
| | 20,000 sq.ft to 1 Acre | 10,000 sq.ft. to 19,999 sq.ft. | 5,000 sq.ft. to 9,999 sq.ft. |
| Maximum Building Coverage | 25% | 30% | 30% |
| Maximum Building Height | 35 ft. | 35 ft. | 35 ft. |
| Minimum Front Yard | 30 ft. | 25 ft. | 20 ft. |
| Minimum Side Yard | 15/35 ft. ** | 8/18 ft. ** | 8/16 ft. ** |
| Minimum Rear Yard | 30 ft. | 30 ft. | 25 ft. |
| Minimum Lot Width | 110 ft. | 70 ft. | 50 ft. |

* Cluster lots of greater than one acre shall comply with the conventional single-family bulk standards.

** The first number is the minimum side yard required per side and the second number is the minimum total combined side yard requirement.

Table 4140.B – Cluster Bulk Standards

4140C Bulk Standards for Multi-Family and Mobile Home Parks

This Section provides bulk standards for multi-family housing and mobile home parks as provided for in Table 3120, Permitted Uses; and Table 4110D, Multi-Family and Mobile Home Park Residential Option.

1. **Multiplex.** This dwelling type may be either a single-family attached dwelling or a multiple-family unit. Each unit may take direct access to a private yard or access point, or units may share yards and access. The units may be arranged in a variety of configurations, including back-to-back, side-to-side, or vertically; however, no fewer than three (3) and no more than six (6) units shall be attached in any single building. A multiplex is permitted only in multi-family developments as provided in Table 3120. The following specifies the minimum standards for multiplexes:

| | |
|------------------------------------------------------------|--------------------------------|
| A = Minimum Lot Area | 2,000 sq.ft. per dwelling unit |
| B = Maximum Building Coverage | 75% |
| C = Maximum Building Height | 35 ft. |
| D = Minimum Lot Width (per structure) | 80 ft. |
| <i>Minimum Yards:</i> | |
| E = Front Lot Line to Dwelling | 25 ft. |
| F = Front Lot Line to Garage | 10 ft. |
| G = Internal Parking Lot to Dwelling | 5 ft. |
| H = Side | 5 ft. |
| I = Rear | 15 ft. |
| J = Off-Street Parking Space | 2.0 spaces per dwelling unit |
| K = Minimum Peripheral Setback (for entire development) | 40 ft. |

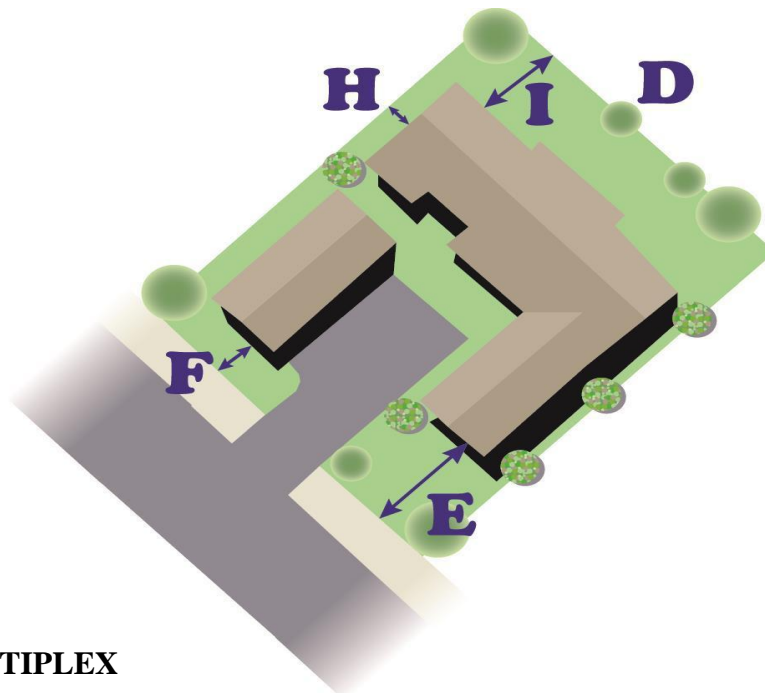


Illustration - MULTIPLEX

Lycoming County Zoning Ordinance

2. **Townhouse.** This dwelling type consists of a single-family attached unit with a single unit going from ground to roof, and with individual outside access. Rows of attached townhouses shall average no more than eight (8) dwelling units with a minimum of forty (40) feet between contiguous units. Townhouses shall be located on a cul-de-sac or an internal parking lot. A townhouse is permitted only in multi-family developments as provided in Table 3120. The following specifies the minimum standards for a townhouse:

| | |
|------------------------------------------------------------|------------------------------|
| A = Minimum Lot Area | 2,400 sq.ft. |
| B = Maximum Building Coverage | 67% |
| C = Maximum Building Height | 28 ft. |
| D = Minimum Lot Width (per structure) | 24 ft. |
| <i>Minimum Yards:</i> | |
| E = Front to Dwelling | 15 ft. |
| F = Front to Garage | 5 ft. |
| G = Parking Lot to Dwelling | 15 ft. |
| H = Rear | 15 ft. |
| I = Off-Street Parking Space | 2.0 spaces per dwelling unit |
| J = Minimum Peripheral Setback (for entire development) | 40 ft. |

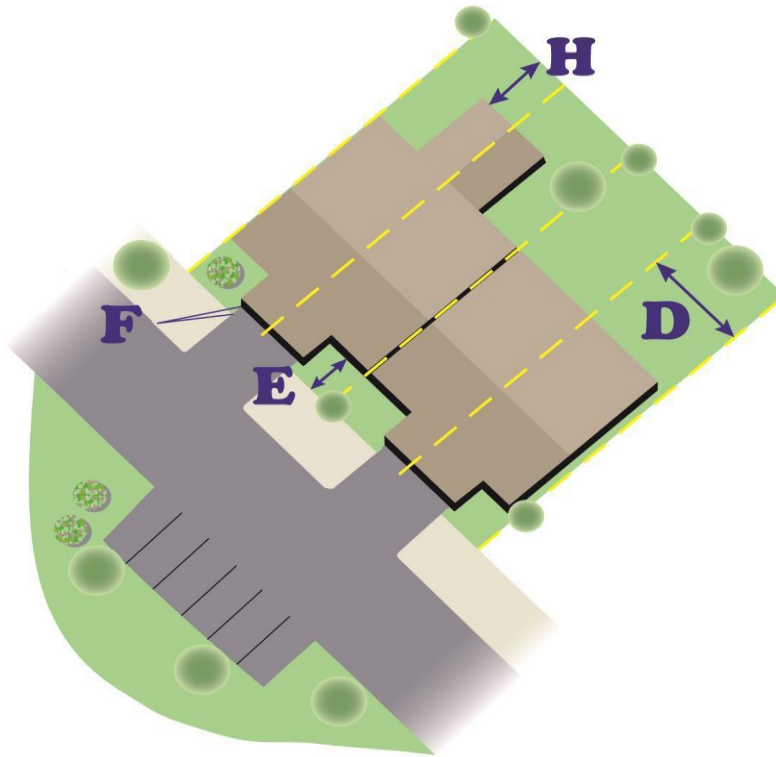


Illustration - TOWNHOUSE

Lycoming County Zoning Ordinance

3. **Apartment Buildings.** Apartment buildings are buildings comprising multiple dwelling units which share common access to individual units and yards. The minimum lot area required shall be the sum of the areas required for each unit within the structure. Apartments shall contain three (3) or more units in a single structure. Apartment buildings are permitted only in multi-family developments as provided in Section 3120. The following specifies the minimum standards for apartment buildings:

| | |
|------------------------------------------------------------|---------------------------------------------------------------------------|
| A = Minimum Lot Area (per dwelling unit) | (1 story) 2,000 sq.ft. (2 story) 1,800 sq.ft. (3 story) 1,600 sq.ft |
| B = Maximum Building Coverage | 75% |
| C = Maximum Building Height | 45 ft. |
| <i>Minimum Yards:</i> | |
| D = Street to Dwelling | 30 ft. |
| E = Parking Lot to Dwelling | 12 ft. |
| F = Side | 15 ft. |
| G = Rear | 20 ft. |
| H = Minimum Lot Width Per Structure | 100 ft. |
| I = Parking Spaces | 2.0 spaces per dwelling unit |
| J = Minimum Peripheral Setback (for entire development) | 50 ft. |

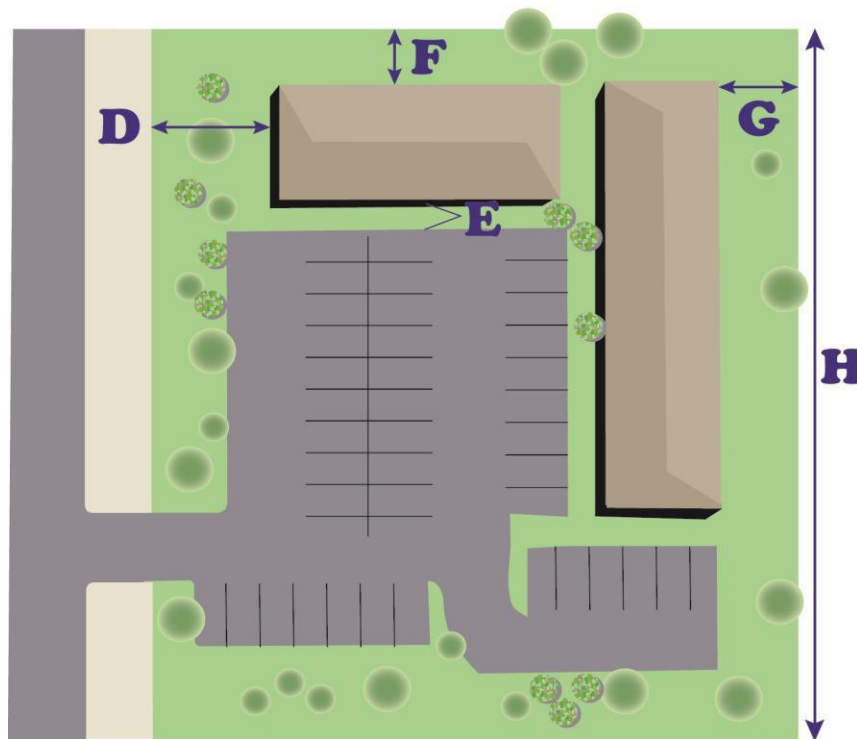


Illustration - APARTMENTS

Lycoming County Zoning Ordinance

4. **Mobile Home Park.** The following minimum standards apply to mobile home units in mobile home parks:

| | <u>Without Garage</u> | <u>With Garage</u> |
|-------------------------------|----------------------------|------------------------------|
| A = Minimum Pad Area | 5,500 sq ft. | 6,000 sq ft. |
| B = Maximum Building Coverage | 43% | 37% |
| C = Maximum Building Height | 20 ft. | 20ft. |
| <i>Minimum Yards</i> | | .75 |
| D = Front to House | 20 ft. | 30 ft. |
| E = Front to Garage | -- | 10 ft. |
| F = Side | 5 ft / 15 total | 5 ft / 15 total |
| G = Rear | 20 ft. | 20 ft. |
| H = Minimum Pad Width | 40 ft. | 50 ft. |
| I = Off-Street Parking Spaces | 2 spaces/per dwelling unit | 2.0 spaces per dwelling unit |
| J = Peripheral Setback * | 20 ft. | 20 ft. |

* Minimum setback may be exceeded by landscaping bufferyards

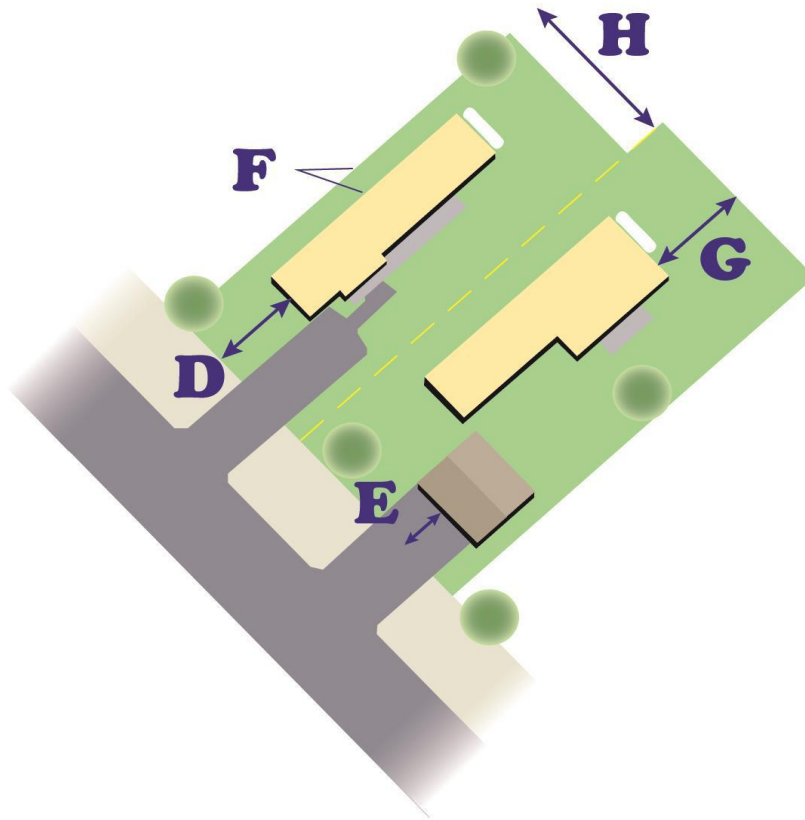


Illustration - MOBILE HOME PARK UNIT

DIVISION 4200 NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS

This Division contains the basic intensity and bulk standards applicable to agricultural, institutional, commercial, industrial, and other non-residential uses as permitted by Section 3120 of this Ordinance. The standards of this Division are minimum standards and shall apply to each district and use therein. Whenever the standards contained in this Division are different from another performance standard articulated in this Ordinance, the strictest standard shall always govern.

SECTION 4210 NON-RESIDENTIAL INTENSITY STANDARDS

This Section contains the basic development intensity standards applicable to all non-residential uses, with the exception of agricultural uses, to which such standards shall not apply. The standards in this Division govern those non-residential uses permitted in Article 3, including both principal and accessory uses and structures.

Non-residential uses are controlled by a maximum Impervious Surface Percentage (ISP) which is the maximum proportion of the site that may be covered by impervious surface; and the maximum Floor Area Percentage (FAP) which is the maximum proportion of floor area to site area. These development intensities may not be achievable if the site is limited by the provisions of Article 5 (Natural Resource/Hazard Protection Standards).

TABLE 4210
Non-Residential Intensity Standards

| Zoning District & Development Option | Maximum ISP | Maximum FAP |
|-------------------------------------------------|--------------------|--------------------|
| RESOURCE PROTECTION (RP) | | |
| Industrial Uses | 40% | 10% |
| All Other Uses | 10% | 5% |
| AGRICULTURAL (AG) | | |
| Ag support, industrial uses | 45% | 15% |
| All other uses | 10% | 10% |
| COUNTRYSIDE (CS) | | |
| Ag support, industrial uses | 50% | 20% |
| All other uses | 15% | 15% |
| RURAL CENTER (RC) | 45% | 20% |
| ESTATE (E) | 25% | 10% |
| SUBURBAN ESTATE (SE) | 30% | 15% |
| SUBURBAN MIXED USE (SM) | | |
| Offices | 55% | 25% |
| Commercial, light industry, & other | 60% | 30% |
| REGIONAL COMMERCIAL (CR) | | |
| Offices | 60% | 30% |
| Commercial & Other | 70% | 40% |
| INDUSTRIAL (I) | 75% | 50% |
| NEIGHBORHOOD PRESERVATION (NP) | 40% | 15% |

Table 4210 - Non-Residential Intensity Standards

SECTION 4220 NON-RESIDENTIAL INTENSITY CALCULATIONS

For non-residential uses, the maximum floor area permitted for a site is calculated based upon the base site area multiplied by the maximum floor area ratio permitted in the zoning district. The base site area multiplied times the maximum impervious surface ratio equals the maximum impervious surface area. The following is the method that shall be used to calculate maximum permitted floor area and the maximum permitted impervious surface area:

Non-residential Uses

1. Calculate MAXIMUM FLOOR AREA:

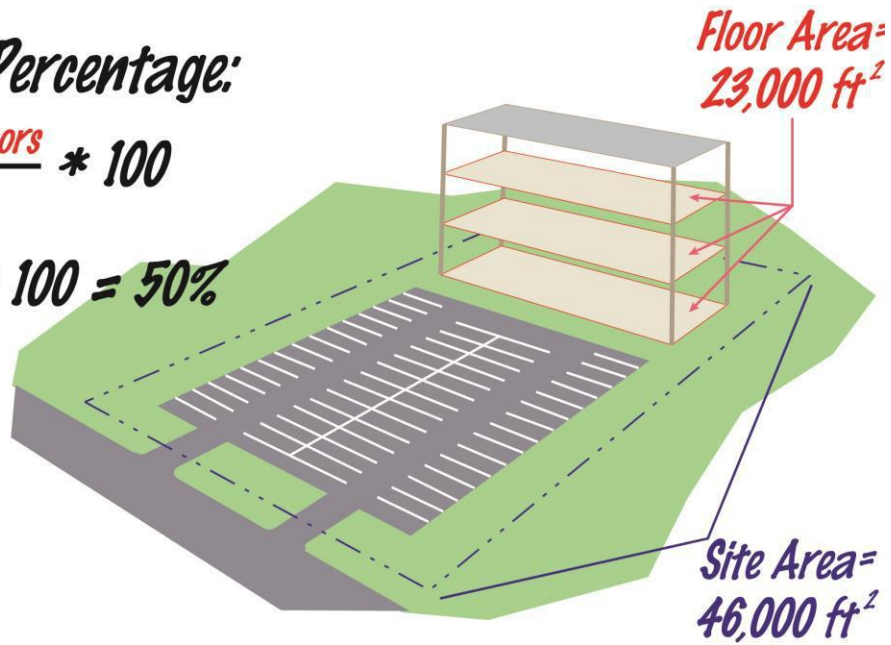
| | | |
|---------------------------------------------------|-----|-------|
| Take BASE SITE AREA [Section 4130] | | _____ |
| Multiply by MAXIMUM FLOOR AREA RATIO [Table 4210] | (x) | _____ |
| Equals MAXIMUM FLOOR AREA | (=) | _____ |

2. Calculate MAXIMUM IMPERVIOUS SURFACE AREA:

| | | |
|-----------------------------------------------------------|-----|-------|
| Take BASE SITE AREA [Section 4130] | | _____ |
| Multiply by MAXIMUM IMPERVIOUS SURFACE RATIO [Table 4210] | (x) | _____ |
| Equals MAXIMUM IMPERVIOUS SURFACE AREA | (=) | _____ |

Floor Area Percentage:

$$= \frac{\text{Area of all Floors}}{\text{Site Area}} * 100$$
$$= \frac{23,000 \text{ ft}^2}{46,000 \text{ ft}^2} * 100 = 50\%$$



Impervious Surface Percentage:

$$= \frac{\text{Area of Impervious Surface}}{\text{Site Area}} * 100$$
$$= \frac{27,500 \text{ ft}^2}{46,000 \text{ ft}^2} * 100 = 60\%$$

***Impervious
Surface Area =
27,500 ft²***

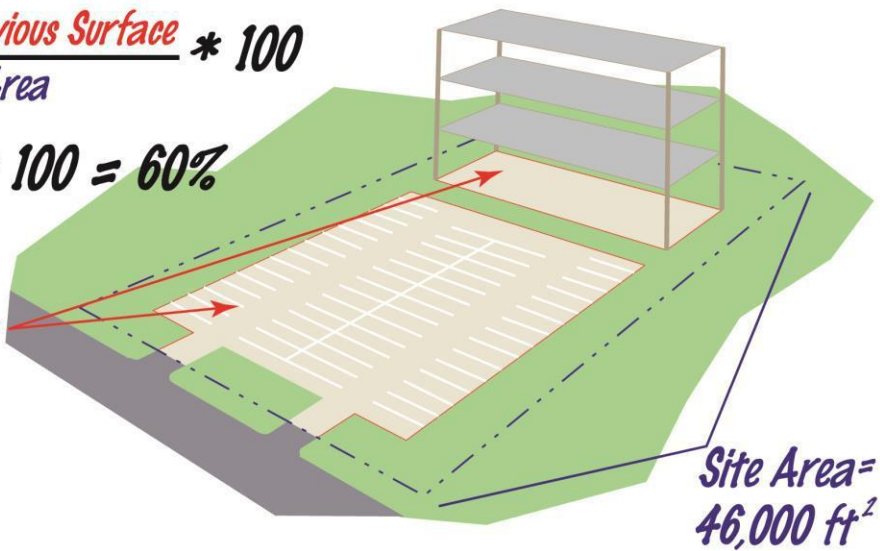


Illustration - 4220 Non-residential Intensity Areas

Lycoming County Zoning Ordinance

SECTION 4230 NON-RESIDENTIAL BULK STANDARDS

All non-residential uses shall comply with the following minimum bulk requirements. In cases where a bufferyard (see Article 6) is required, the more restrictive setback shall apply.

TABLE 4230
Table of Non-Residential Bulk Requirements (measured in feet)

| Proposed Land Use | Minimum Yard Setbacks | | | Maximum Building Height |
|------------------------------------------------------------------------------------------------|------------------------|--------------------|--------------------|-------------------------|
| | Front ⁽¹⁾ | Side | Rear | |
| Ag. Structure ⁽²⁾ | 50/30 ⁽³⁾ | 10 | 20 | 45 |
| Ag. Silo | 50/30 ⁽³⁾ | 10 | 20 | 135 |
| Residential Coop | 50/30 ⁽³⁾ | 25 | 30 | 10 |
| Horse Barn | 50/30 ⁽³⁾ | 25 | 30 | 25 |
| Animal Shed | 125/100 ⁽³⁾ | 100 | 100 | 41 |
| Large Scale Animal Shed in Ag District | 125/100 ⁽⁴⁾ | 100 ⁽⁴⁾ | 100 ⁽⁴⁾ | 45 |
| Large Scale Animal Shed in Other Districts | 225/200 ⁽³⁾ | 200 | 200 | 45 |
| Ag Support | 75/50 ⁽³⁾ | 20 | 20 | 135 |
| Institutional, Commercial in: | | | | |
| RC District | 35/20 ⁽³⁾ | 10 | 20 | 35 |
| Other Districts | 50/30 ⁽³⁾ | 10 | 20 | 35 |
| Light Industrial | 75/50 ⁽³⁾ | 20 | 20 | 70/155 silos |
| Other Industrial | 100/75 ⁽³⁾ | 20 | 20 | 80/155 silos |
| Parking Lots | 25/10 ⁽³⁾ | 10 | 10 | N/A |
| Parking Structure, Enclosed, Enclosed Accessory Structures and Residential Greenhouses (3420E) | 35/20 ⁽³⁾ | 10 | 20 | 50 |
| Open Air Structures (3420E) | 35/20 ⁽³⁾ | 20 | 50 | With 3420E |

(1) The front yard setback also applies to side or rear yards which abut streets.

(2) This applies to buildings and structures only, not pastures, fences, or cropland.

(3) The first number represents setbacks from the centerline, and the second number represents setback from the Right-of-Way line. Whichever setback is greater shall apply. In situations where a property does not abut a Right-of-Way, the second number shall apply and be measured from the property line.

(4) Setbacks less than 100 ft. but more than 50 ft. are required to have Category V bufferyards installed (See Bufferyard Section).

Table 4230 – Non-residential Bulk Requirements

ARTICLE 5

ENVIRONMENTAL PROTECTION STANDARDS

DIVISION 5000 PURPOSE

The purpose of Article 5 is to protect natural resources and control development in high hazard areas so that the intent of this Ordinance is fulfilled. A use shall not occur in such a way that can be clearly proven on the basis of engineering and environmental study to be a significant nuisance or hazard to the public health or safety or environmental quality.

DIVISION 5100 NUISANCE AND HAZARD PROTECTION STANDARDS

SECTION 5110 REQUIREMENTS FOR ALL USES

- A.** No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, toxicity, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation shall not:
1. Constitute a nuisance beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.
 2. Result in noise or vibration exceeding the average intensity of ambient noise or vibration occurring from other causes at the boundary line.
 3. Endanger surrounding areas by reason of fire or explosion.
 4. Produce objectionable heat, glare, or radiation beyond the property line.
 5. Result in major electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be designed in accordance with relevant industry standards and in proper functional condition.
 6. Discharge any untreated sewage or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters in accordance with the statutes of the Commonwealth of Pennsylvania.
 7. Create any other objectionable condition in an adjoining area which will endanger public health or safety or be detrimental to a permitted continuing use of the surrounding area.
- B.** When required by the Zoning Administrator, an applicant for a proposed use shall demonstrate, as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and technical studies prepared by a qualified specialist. The Zoning Administrator may require the expert advice of official agencies or

Lycoming County Zoning Ordinance

private consultants and such reasonable tests as are deemed necessary; the costs of which shall be borne by the applicant.

SECTION 5120 ODOR PROTECTION LEVELS

No use shall generate odor, odorous gas, or odorous material in such quantities as can be readily detectable at any point along lot lines without the use of instruments. Odor shall not exceed the odor limit beyond the lot line.

- A.** Odor limit is defined as the lowest concentration of odorous matter that produces an olfactory response in human beings.
- B.** The above requirements shall not apply to odors created by permitted agricultural uses or from agricultural uses within an approved Agricultural Security Area, nor to odors normally coincident with permitted lands uses so long as the odor characteristics are non-offensive as judged by the Zoning Administrator based on the odor, strength, characteristics, and duration.
- C.** In an instance a proposed use in any category is to be a source of odor in accordance with 'A' above, the steps that follow are used to mitigate odor:
 - 1. The applicant shall prepare and show the ability to comply with an odor abatement plan for all buildings, structures and outdoor compounds. Recognition must be given that certain uses and activities produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. Odor plume movement data, with prevailing winds in seasonal, day/night effects on plumes, and odor chemical composition shall be provided with the study. The abatement plan shall show that steps will be taken as may be necessary to abate odors or to allow odors at times that there would be minimal interference with neighbors.
 - 2. The applicant shall dispose of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance. Dead animal disposal shall comply with State regulations. These are separate from disposal of manure under approved nutrient management plan. A fly abatement plan shall be submitted.
 - 3. The applicant shall show that they can meet the standards and guidelines as may be set forth in treatises of best management practices of the use in the business and industry recognized by appropriate authorities or as the same may be produced by the PA Department of Agriculture, PA Department of Environmental Protection, Penn State University-College of Agricultural Sciences, or similar entities. Site suitability assessment as provided by the above shall be submitted with the application. For example, a site assessment service is provided by Penn State University-Cooperative Extension Dairy and Animal Science which provides an assessment for the potential for odor related complaints.

SECTION 5130 NOISE PROTECTION LEVELS

The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.

- A. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section, when measured at property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows: (All of the decibel levels stated shall apply in each case.)

TABLE 5130A
Maximum Permitted Sound Pressure Levels

| Frequency Bank (Cycles per Second) | Maximum Permitted Sound-Pressure Level (Decibels) |
|-----------------------------------------------|--------------------------------------------------------------|
| 0-150 | 67 |
| 150-300 | 59 |
| 300-600 | 52 |
| 600-1200 | 46 |
| 1200-2400 | 40 |
| 2400-4800 | 34 |
| Above 4800 | 32 |

Table 5130.A - Maximum Permitted Sound Pressure Levels

- B. If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein:

TABLE 5130B
Noise Correction Levels

| Type of Operation or Character of Noise | Corrections in Decibels |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Noise between the hours of 10pm and 7am | - 3 |
| Noise occurring less than five (5%) percent of any one-hour period | + 5 |
| Noise of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above. | - 5 |

Table 5130.B - Noise Correction Levels

Lycoming County Zoning Ordinance

C. Exemptions to Noise Standards. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7am and 9pm, except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8am and 9pm.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7am and 9pm, except for clearly emergency repairs which are not restricted by time.
5. Agricultural activities, including permitted animal husbandry, but not exempting kennels.
6. Motor vehicles traveling on state-owned streets.
7. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Unamplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.
11. Oil and Gas Development.

SECTION 5140 VIBRATION PROTECTION LEVELS

No use shall generate vibration which is capable of causing damage to building structures, equipment alignment, or structural soundness.

SECTION 5150 GLARE

No use shall produce a strong noxious and disruptive dazzling light or reflection of a strong dazzling light beyond its lot lines over a sustained time.

SECTION 5160 FLOODPLAIN REGULATIONS

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

Now, therefore, the floodplain management requirements found in this Section have been designed to satisfy state and federal floodplain management requirements and to provide for protection from flood hazards. The regulations of this Section will allow individual municipalities, subject to the Lycoming County Zoning Ordinance, to participate in the Federal

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Flood Insurance Program without having a local floodplain management ordinance; however, these provisions shall not apply to those municipalities which have a local Floodplain Management Ordinance in effect.

5160A General Provisions

Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief or disaster recovery, and the impairment of the tax base by:

- a. 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.
- b. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- c. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be elevated and/or flood-proofed against flooding and flood damage.
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- e. Minimizing danger to public health by protecting water supply(s) and natural drainage patterns.
- f. Encouraging the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

2. Applicability

- a. These provisions shall apply to all lands within the jurisdiction of the County Zoning Ordinance in accordance with Section 5160A(3) and which are identified as being subject to the base flood as shown on the maps prepared for each municipality by the Federal Emergency Management Administration (FEMA) in the Flood Insurance Study and Maps, Lycoming County (all jurisdictions).
- b. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the floodplain of a participating municipality unless a Zoning/Development Permit has been obtained from the municipal permit officer following approval by the County Zoning Administrator.
- c. A Zoning/Development Permit shall not be required for minor repairs to existing buildings or structures.

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3. Repealer Clause

- a. Any municipality having adopted a Floodplain Management Ordinance in accordance with the Pennsylvania Floodplain Management Act (Act 166) as amended, shall not be subject to the floodplain provisions of this Section contained herein. The enactment of a Floodplain Management Ordinance by any municipality, other than the County, whose land is subject to this Ordinance, shall act as a repeal protanto of Section 5160, Floodplain Regulations of the Lycoming County Zoning Ordinance, within the municipality adopting such Ordinance.
- b. In those municipalities having adopted a local municipal floodplain ordinance, all information concerning floodplain requirements shall be found in the Floodplain Management Ordinance for the municipality in which the proposed development is located. The Zoning Administrator may require documentation from municipal officials that the local Floodplain Management Ordinance requirements have been satisfied.

4. Interpretation of District Boundaries

Where the interpretation is needed concerning the exact location of any boundary of any floodplain district, the County Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the County Zoning Hearing Board and to submit his own technical evidence, if desired.

5. Compliance

No structure or land shall hereafter be used and no structure nor any development shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance, including Zoning/Development Permits, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

6. Warning and Disclaimer of Liability

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

This Ordinance shall not create liability on the part of the municipality, the County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

7. 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. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

8. Designation of the Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Development Services Supervisor for the County of Lycoming.

- a. **Permits Required.** A Permit shall be required before any construction or development is undertaken within any area that is under the jurisdiction of the County Zoning Administrator
- b. **Duties and Responsibilities of the Floodplain Administrator**
 - (1) The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - (2) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the Permit to determine if all other necessary government 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 Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Permit shall be issued until this determination has been made.
 - (3) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all

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applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

- (4) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- (5) In the event the Floodplain Administrator discovers that the work does not comply with the Permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the [Board, Council, etc.] for whatever action it considers necessary.
- (6) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (7) The Floodplain Administrator is the official responsible for submitting a biennial report to the FEMA concerning community participation in the National Flood Insurance Program.
- (8) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- (9) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

5160B Basis for Floodplain Districts

1. Identification

The identified floodplain area shall be those areas of the municipality which are subject to the base flood, as identified in the Flood Insurance Study (FIS) and/or the maps prepared for the Municipality by the Federal Emergency Management Agency (FEMA) dated March 16, 2004 or the most recent revision thereof. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the County of Lycoming in coordination with its partner municipalities and declared to be a part of this ordinance. These districts shall be overlays as to the existing underlying district as shown on the official Zoning Ordinance Map. As such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions pertaining to the floodplain shall apply.

2. Description of Floodplain Districts

- a. The Floodway District (FW) shall be that area identified as floodway in the Flood Insurance Study (FIS) as prepared by the FEMA and as shown on the Flood Insurance Rate Map (FIRM). Where no floodway has been delineated in the FIS, such information contained in any other available federal, state, or other acceptable source should be used. The term floodway shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by the FEMA.
- b. The Flood Fringe District (FF) is that area of the regulatory floodplain (identified as Zone AE on the FIRM included in the FIS) not including the Floodway District. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the above referenced FIS and shown on the accompanying FIRM. In any case where the existing elevation of a property located within the boundaries of the FF District is higher than the base flood elevation and a letter of map change (LOMC) has been issued by FEMA, such a site shall be considered outside the Flood Fringe District and only the underlying district provisions shall apply.
- c. The General Floodplain District (FP) shall be the areas identified as Zone A on the FIRM for which no base flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the base flood elevation, as well as the floodway area. The applicant may be required to obtain the services of a registered professional engineer to determine the base flood elevation using hydrologic and hydraulic techniques. The registered engineer shall certify the results of the study and that methods used to perform the hydrologic and hydraulic calculations are appropriate. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the County Zoning Administrator.
 - (1) Any land developments of 5 acres or more and any subdivisions of 50 lots or more, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- d. The Floodplain Elevation District (FE) shall be the areas identified as Zone AE on the community's FIRM for which base flood elevations have been provided, but no floodway has been delineated.

3. Floodplain District Boundary Changes

The identified floodplain district may be revised or modified by the Lycoming County Commissioners upon review by the state coordinating agency for the National Flood Insurance Program (NFIP), the local governing body, the Lycoming County Planning Commission, and FEMA, where studies or information provided by a qualified agency or

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person documents the need for such revision. In such cases, the applicant shall obtain approval from FEMA prior to actual consideration of a district boundary change.

Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the County shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

4. Boundary Disputes

Should a dispute arise concerning any identified floodplain boundary, an initial determination shall be made by the County Planning Commission and any party aggrieved by this decision may appeal to the County Zoning Hearing Board. The burden of proof shall be on the appellant.

5160C Flood Damage Control Provisions

In order to prevent excessive damage to buildings and structures due to conditions of flooding, it is expected that all proposed construction or improvements within the regulatory floodplain will employ appropriate practices to minimize future flood damage to the structure and property. Moreover, the following restrictions shall apply to all construction, development, and substantial improvement occurring in any designated floodplain district(s):

1. General Technical Requirements

- a. All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances of the County.
- b. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels of the floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- c. Within the Floodway District (FW), the following provisions shall apply:
 - (1) Any new construction, development, use, activity or encroachment shall be limited to recreational and agricultural uses, public improvements or stream crossings that would not cause any increase in the flood elevation at any point.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection (DEP), Northcentral Regional Office.
- d. Within the General Floodplain District (FP), the following provisions shall apply:
 - (1) No new construction or development shall be located within the area measuring fifty (50) feet landward from the top-of-bank of any watercourse; unless floodplain management regulations and the DEP stream encroachment requirements have been satisfied.
 - (2) Any new construction or development which would cause an increase in flood heights, shall be prohibited within any identified floodway area.

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- e. Within the Floodplain Elevation District (FE), no new construction or development shall be allowed, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the base flood more than one (1) foot at any point.
- f. No new residential structures may be constructed on a lot other than on a residual lot created after March 16, 2004, unless the structure can be located completely out of any regulatory floodplain. No permit will be approved for an existing structure to be changed/converted to a residential use in a regulatory floodplain.
- g. Within any identified floodplain area, any construction of a new mobile home park or mobile home subdivision, or substantial improvement to such existing mobile home parks or mobile home subdivisions shall be prohibited, and furthermore, no variance shall be granted.
- h. Within any identified floodplain area, the commencement of, or any construction of enlargement, or expansion of any structure used for hospitals, nursing homes, jails, or prisons shall be prohibited, and furthermore, no variance shall be granted.

2. Elevation and Floodproofing Requirements

- a. **Residential Structures.** Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement or cellar) elevated one and one-half (1-1/2) feet above the base flood elevation.
- b. **Non-residential Structures.**
 - (1) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated one and one-half (1-1/2) feet above the base flood elevation.
 - (2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1-1/2) feet above the base flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "*Flood-Proofing Regulations*" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- c. **Enclosures Below Lowest Floor**
 - (1) Within any identified floodplain area, fully enclosed space below the lowest floor (including basement) is prohibited.
 - (2) Within any identified floodplain area, partially enclosed space (including crawl space) below the lowest floor which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entering and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The design for

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meeting these requirements shall either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- i. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
- iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit.

3. Design and Construction Standards

- a. **Fill.** If fill is used to raise the finished surface of the floor one and one-half (1-1/2) feet above the base flood elevation:
 - (1) Fill shall extend laterally fifteen (15) feet beyond the building line from all points;
 - (2) fill shall consist of soil or small rock materials only. Sanitary landfills and the disposal of municipal, industrial, or other regulated waste material shall not be permitted;
 - (3) fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Zoning Administrator;
 - (5) fill shall be used only to the extent to which it does not adversely affect adjacent properties; and,
 - (6) fill area shall be appropriately seeded upon completion of compaction to avoid erosion and scouring of the fill material.

b. **Special Requirements for Mobile Homes**

For the purpose of this Article, the term mobile home shall also include park trailers, travel trailers, recreational vehicles, and other similar types of manufactured homes which are placed on a site for more than one-hundred eighty (180) consecutive days.

- (1) Within any regulatory floodplain, new mobile homes shall be prohibited.
- (2) Where permitted within any floodplain area, replacement mobile homes and any improvements thereto, shall be anchored by:
 - i. Providing over-the-top and frame ties at each of the four (4) corners of the mobile home with one (1) additional tie per side at an intermediate location for mobile homes less than fifty (50) feet in length and two (2) additional ties per side for mobile homes fifty (50) feet or more in length.
 - ii. Providing frame ties at each corner of the mobile home with four (4) additional ties per side at intermediate locations for mobile homes less than fifty (50) feet in length and five (5) additional ties for mobile homes fifty (50) feet or more in length.

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- iii. An anchoring system in which all components are capable of withstanding a four-thousand, eight-hundred (4,800) pound carrying force.

(3) Replacement mobile homes and improvements thereto shall be:

- i. Placed on a permanent foundation;
- ii. elevated so that the bottom of the lowest floor of the mobile home is one and one-half (1-1/2) feet or more above the elevation of the base flood; and
- iii. anchored to resist flotation, collapse, or lateral movement.

c. Placement of Buildings and Structures

All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

d. Anchoring

All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes, storage tanks, and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored to prevent flotation.

e. Floors, Walls, and Ceilings

Where a structure is located at or below the base flood elevation, the following standards shall apply:

- (1) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building;
- (2) plywood and interior finished walls shall be of any “exterior” or “marine” grade and of a water-resistant or waterproof variety;
- (3) basement ceilings shall have sufficient wet strength and be so installed as to survive inundation; and
- (4) window frames, door frames, door jambs, and other such components shall be made of metal or water resistant material.

f. Electrical Systems

- (1) All electric water heaters, electric furnaces, electric air-conditioning and ventilating systems, and other critical electrical installations shall be permitted only at elevations of one and one-half (1-1/2) feet or more above the base flood elevation.
- (2) No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the base flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

g. Plumbing and Utilities

- (1) Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of one and one-half (1-1/2) feet or more above the base flood elevation.
- (2) Any on-site sewage disposal system placed in any floodplain district shall be provided with an adequate in-line check valve to prevent return flow and comply with all state and local regulations for such systems.
- (3) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.
- (4) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (5) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems.
- (6) All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- (7) All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

h. Paints and Adhesives

Where a structure is located at or below the base flood elevation, the following standards shall apply:

- (1) Adhesives shall have a bonding strength that is unaffected by inundation;
- (2) doors and all wood trim shall be sealed with a waterproof paint or similar product; and;
- (3) paints or other finishes shall be capable of surviving inundation.

i. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the base flood elevation.

j. Drainage

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

k. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to humans, animals, or plant life (including, but not limited to those identified in Section 5160G) shall not be stored below an elevation of one and one-half (1-1/2) feet above the base flood elevation.

5160D Water Management Uses

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any of the floodplain districts irrespective of the underlying zoning district, and provided there is no increase in flood heights, but shall be subject to approval by the County Zoning Hearing Board (following review by the County Planning Commission) and the Pennsylvania Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permits from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the County Planning Commission, the state coordinating agency for the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency, must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

5160E Existing Structures and Uses in Floodplain Areas

A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district 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 Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate flood-proofing measures, provided that such measures do not raise the level of the base flood elevation.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than fifty (50%) percent of its market value, shall be flood-proofed and/or elevated to the greatest extent possible.
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, 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 Ordinance.
4. Existing structures and/or uses located in the Flood Fringe District may be enlarged or expanded, provided that such enlargement or expansion, together with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
5. In the regulatory floodplain, existing recreational vehicles, campers, travel trailers, and similar temporary uses situated in existing campgrounds or mobile home parks shall have a valid vehicle registration and be in a fully operational condition. At no time shall such uses become permanently affixed to the land. The County Zoning Administrator may require the

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removal of such vehicles from the site whenever the park owner fails to comply with the provisions of this Section within twenty (20) days of receipted notice. The park owner shall be responsible for compliance with the requirements of this Section.

5160F Special Provisions for Accessory Structures

With the exception of the Floodway District, elevating or flood-proofing to remain dry may not be required for accessory structures; provided such structures comply with the following minimum requirements:

1. The structure shall not be designed or used for human occupancy, but shall be limited to the parking of vehicles or to the storage of tools, materials, and equipment related to the principal use or activity.
2. The ground floor area shall not exceed six hundred (600) square feet. No Variance shall be granted for an accessory structure exceeding 600 square feet. A signed Non-Conversion Agreement is required as a condition of receiving the Variance. The Agreement must be assigned a UPI (uniformed parcel identifier) number and recorded with the County Register and Recorder's Office.
3. The structure will have low damage potential and be located on the site so as to cause the least obstruction to the flow of floodwaters.
4. All utilities, electrical wiring, etc. shall be at least one and one-half (1-1/2) feet above the base flood elevation.
5. Permanently affixed electrical equipment, machinery and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
6. Sanitary facilities are prohibited.
7. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting these requirements must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (a) Include a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - (b) the bottom of all openings shall be no higher than one (1) foot above grade; and
 - (c) openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5160G Development Which May Endanger Human Life

1. Hazardous Materials and Substances

Any new or substantially improved structure which:

- a. Will be used for the production or storage of any of the following dangerous materials or substances;

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- b. will be used for any activity requiring the maintenance or a supply of not more than five-hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- c. will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of Section 5160G.2, in addition to all other applicable provisions.

The following list of materials and substances are considered dangerous to human life:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium Carbide
- e. Carbon Disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric Acid
- i. Hydrocyanic Acid
- j. Magnesium
- k. Nitric Acid and Oxides of Nitrogen
- l. Petroleum products (gasoline, fuel oil, propane tanks, etc)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulfur and Sulfur products
- q. Pesticides (including insecticides, fungicides, and rodenticides) or chemical fertilizers
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

2. Flood Protection Requirements

- a. Activities and development of the kind described in Subsection 1 above shall be prohibited in any identified Floodway Area. Within an identified Flood Fringe District, General Floodplain District or Floodplain Elevation District, only the volumes not to exceed five-hundred fifty (550) gallons for the respective hazardous materials and substances are permitted.
- b. Where permitted within an identified Flood Fringe District, General Floodplain District, or Floodplain Elevation District, any new or substantially improved structure of the kind described in Subsection A shall be:
 - (1) Elevated or, in case of a non-residential structure, designed and constructed to remain completely dry, up to at least one and one-half (1-1/2) feet above the base flood elevation.
 - (2) designed to prevent pollution from the structure or activity during the course of a 100-year flood; and
 - (3) where any such structure, or part thereof, will be built below the Regulatory Flood Elevation, it shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood-Proofing

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Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent water-tight standard.

- c. In addition, the Zoning Administrator may attach whatever additional conditions and safeguards he may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
- d. **No** variance shall be granted for any requirements of this Section.

SECTION 5170 SINKHOLES AND SOLUTION-PRONE CARBONATE GEOLOGY FORMATIONS

A. Determination. The determination of the boundaries of sinkholes shall be based on one of the following techniques. If the first source is considered inaccurate or inappropriate, the succeeding techniques may be used:

- 1. U.S. Department of Agriculture, "Soil Survey of Lycoming County, Pennsylvania" maps.
- 2. Detailed geologic investigation conducted by a geologist with a professionally recognized degree in the field of geology.

B. Protection Levels

- 1. All sinkholes shall have a buffer, as determined necessary for public safety by the Zoning Administrator or a qualified hydrogeologist or geologist.
- 2. No development shall take place within the determined buffer area.
- 3. Carbonate geology formations which are prone to solution formation shall be delineated and the permit application and development of such areas shall be permitted only upon certification by a registered professional engineer qualified to determine whether such proposed use and design is safe and environmentally sound.

SECTION 5180 STEEP AND SEVERE SLOPES

A. Determination. Development plans shall show the location of existing steep (15-25%) and severe (greater than 25%) slope areas. These areas may be delineated from 20' (60dm) contours taken from U.S. Geological Survey topographic maps. If this source is considered inaccurate or inappropriate, or a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect, or geologist may be required.

B. Protection Requirements

- 1. **Erosion and Sedimentation Control Plan.** An erosion and sedimentation control plan shall be required prior to disturbance of a steep or severe slope area in excess of two-thousand (2,000) square feet.
- 2. **Soil Stability Analysis.** A soil stability analysis shall be performed by a professional soil scientist prior to the disturbance of steep slope areas in excess of two-thousand (2,000)

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square feet which have highly erodible and/or unstable soils, and for disturbance of all severe slope areas in excess of two-thousand (2,000) square feet. This analysis shall evaluate the potential impact of the proposed development upon the stability and integrity of the slope, and include mitigation techniques. Severe slopes shall not be developed unless an architecturally sound supporting structure is provided for all development.

SECTION 5190 AIRPORT HAZARD AREAS

This Section of the Ordinance regulates and restricts the height of structures or objects of natural growth and otherwise regulates the use of property in the vicinity of airports with designated Airport Hazard Areas by requiring compliance with Federal and State Aviation Regulations prior to the issuance of a Zoning/Development Permit.

- A. Authority** - This Section of the Ordinance is adopted pursuant to the authority conferred by 12984 PA Laws 164, codified at 74 PA Cons. Stat. SS5101 et.seq.
- B. Declaration of Policy** - It is hereby found that an obstruction has the potential for endangering the lives and property of users of airports, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of airports; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of airports and the public investment therein.

Commentary: This Section of the Ordinance applies to Muncy Township since the Township is the only municipality under jurisdiction of this Ordinance containing an Airport Hazard Area as identified by the Pennsylvania Department of Transportation. In the future, if Muncy Township chooses to adopt their own municipal zoning ordinance, Lycoming County will be released of all legal responsibility under Act 164 as it may apply to Muncy Township.

Other municipalities within the Airport Hazard Area for Williamsport-Lycoming County Airport include Montoursville Borough, Armstrong Township, Clinton Township, Fairfield Township, Loyalsock Township, Mill Creek Township, Plunketts Creek Township, Upper Fairfield Township, and Wolf Township. Municipalities within the Airport Hazard Area for Jersey Shore Airport are Jersey Shore Borough, Nippenose Township, Piatt Township, and Porter Township.

- C. Airport Hazard Areas** - In order to carry out the provisions of this Ordinance, there are hereby created and established certain Airport Hazard Areas, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Williamsport-Lycoming County Airport (WLCA). Such areas are shown on the WLCA Height Limitation and Zoning District Map prepared by PennDOT and the Bureau of Aviation, and dated Spring 1989, or as may be amended and which are incorporated in this Ordinance and made a part hereof.
- D. Compliance with Federal and State Aviation Regulations.** In order to ensure compliance with Federal Aviation Regulations (FAR) Part 77 criteria for objects affecting navigable air space, and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation), the Lycoming County

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Zoning Administrator may require an applicant proposing development within the Airport Hazard Area to submit a plan to the Federal Aviation Administration (FAA) of the U.S. Department of Transportation, PennDOT and/or Williamsport-Lycoming County Airport Authority for review prior to County Zoning approval and issuance of a Zoning/Development Permit for any structure or object that is less than two-hundred (200) feet higher than grade. However, in all instances where a proposed structure or object is equal to or greater than two-hundred (200) feet high, the developer will be required to submit a plan to FAA and PennDOT.

Also, it will be the responsibility of the developer to obtain any required federal and/or state permits prior to County Zoning approval and building permit issuance for any development located in the Airport Hazard Area as defined in this Ordinance.

- E. Aircraft Hazard Use Restrictions** - Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zoning district established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird or wildlife strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

DIVISION 5200 NATURAL RESOURCE PROTECTION STANDARDS

All natural resources defined herein shall be protected by the standards of this Division. Wetlands, aquatic resource buffers, woodlands, and ridges shall be protected as required in the following sections:

SECTION 5210 WETLANDS

- A. Determination.** Wetland areas shall be determined by reference to the following sources in the order indicated below. If the first source is determined to be inaccurate or inappropriate by the Lycoming County Planning Commission, then the succeeding techniques may be used:
1. The most recent U.S. Fish and Wildlife Service Wetland Inventory maps.
 2. Field survey of plant materials prepared by a botanist.
 3. Soil borings provided by a registered soils scientist
- B. Disruption and/or Modification.** All development proposals which will disrupt wetlands shall provide proof of approval by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Resources.

SECTION 5220 AQUATIC RESOURCE BUFFERS

- A. Definition.** An aquatic resource buffer is defined as an existing naturally vegetated area, or an area established in vegetation and managed to protect streams, ponds, lakes, and other aquatic resources from man-made disturbances.
- B. Findings of Fact.** In developing this Ordinance, the County has made the following findings with regard to the functions of the aquatic resource buffer:
1. To provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering water bodies;
 2. to minimize the adverse effects of human activities on shorelines, stream banks, and aquatic resources; and,
 3. to maintain the natural environment of streams, lakes, ponds and other aquatic resources.
- C. Determination.**
1. Standard width: An aquatic resource buffer shall extend inland fifty (50) feet from shorelines and stream banks. In the case of contiguous slopes of fifteen (15%) percent or greater, the buffer shall be expanded four (4) feet for every one (1%) percent of slope, or to the top of the slope, whichever is greater in extent.
 2. The shoreline or stream bank shall be determined by:
 - (a) The elevation one (1) foot above the maximum discharge elevation of an outlet control structure which controls the elevation of a lake or pond; or,
 - (b) the top of any natural bank surrounding a natural lake or pond which has no outlet control structure, or the top of the stream bank.
- D. Aquatic Resource Protection**
1. In all developments, disturbance to aquatic resource buffers shall be prohibited unless in accordance with this Section.
 2. **Modification.** The Zoning Administrator may establish an aquatic resource buffer of such lesser width as may be necessary to permit reasonable development within the standard aquatic resource buffer if:
 - (a) The aquatic resource buffer covers more than fifty percent (50%) of a lot which was a lot of record at the time when this Ordinance was adopted.
 - (b) The size and character of existing structures within the standard aquatic resource buffer precludes any practical use of the portion of that buffer lying on the landward side of such structures as an aquatic resource buffer.
 - (c) Disturbance to the buffer is necessary in order to provide vehicular, boat, or utility access to the site, provided that no other reasonable alternative which would avoid or minimize disturbance of the buffer are available.

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- (d) This Ordinance does not prohibit selective clearing of understory vegetation in an aquatic resource buffer in order to provide a view for waterfront property, as long as the existing groundcover and canopy trees are maintained.
- (e) **Extent of Reduction** - Any reduction of the standard aquatic resource buffer authorized by Subsection D.2 above shall be the least necessary to permit reasonable development of the lot.

SECTION 5230 WOODLAND PROTECTION

The following protection standards are intended to minimize the loss of woodlands to development and thereby reduce stormwater runoff, maintain water quality, preserve natural buffers between adjacent developments and roads, and maintain community character.

- A. Determination.** The determination of woodland boundaries shall be based on both of the following techniques:
 - 1. Official Lycoming County aerial photographs (most recent date) shall be used both to determine generally if a woodland exists and to approximate the existing boundaries for woodland areas; and
 - 2. the determination of detailed woodland boundaries shall be prepared based on a field survey conducted by a registered land surveyor as may be requested by the Zoning Administrator.
- B. Woodland Protection Levels for Non-Residential Development.** In non-residential developments, existing woodlands shall be retained within the required landscaped surface area to the extent practical.
- C. Woodland Protection Levels for Residential Development.** Clearing of woodlands for all residential developments shall comply with the provisions of Section 3210B of this Ordinance. In addition, clearing of woodlands in cluster housing (see Section 4140B), multi-family and mobile home park (see Section 4140C) residential development shall be limited to a development pad within the confines of the site. Development pads for residential lots are buildable areas within the confines of a lot and are those areas of a lot which are permitted to be disturbed for yards, gardens, required recreation facilities, buildings, parking areas, drives, or utilities pursuant to the following criteria and as shown in Illustration 5230C.

The remainder of the lot (those areas located outside of the development pad area) may be deed restricted with a natural resource conservation easement in order to prohibit disturbing the grade and/or the clearing of trees.

 - 1. For each lot in cluster housing, multi-family or mobile home park development, a development pad shall be shown on the final subdivision plat and site plan. The size of the pad shall be limited by the minimum level of disturbance necessary to protect the resource for the entire parcel. A deed restriction may appear on the subdivision plat indicating that no clearing or disturbance shall be permitted beyond the development pad area of the lot.
 - 2. All drives, parking areas, septic tanks, absorption fields (including reserve tile fields), utility lines or easements, and buildings shall define the development pad area (see

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Illustration 5230C). The development pad's maximum size shall be determined by the following:

- (a) **From the Building Foundation.** The dimensions of the development pad shall not extend more than one-hundred (100) feet beyond the building foundation, exclusive of other boundaries as specified below.
 - (b) **Other Boundaries.** The limits of clearing for the outermost line or edge of the development pad shall not exceed twenty-five (25) feet from the septic system area, or fifteen (15) feet from utility lines, parking areas, driveways and roads.
- D.** All grading, fill storage, and ground disturbance shall be strictly confined to the development pad area.
- E.** During construction, the areas of the site to be protected shall be fenced or roped off from the development pad area in a secure manner in order to limit the intrusion of construction equipment.
- F.** This Ordinance does not prohibit selective clearing of understory vegetation in order to provide views, as long as the existing groundcover and canopy trees are maintained.

Woodland and Property Protection Commentary: In the avoidance of property losses from wildfire, area should be cleared in the vicinity adjacent to the home and other buildings. Consider clearing existing vegetation to avoid providing fuel for wildfire within one hundred (100) feet from the building foundation as noted in Item C2(a) above. It is recommended that precautions be taken with the selection and replacement of new vegetation to be planted near the home and buildings. Some species of new vegetation, if planted too close to a building, can be a possible fire hazard. A brochure titled "Landscaping to Resist Wildfire" is available as a reference guide that can be reviewed for landscaping options.

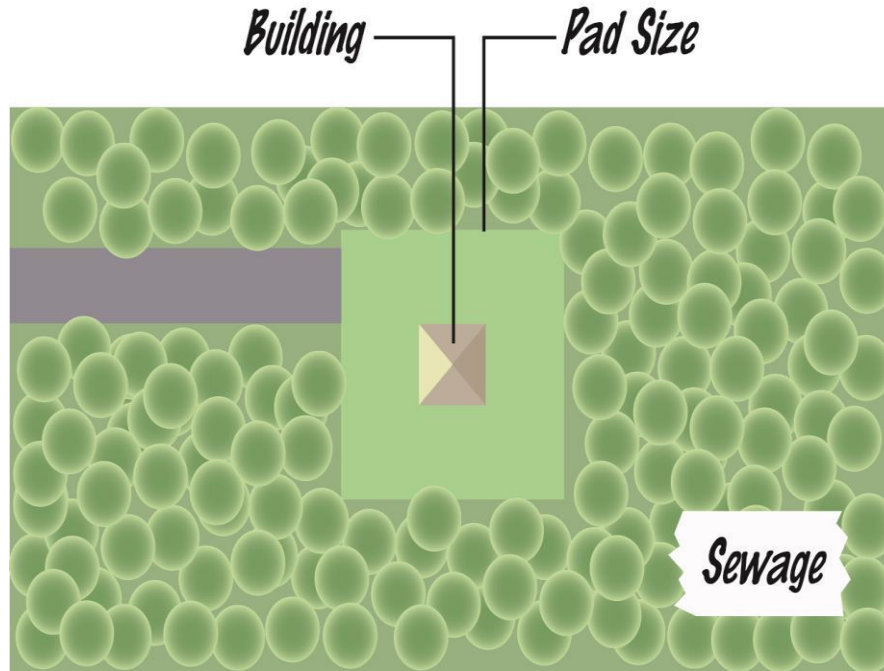


Illustration – 5230.C Development Pad Dimensions

SECTION 5240 RIDGES

- A. Determination.** The determination of the boundaries of ridges shall be based on one of the following techniques. If the first source is considered inaccurate or inappropriate, the succeeding techniques may be used.
1. U.S. Geological Survey topographic maps.
 2. U.S. Department of Agriculture, Soil Survey of Lycoming County, Pennsylvania.
 3. A field survey compiled by a registered land surveyor, engineer, landscape architect, geologist, certified professional land planner, or professional forester.
- B. Protection Levels.** Dwelling/building(s) placed in ridge areas shall be required to maintain or plant a vegetated buffer to absorb runoff and provide a landscape screen that preserves the natural character of the ridge. All dwellings/buildings shall be screened from view from their associated valley floors. In all developments, the level of protection provided any ridge must be in accordance with this Section.
1. Each dwelling/building shall have a one-hundred (100) foot buffer located on the down slope sides of the dwelling/building unit. This buffer screening shall be located along a line from the top of the roof downward along the thirty (30%) percent slope line as indicated in Illustration 5240 and 5240a. No trimming or clearing of vegetation shall be permitted in the buffer area, except where the house is set back below the plane of slope (a continuation of the average slope of the buffer from the top of the ridge) as indicated in Illustration 5240b; then selective thinning and trimming shall be permitted to provide views.

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2. In areas where there is little or no tree cover to provide the required vegetated buffer, the dwelling/building shall be located at least fifty (50) feet back from the point at which the ridge or mountain top slope exceeds twenty-five (25%) percent, and a bufferyard with a screening percentage of at least seventy (70%) percent shall be installed. The number and type of plant units required to achieve the required screening percentage shall be determined through the standards contained in Article 6.
3. The applicant shall provide a certified professional engineer (P.E.) sealed plan indicating approval of the structural stability of the installation for new support structures and land contouring for vehicle access in a steep or severe slope portion of any site. A Department of Environmental Protection (DEP) permitted quarry use is exempt from this provision. For guidance, see Section C. below, including sketch. Consideration should be made to orient the disturbance in such a way as to minimize its off-site visual effect; consider switchback driveway layout and selective plant removal as suggested options.

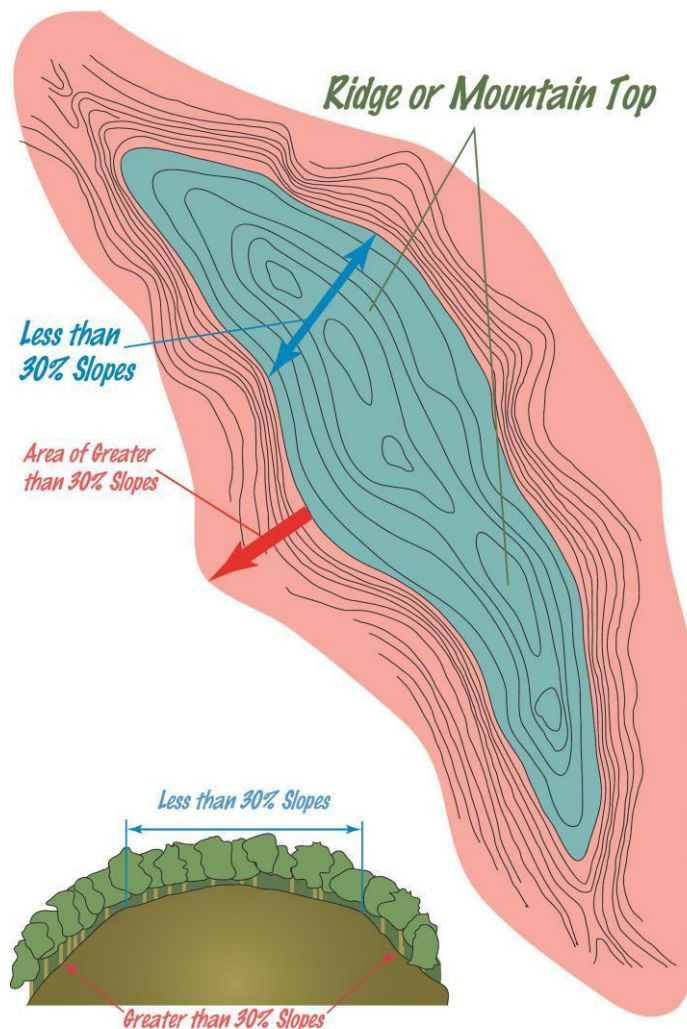


Illustration - 5240 Ridge Determination

Illustration 5240.a
Ridge Buffer Location

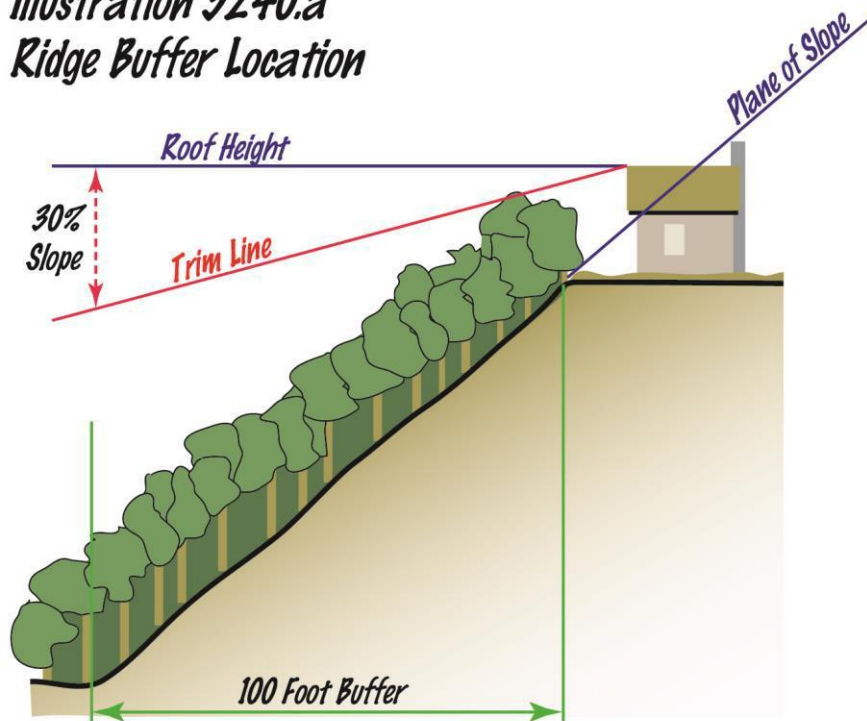


Illustration 5240.b
Ridge Buffer Trimming/ Clearing

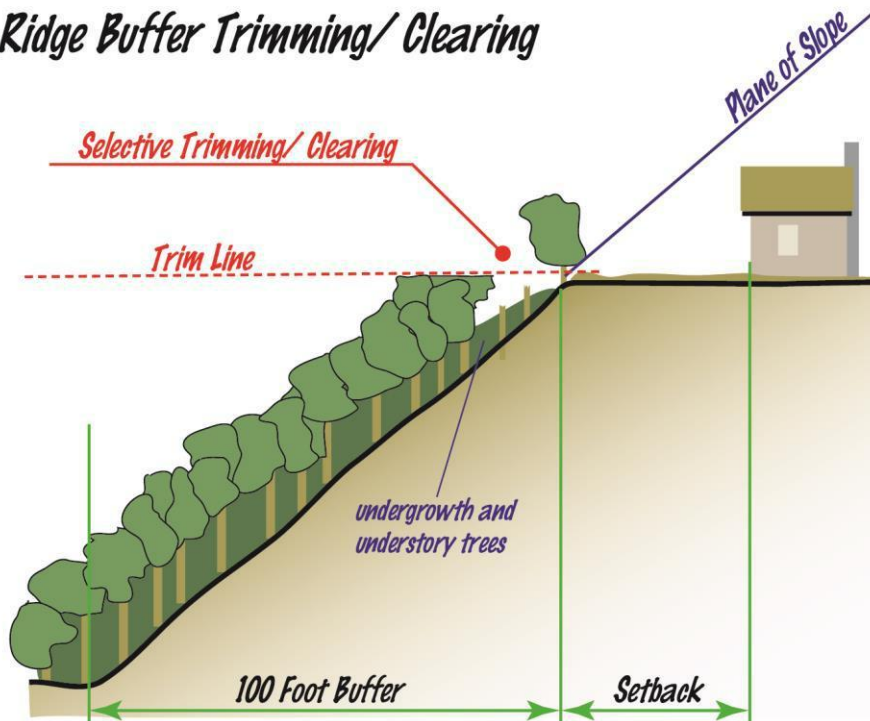
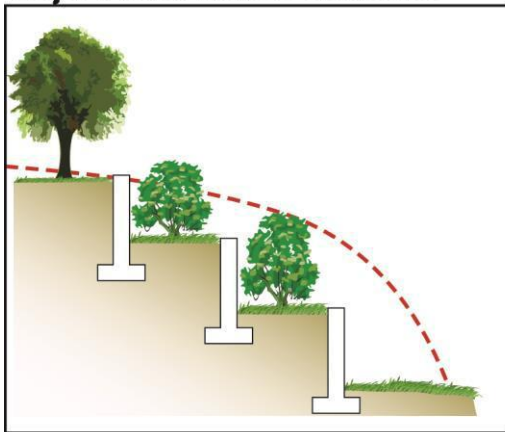


Illustration - 5240.a Ridge Buffer Location Illustration
- 5240.b Ridge Buffer Trimming / Clearing

- C. Slope Disturbance Guideline. It is encouraged that new support structures, with associated land contouring for vehicle access in steep or severe slope areas, be constructed to maintain a vertical separation of at least fifteen (15) feet between the top of the structure and the boundary of any ridge (as defined in this section).

Any manufactured slope over four (4) feet in height constructed in severe slope areas should emulate the gradient and character of the natural slope present on site. The outside corners or edges of all cut and fill manufactured slopes should be rounded to eliminate sharp corners. Retaining walls visible from beyond the property line and exceeding four (4) feet in height, cumulatively, shall incorporate offsets with landscaping between the offset walls. See sketch illustration as an example.

Illustration 5240.C
Slope Disturbance Guideline



Use retaining walls and terraces to minimize cut and fill that would alter the perceived the natural topography of the site. Screen retaining walls with plant materials, or face them with rock.

Illustration - 5240.c Slope Disturbance Guideline

ARTICLE 6

**SITE LANDSCAPING AND BUFFERYARD
PERFORMANCE STANDARDS**

DIVISION 6000 PURPOSE

The intent of this Article is to provide standards for the retention and flexible placement of landscape plant materials. The intent is to minimize the potential adverse impacts associated with adjacent or abutting land uses of varying intensities.

DIVISION 6100 EXISTING LEGAL NON-CONFORMING USES

Uses which were existing and legal at the time of the adoption of this Ordinance but which do not meet the landscaping requirements of this Division, are hereby declared to be legal non-conforming uses with respect to the hereinafter stated landscaping and bufferyard performance standards.

DIVISION 6200 GENERAL LANDSCAPING AND BUFFERYARD STANDARDS

- A.** Landscaping may be required as a buffer between land uses of different intensity within the same zoning district, as a buffer between a proposed land use and adjacent vacant land, as a buffer adjacent to roads, and in parking areas. In addition, a vegetative groundcover must be established on the remaining portions of the site not covered by building and other structures, parking areas, or bufferyards. The landscaping and bufferyard standards in Divisions 6300 and 6400 cover these requirements.
- B.** Figure 6200 shows how a property is divided into areas for peripheral bufferyards, street bufferyards, and parking lot landscaping.
- C. Standard Plant Units.** All landscaping requirements are stated in terms of the number of standard plant units required. This Division defines the standard plant unit and its alternatives. All landscaping shall conform to one (1) or more of the plant unit alternatives of this Division. The following Table 6210 specifies the plant unit alternatives. In general, the six (6) alternative plant mixes are interchangeable. However, Alternative Plant Unit E is best suited for the interior of parking lots, and in other cases, where a year-round screen is required, Alternative Plant Units C or D are preferred.

Figure 6200
Division of a Property for Landscaping Purposes
(Excluding Drives)

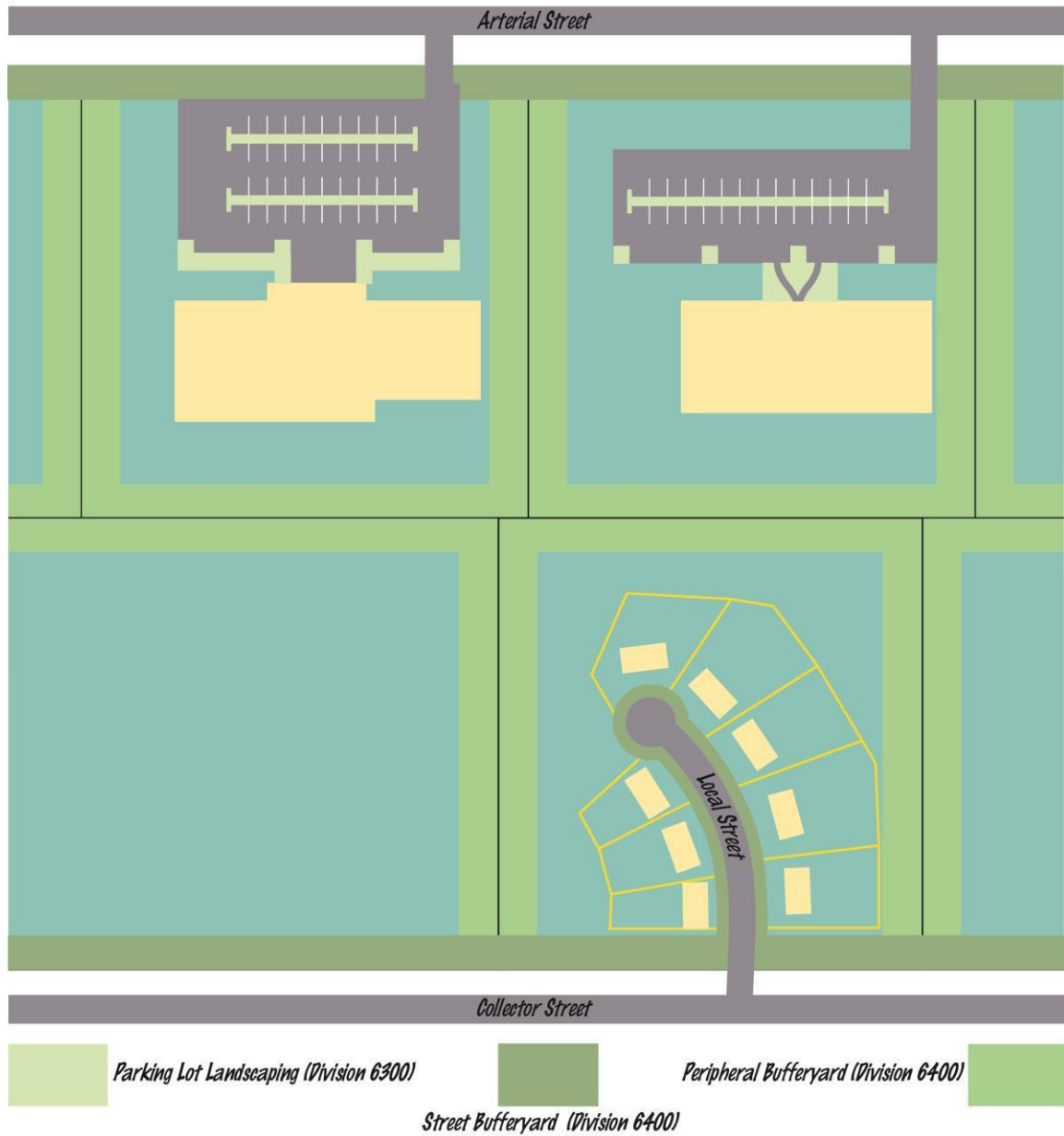
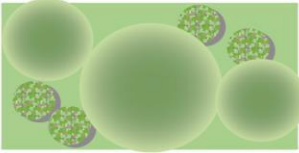
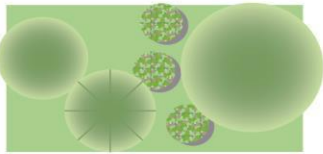
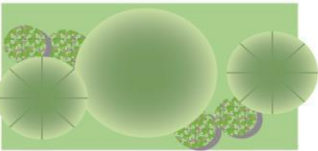
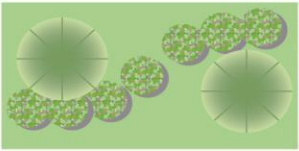
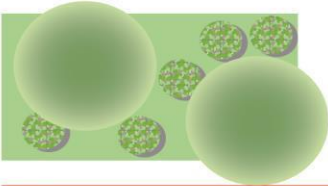
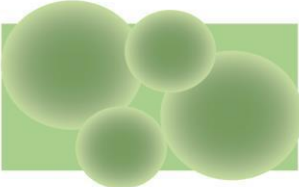


Illustration - 6200 Division of Property for Landscaping Purposes (excluding drives)

Table 6210
Alternative Plant Units

| <i>Plant Unit Alternative</i> | <i>Quantity Required</i> | <i>Type and Size of Plant</i> |
|-------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
|  | <i>1</i> | <i>1 1/2 inch caliper tree</i> |
| | <i>2</i> | <i>6 foot high understory trees</i> |
| | <i>4</i> | <i>2 foot high shrubs</i> |
|  | <i>1</i> | <i>1 1/2 inch caliper canopy tree</i> |
| | <i>1</i> | <i>6 foot high understory trees</i> |
| | <i>3</i> | <i>2 foot high shrubs *</i> |
| | <i>1</i> | <i>5 foot high evergreen trees</i> |
|  | <i>1</i> | <i>1 1/2 inch caliper canopy tree</i> |
| | <i>4</i> | <i>2 foot high shrubs *</i> |
| | <i>2</i> | <i>5 foot high evergreen trees</i> |
|  | <i>2</i> | <i>6 foot high evergreen trees</i> |
| | <i>7</i> | <i>2 foot high shrubs *</i> |
|  | <i>2</i> | <i>1 1/2 inch caliper trees</i> |
| | <i>5</i> | <i>2 foot high shrubs *</i> |
|  | <i>2</i> | <i>1 1/2 inch caliper canopy trees</i> |
| | <i>2</i> | <i>6 foot high understory trees</i> |

** shrub height may be reduced to one foot if used in conjunction with berms*

Table 6210 - Alternative Plant Units

DIVISION 6300 LANDSCAPING STANDARDS FOR PARKING LOTS

This Section requires that all residential and non-residential parking lots with eight (8) or more parking spaces shall contain a minimum amount of landscaping within the parking lots and adjoining entrance drives and circulation drives. A specified number of landscape plant units shall be planted per twenty-four (24) parking spaces. The preferred plant unit for use in all parking lots is Alternative Unit E comprised of plant species which are tolerant of urban conditions. Figure 6300 below illustrates the use of landscaping islands in parking lots. Table 6300 below contains the parking lot landscaping standards for the different land uses.

**TABLE 6300
PARKING LOT LANDSCAPING STANDARDS**

| LAND USE | Number Plant Units/ 24 Spaces | Landscaped Area Sq.Ft. |
|--------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------|
| Agriculture, Ag Support | None | None |
| Single-Family, Mobile Homes | None | None |
| Planned Development, Mobile Home Parks, and other residential uses | .75 | 180 |
| Institutional, Commercial, Industrial, and other non-residential uses not in the CR or SM Districts | 1.0 | 270 |
| Non-residential uses in the CR or SM Districts | 1.25 | 360 |

Table 6300 - Parking Lot Landscaping Standards

**Figure 6300
Parking Lot Landscaping Islands Illustrative Example**

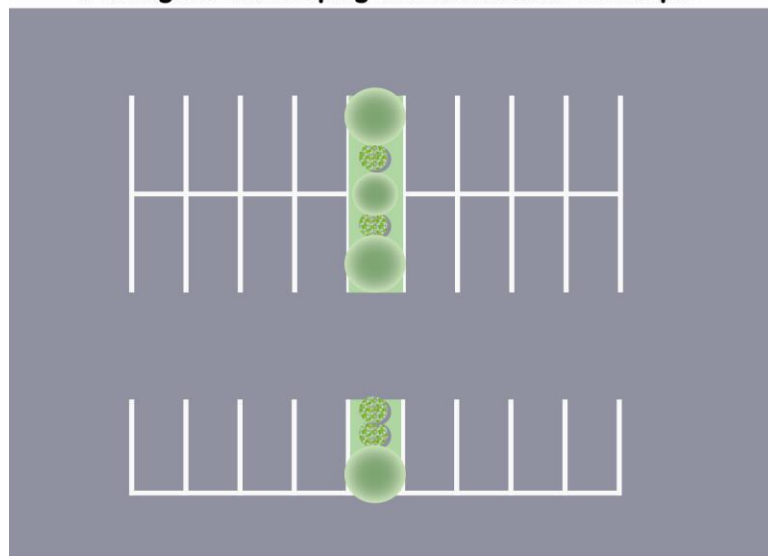


Illustration - 6300 Parking Lot Landscaping Islands Illustrative Example

**DIVISION 6400 LAND USE INTENSITY CLASSIF. & BUFFERYARD
PERFORMANCE STDS**

- A.** All land uses which are permitted by this Ordinance have been assigned a land use intensity class designation (see Table 6410). This system separates uses on the basis of the type and degree of “nuisance” or negative impact they are likely to impose on land uses adjacent to them. In order to minimize any negative effects that a more intense use will impose on its neighbors, this Ordinance requires that bufferyards be provided between uses.
- B.** A bufferyard is a combination of a setback and a visual buffer or barrier, and is a yard or area together with the planting and/or structure required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Ordinance are designed to ameliorate nuisances between certain adjacent land uses, such as a single-family residence and a retail business.
- C.** Bufferyards shall be required to separate land uses of different intensity class from each other. Bufferyards function to eliminate or minimize potential nuisances such as increased traffic congestion, reduced open space, litter, noise, glare of lights, and unsightly buildings or parking areas. Bufferyards also function to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

SECTION 6410 LAND USE INTENSITY CLASSES

The following table classifies uses according to their respective impact. All uses within a use class are considered to have a similar impact on neighboring uses.

Table 6410 - Land Use Intensity Classes

Class I

Agricultural uses, except Nurseries

Class II

Single-Family in the RP, AG, CS, and E Districts

Class III

Single-Family in the RC, SE, SM, and NP-1 Districts

Mobile Homes in the NP-1-MH District

Class IV

Multi-Family in the AG, CS, and SE Districts

Mobile Home Park in the AG and CS Districts

Single-Family Residential in the NP-10 Districts

Mobile Homes in the NP-10 MH District

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Class V

Multi-Family in the RC, SM, and CR Districts

Mobile Home Park in the SM and SE Districts

Institutional Residential

Nurseries, Agricultural Support

Low to Moderate Intensity Institutional and Commercial Uses with an ISP¹ of <55%
and FAP² of <25% and Hours of Operation between 7am and 9pm.

Animal Sheds in the AG District that are less than 100 feet from the lot line

Gas Compressor, Processing and Metering

Class VI

Sawmills, Light Industry

Moderate to High Intensity Institutional and Commercial Uses with an ISP¹ of >55%
or FAP² of >25% or Hours of Operation between 9pm and 7am.

Gas and Oil Development, Staging Facility and Water Reuse Facility permitted by
Special Exception

Class VII

Heavy Industry, Extraction/Disposal, Junk Yards, Hazardous Waste Facilities

¹ISP = Impervious Surface Percentage (see Division 4200)

²FAP = Floor Area Percentage (See Division 4200)

SECTION 6420 BUFFERYARD REQUIREMENTS

The screening percentages contained in Table 6420 refer to the bufferyard requirements and standards contained in Table 6440. Bufferyards may be required between land uses of different intensity classifications, adjacent to vacant parcels, and along adjacent streets. In order to determine if a bufferyard is required on a parcel, the procedures in this Section shall be used.

A. Location. Bufferyards shall be located along the outer perimeter of a lot or parcel, and they shall extend to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way; nor shall bufferyards be located within any access drive serving a lot or parcel of land.

B. Peripheral Bufferyard Determinations

1. Adjacent to Developed Parcel(s)

(a) Identify whether any portion or property line of the site constitutes a boundary between different land use intensity classes as presented in Table 6410. If the land use is the same on both sides of the property boundary, a peripheral bufferyard is not required (for example, between two single-family residences). If it does differ (such as between a factory and a single-family residence), determine the land use intensity class on both sides of the property line.

(b) Use Table 6420 to determine the screening percentage between different land use intensity classes for each property line (or segment thereof) of the subject parcel.

2. Adjacent to Vacant Parcel(s). Use Table 6420 to determine the screening percentage, if required, between the proposed land use and adjacent vacant parcel(s). For example, a Class IV multi-family development would require a ten (10%) percent screening percentage adjacent to a vacant parcel.

3. Use Table 6440 to identify the required number of plant units for each one-hundred (100) linear feet of peripheral bufferyard.

C. Road Bufferyard Determination

1. Use Table 6420 to determine the screening percentage required for the bufferyard for the road(s) on which the subject property has frontage.

2. Use Table 6440 to identify the required number of plant units for each one-hundred (100) linear feet of street buffer.

TABLE 6420
Required Screening Percentages for Bufferyards
Between Land Use Classes and Adjacent to Vacant Land and Roads

| <i>Proposed Land Use Intensity Class</i> | <i>Adjacent Existing Land Use Intensity Class</i> | | | | | | | <i>Adjacent to Vacant</i> | <i>Adjacent to Road</i> |
|----------------------------------------------|-------------------------------------------------------|------|------|------|------|-----|-----|-------------------------------|-----------------------------|
| | I | II | III | IV | V | VI | VII | | |
| I | -- | | | | | | | -- | -- |
| II | -- | -- | | | | | | -- | -- |
| III | 20% | -- | -- | | | | | -- | -- |
| IV | 30% | 30% | 20% | | | | | 10% | 20% |
| V | 50% | 50% | 40% | 40% | -- | | | 15% | 30% |
| VI | -- | 80% | 80% | 60% | 40% | -- | | 20% | 40% |
| VII | -- | 100% | 100% | 100% | 100% | 80% | -- | 30% | 60% |

Table 6420 – Required Screening Percentages for Bufferyards Between Land Use Classes and Adjacent to Vacant Land and Roads.

SECTION 6430 RESPONSIBILITY FOR INSTALLATION OF BUFFERYARDS

- A.** Bufferyards shall be installed on the subject property at the time of its development. Existing plant material which will be preserved on the subject property following the completion of development, may be counted as contributing to the required bufferyard.
- B.** Bufferyard installation responsibilities are influenced by the nature of the parcel abutting the subject property. Two potential situations exist. The first involves the subject (developing) property abutting a vacant or developing parcel. The second involves the subject (developing) property abutting a previously developed parcel. The requirements for bufferyard installation differ between these situations:

1. Abutting a Vacant or Developing Parcel

- (a) When a proposed use adjoins a vacant parcel for which a bufferyard is required, the proposed use shall provide the required level of screening percentage as presented in Table 6420.
- (b) The second or subsequent use to develop shall, at the time it develops, provide all additional material and land necessary to provide the total bufferyard width and material required between those two (2) uses. A different bufferyard option may be selected to complete the full bufferyard requirement provided that the option selected meets or exceeds the required screening percentage of the total bufferyard and is compatible with the existing buffer. In no instance shall the second use to develop/

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install a structure as part or all of its bufferyard requirement if a structure has been used to meet all or part of the bufferyard requirement of the first use to develop.

2. **Abutting a Previously Developed Parcel**

If the adjoining use had developed without a bufferyard, the proposed use shall be responsible for installing the total required bufferyard. Existing vegetation and/or land located on the previously developed parcel which is contiguous with the proposed development, may be counted as contributing to the total bufferyard required between it and the second or subsequent (adjacent) land use to develop.

SECTION 6440 BUFFERYARD STANDARDS

Bufferyard standards are based on a required screening percentage. A variety of combinations of bufferyard width, planting intensity, and structural options (such as fences or berms) may be selected to reach the required screening percentage.

A. General Requirements

1. All bufferyard areas shall be seeded with lawn or native/naturalized groundcover unless such vegetation is already fully established.
2. Plantings shall be clustered at strategic locations in order to achieve maximum buffering effect. The exact placement of required plants and structures shall be the decision of each user, except that the following requirements shall be met:
 - (a) Where a combination of plant materials and fencing is used in a peripheral bufferyard, the fence shall be located to the interior or toward the more intensive use and the plant material shall be located toward the less intensive use.
 - (b) Landscape plantings shall be installed in such a manner as to provide clear sight distance triangles at all road and driveway intersections.
 - (c) A developer may establish, through a written and recorded agreement, that the property owner(s) immediately adjacent to his property agree to allow a portion or all of the required bufferyard on immediately adjacent portions of their land.

B. Calculation of Required Plant Materials

1. Bufferyard plant material requirements are calculated using the standards listed in this Section for the bufferyards specified in Table 6420.
2. Bufferyard standards listed in this Section are for every one-hundred (100) linear feet of required bufferyard on a given lot.
3. In instances where the bufferyard boundary does not equal one-hundred (100) feet, the required bufferyard planting shall be based on the percentage of one-hundred (100) feet that is present along the bufferyard boundaries.
4. Use Table 6440 to select the combination of bufferyard width, intensity of vegetation, and/or structure to be used to reach the required screening percentage listed in Table 6420. Note the required number of plant units from the option selected.

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5. Select one (1) of the five (5) standard plant unit alternatives from Section 6210.
6. Multiply the number of required plant units selected from Table 6440 by the number of required plant types per one-hundred (100) linear feet listed for the selected plant unit option from Section 6210. These numbers represent the required number of trees and shrubs per one-hundred (100) linear feet for the bufferyard option selected.
7. Divide the length of the required bufferyard by one-hundred (100) feet to determine the bufferyard length multiplier.
8. Multiply the bufferyard length multiplier by the number of required trees and shrubs per one-hundred (100) feet calculated in 6 above. These numbers represent the total required plant materials for the selected bufferyard option. All calculated numbers shall be rounded up to the next whole number.

C. Classification of Plant Materials. For the purposes of this Ordinance, plant materials are classified into five (5) types: canopy trees, evergreen trees, understory trees, shrubs, and evergreen shrubs. A list of species suitable for bufferyard use and compatible with Lycoming County climate and soil conditions can be obtained from the office of the Lycoming County Planning Commission. The Cooperative Extension Office can also provide assistance in selecting plant materials.

1. Any existing plant material which otherwise satisfies the requirements of this Section may be counted towards satisfying those requirements.
2. Where woodlands, floodplains and drainageways are in the bufferyard, the following rules shall apply:
 - (a) **Woodlands:** These areas shall be left undisturbed to the width of the bufferyard. The trees in the woodland and the length of the woodland area shall be deducted from all bufferyard requirements.
 - (b) **Floodplains and Drainageways:** These areas shall be treated as any other bufferyard except that all plant material shall be tolerant of very wet conditions.
3. Table 6440 depicts the various combinations of plant materials (by plant unit-refer to Section 6210), bufferyard width, and structures necessary to reach given screening percentages required by Table 6420.

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TABLE 6440
Bufferyard Standards

| Screening Percentage | Plant Unit Type | Number of Plant Units* | Bufferyard Width (ft) | Required Structure Type (height) |
|----------------------|-----------------|------------------------|-----------------------|----------------------------------|
| 10% | A | 0.4 | 5 | -- |
| | B | 0.4 | 10 | -- |
| | C | 0.3 | 15 | -- |
| | D | 0.2 | 20 | -- |
| | E, F | 0.2 | 25 | -- |
| 15% | A | 0.6 | 10 | -- |
| | B | 0.6 | 15 | -- |
| | C | 0.5 | 20 | -- |
| | D | 0.4 | 25 | -- |
| | E, F | 0.4 | 30 | -- |
| 20% | A | 0.9 | 10 | -- |
| | B | 0.9 | 15 | -- |
| | C | 0.8 | 20 | -- |
| | D | 0.7 | 25 | -- |
| | E, F | 0.6 | 30 | -- |
| 30% | A | 1.1 | 15 | min. 2' high berm |
| | B | 1.4 | 20 | -- |
| | C | 1.3 | 25 | -- |
| | D | 1.2 | 30 | -- |
| | E, F | 0.7 | 30 | min. 3' high berm |
| 40% | A | 1.4 | 20 | min. 3' high berm |
| | B | 2.1 | 20 | -- |
| | C | 2 | 25 | -- |
| | D | 1.9 | 30 | -- |
| | E, F | 1.8 | 35 | -- |
| 50% | A | 1.9 | 25 | min. 4' high berm |
| | B | 2.3 | 25 | min. 2' high berm |
| | C | 2.7 | 30 | -- |
| | D | 2.6 | 35 | -- |
| | E, F | 2.5 | 40 | -- |
| 60% | A | 2.6 | 25 | min. 4' high berm |
| | B | 3.0 | 30 | min. 2' high berm |
| | C | 3.3 | 35 | -- |
| | D | 3.2 | 40 | -- |
| | E, F | 2.8 | 40 | -- |

Table 6440 – Bufferyard Standards
continued next page

TABLE 6440
Buffer Yard Standards (continued)

| Screening Percentage | Plant Unit Type | Number of Plant Units* | Buffer Yard Width (ft) | Required Structure Type (height) |
|----------------------|-----------------|------------------------|------------------------|----------------------------------|
| 70% | A | 3.1 | 30 | min. 5' stockade fence |
| | B | 3.2 | 35 | min. 4' high berm |
| | C | 3.6 | 40 | min. 2' high berm |
| | D | 3.9 | 45 | -- |
| | E, F | 3.8 | 50 | -- |
| 80% | A | 3.5 | 35 | min. 6' stockade fence |
| | B | 3.9 | 40 | min. 4' high berm |
| | C | 4.3 | 45 | min. 2' high berm |
| | D | 4.6 | 50 | -- |
| | E, F | 3.8 | | -- |
| 100% | A | 5.0 | 50 | min. 6' stockade fence |
| | B | 5.3 | 60 | min. 4' high berm |
| | C | 5.5 | 75 | min. 2' high berm |
| | D | 6.2 | 75 | -- |
| | E, F | 5.6 | 100 | -- |

*Per one-hundred (100) lineal feet of required bufferyard.

Table 6440 – Bufferyard Standards (continued)

SECTION 6450 BUFFERYARD USE

- A.** A bufferyard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails provided that:
1. Adequate plant material is retained as necessary to achieve the buffer effect;
 2. the total width of the bufferyard is maintained; and
 3. all other regulations of the Ordinance are met.
- B.** In no event shall swimming pools, tennis courts, sports fields, golf courses or other such uses be permitted in bufferyards.

DIVISION 6500 LANDSCAPING AND BUFFERYARD MAINTENANCE

It shall be the responsibility of the property owner to maintain required landscaping and bufferyards. Dead plant materials must be replaced within one (1) year of their original planting. Landscaped areas and bufferyards shall be kept free of noxious weeds and trash. Where natural plant growth changes the actual buffer effect over time, the Zoning Administrator may require supplementary plantings to achieve the intent and purposes of this Ordinance.

ARTICLE 7

PARKING, LOADING, AND ACCESS CONTROL REQUIREMENTS

DIVISION 7000 PURPOSE

The purpose of this Article is to ensure the provision of adequate parking and loading areas and safe access for each land use.

DIVISION 7100 OFF-STREET PARKING AND OFF-STREET LOADING STANDARDS

The following Sections describe required standards for off-street parking and off-street loading. The term “capacity” as used herein means the maximum number of persons which may be accommodated by the use as determined by its design or by applicable Pennsylvania State Labor and Industry Codes, whichever is greater.

SECTION 7101 OFF-STREET PARKING STANDARDS

A. Required Number of Parking Spaces. The following minimum number of parking spaces shall be required for the uses specified below:

1. Agricultural Uses

- a. **Landscape Nursery:** One (1) space per two-hundred (200) square feet of gross floor area of inside sales or display.

2. Residential Uses (all): Two (2) parking spaces for dwelling units containing one (1) to four (4) bedrooms. One (1) additional space is required for each bedroom exceeding four (4) bedrooms in the respective dwelling unit.

3. Institutional Uses

a. **Indoor Institutional and Institutional Residential Uses**

- (1) Church: one (1) space per four (4) seats to the maximum capacity.
- (2) Community and recreation center: one (1) space per two-hundred fifty (250) square feet of gross floor area, or one (1) space per four (4) patrons to the maximum capacity, whichever is greater.
- (3) Day or nursery school: one (1) space per employee plus one (1) off-street loading space and one (1) parking space per six (6) students for visitor parking.
- (4) Group dwellings: one (1) space per bedroom or sleeping room.
- (5) Hospital: two (2) spaces per three (3) patient beds, plus one (1) space per employee on the largest work shift.

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- (6) Libraries and museums: one (1) space per two-hundred fifty (250) square feet of floor area or one (1) space per four (4) seats to the maximum capacity, whichever is greater.
- (7) Monasteries and convents: one (1) space per six (6) residents, plus one (1) space per employee on the largest work shift, plus one (1) space per five (5) chapel seats, if the public may attend.
- (8) Nursing homes: one (1) space per six (6) patient beds, plus one (1) space per employee on the largest work shift, plus one (1) space per staff member and per visiting doctor.
- (9) Indoor swimming facility: one (1) space per seventy-five (75) square feet of gross water area.
- (10) Tennis, racquetball, or handball courts: Three (3) spaces per court, plus one and one half (1.5) spaces per any other recreational station.
- (11) Schools:
 - i. Elementary and junior high: one (1) space per contracted personnel plus one (1) space per two (2) classrooms.
 - ii. Senior high: one (1) space per contracted personnel plus one (1) space per five (5) non-bused spaces.
 - iii. College: one (1) space per four (4) students of the largest class attendance period.
 - iv. School, commercial or trade: one (1) space per three (3) students, plus one (1) space per faculty member at capacity class attendance period.
- (12) Other indoor institutional and indoor residential uses not specifically listed: one (1) space per three (3) patrons to the maximum capacity.
 - b. **Outdoor Institutional and Recreational Uses**
 - (1) Camps, day or youth: one (1) space per camp vehicle normally parked on the premises.
 - (2) Cemetery: one (1) space per four (4) visitors to the maximum capacity.
 - (3) Golf courses (nine and eighteen hole): thirty-six (36) spaces per nine (9) holes, plus fifty (50%) percent of the spaces otherwise required for any accessory use (e.g. restaurants).
 - (4) Outdoor swimming pool: one (1) space per seventy-five (75) square feet of gross water area.
 - (5) Tennis court: three (3) spaces per court.
 - (6) Other outdoor recreational uses: one (1) space per four (4) expected patrons at maximum capacity.
 - c. **Public Service Uses:** one (1) space per one-thousand (1,000) square feet of gross floor area, plus one (1) space per company vehicle normally stored or parked on the premises.

4. Commercial Uses

a. Commercial Retail, Services, Restaurant, Drive-In Facility, and Commercial Lodging Uses.

- (1) Beauty and barber shops: three (3) spaces per operator or one (1) space per one-hundred (100) square feet of gross floor area, whichever is larger.
- (2) Convenience grocery: one (1) space per one-hundred (100) square feet of gross floor area.
- (3) Funeral home: one (1) space per four (4) patron seats or twenty-five (25) spaces per chapel unit, whichever is greater.
- (4) Grocery or supermarket: Five and one-half (5.5) spaces per one-thousand (1,000) square feet of gross floor area.
- (5) Hotel, motel or country inn: one (1) parking space per room or suite, plus one (1) space per three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty (50%) percent of the spaces otherwise required for accessory uses (e.g. restaurants and bars).
- (6) Miscellaneous repair services: one (1) space per three-hundred (300) square feet of gross floor area.
- (7) Personal services: one (1) space per two-hundred (200) square feet of basement and first floor gross floor area, plus one (1) space per three-hundred (300) square feet of any additional floor area for customer service.
- (8) Restaurant, fast food with drive-in: two (2) spaces per three (3) seats. Drive through lanes will have stacking space for four (4) automobiles, and will not interfere with pedestrian or traffic movements.
- (9) Restaurant, standard: one (1) space per three (3) patron seats or one (1) space per one-hundred (100) square feet of gross floor area, whichever is greater.
- (10) Shopping center: five (5) spaces per one-thousand (1,000) square feet of gross floor area.
- (11) Taverns, night clubs, and lounges: one (1) space per fifty (50) square feet of gross floor area.
- (12) Self-service storage facilities: One (1) space per twenty (20) storage stalls, plus one (1) space per two-hundred fifty (250) square feet of manager's office.
- (13) Other commercial retail, services, restaurant, drive-in facilities, and commercial lodging uses not specifically listed: one (1) space per two-hundred (200) square feet of gross floor area of customer sales and service, storage and/or office gross floor area. If the use has at least one-hundred thousand (100,000) square feet of gross floor area, then four (4) spaces per one-thousand (1,000) square feet of gross floor area shall be provided.

b. Commercial Amusement and Water-related Uses

- (1) Bowling alley: five (5) spaces per lane.

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- (2) Dance halls: one (1) space per fifty (50) square feet of gross floor area.
- (3) Marina: one (1) space per two (2) boat slips, plus a sufficient number of ten (10) foot by forty (40) foot space for trailers as determined by the Zoning Administrator.
- (4) Private clubs: one (1) space per three (3) persons to the maximum capacity of the facility.
- (5) Skating rink, ice or roller: one (1) space per five-hundred (500) square feet of gross floor area.
- (6) Theaters and auditoriums: one (1) space per three (3) patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by the facility providing written proof that it has the use of a nearby parking lot available to its patrons (e.g. by contractual agreement).
- (7) Other commercial amusement and water-related uses: one (1) space per four (4) patrons to the maximum capacity of the facility.

c. Office Uses

- (1) Banks: one (1) space per two-hundred (200) square feet of gross floor area, plus one (1) space at each electronic banking service facility and three (3) additional off-street stacking spaces per drive-in lane, plus adequate stacking area to approach each drive-through lane.
- (2) Offices, general: one (1) space per two-hundred fifty (250) square feet of gross floor area.
- (3) Medical offices: five (5) spaces per doctor, plus two (2) spaces for each treatment room or one (1) space per treatment chair, whichever is greater.

d. Heavy Retail and Heavy Services Uses

- (1) Vehicle sales and service: one (1) space per one-thousand, five-hundred (1,500) square feet of gross floor area.
- (2) Vehicle repair and maintenance services: one (1) space per four-hundred (400) square feet of gross floor area.
- (3) Mobile home and modular home sales and service: one (1) space per two-hundred fifty (250) square feet of office and sales area.
- (4) Other heavy retail and heavy service uses: one (1) space per five-hundred (500) square feet of sales/display area plus one (1) space per employee.

5. Industrial Uses

- a. Manufacturing: one (1) space per one-thousand (1,000) square feet of gross floor area, plus one (1) space for each company vehicle regularly stored or parked on the premises.
- b. Truck terminal: one (1) space per truck normally parked on the premises, plus one (1) space per three (3) patrons to the maximum capacity.

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- c. Wholesale establishments or warehouses: one (1) space for each two (2) employees in maximum shift.

B. Drainage and Maintenance of Parking Lots

All parking areas shall be designed, constructed, and maintained for adequate drainage and dust-free conditions at all times.

C. Off-Street Parking Design Standards

1. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, or office/work areas. The length of parking spaces can be reduced to sixteen and one-half (16.5) feet including wheel stop if additional space of one and one-half (1.5) feet in length is provided for the front overhang of the car. The parking space shall have a vertical clearance of at least seven (7) feet.
2. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in the following table:

TABLE 7101C
Off-Street Parking Design Standards

| | One-Way Parallel | Angle (Degrees) | | | |
|---------------------------------------------|-----------------------------|------------------------|-----------|-----------|-----------|
| | | 30 | 45 | 60 | 90 |
| Single row of parking | 9 ft. | 17 ft | 19 ft | 20 ft | 18 ft |
| Driving aisle | 12 ft | 12 ft | 13 ft | 18 ft | 24 ft |
| Minimum width of module (row plus aisle) | 21 ft | 29 ft | 32 ft | 38 ft | 42 ft |
| Two rows of parking | 18 ft | 34 ft | 38 ft | 40 ft | 36 ft |
| Driving aisle | 12 ft | 12 ft | 13 ft | 18 ft | 24 ft |
| Minimum width of module (row plus aisle) | 30 ft | 46 ft | 51 ft | 58 ft | 60 ft |

Table 7101C – Off-Street Parking Design Standards

These standards are listed on the next page.

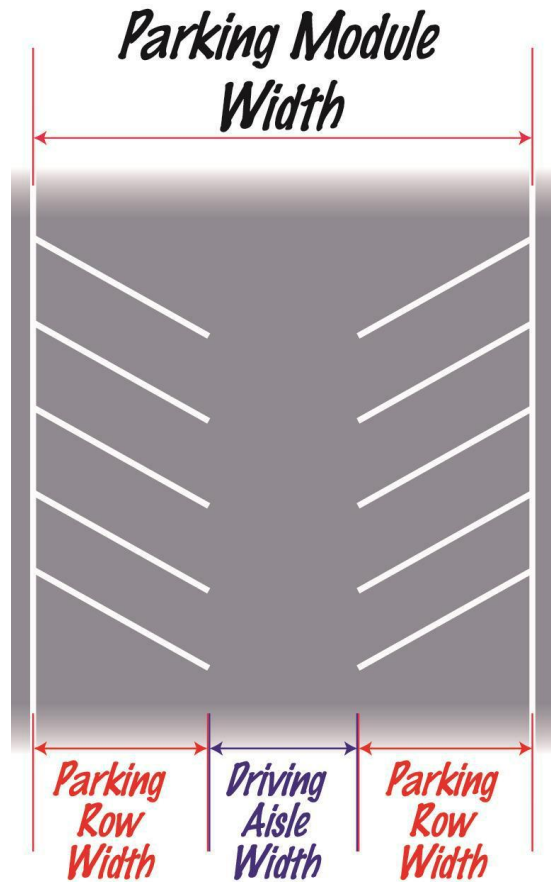


Illustration 7101.C - Off-Street Parking Design Standards

3. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which causes the least interference with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of twenty-five (25) feet.
4. **Handicapped Parking:** All open off-street areas shall provide parking spaces for use by motor vehicles, which transport physically disabled persons, in accordance with the following minimum standards:
 - (a) Two (2%) percent of the total number of spaces shall be parking areas containing one (1) to one-thousand (1,000) spaces.
 - (b) In addition to the number of spaces required in Section 7101, one (1%) percent of each one-thousand (1,000) spaces over the first one-thousand (1,000) spaces shall be provided for physically disabled parking.

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- (c) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be twelve (12) feet by eighteen (18) feet.
- (d) Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
- (e) All parking spaces provided for the use of physically disabled persons shall be marked with a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons.

SECTION 7102 OFF-STREET LOADING STANDARDS

Any use with a gross floor area of six-thousand (6,000) square feet or more which requires deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified below:

- A.** Every commercial retail establishment, industrial or manufacturing use, warehouse, wholesale use, freight terminal, hospital or sanitarium, or other similar use having an aggregate gross floor area of six-thousand (6,000) square feet or more shall provide off-street loading facilities as follows:

| Gross Floor Area (in sq.ft) | Number of Berths |
|------------------------------------|-------------------------|
| 6,000 - 24,999 | 1 |
| 25,000 - 79,999 | 2 |
| 80,000 - 130,000 | 3 |

For each additional seventy-thousand (70,000) square feet (or fraction thereof) of gross floor area, one (1) additional berth shall be provided.

- B.** Every public assembly use, included in the outdoor recreational, indoor recreational, institutional residential, restaurant, commercial lodging and commercial amusement use categories, including auditoriums, convention halls, exhibition halls, stadiums or sports arenas, funeral homes, and restaurants and hotels, with a gross floor area of greater than thirty-thousand (30,000) square feet, shall provide off-street berths as follows:

| Gross Floor Area (in sq.ft.) | Number of Berths |
|-------------------------------------|-------------------------|
| 6,000 - 29,999 | 1 |
| 30,000 - 119,999 | 2 |
| 120,000 - 197,999 | 3 |

For each additional one-hundred thousand (100,000) square feet (or fraction thereof) of gross floor area, one (1) additional berth shall be provided.

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- C.** One (1) loading berth shall be provided for the first six-thousand (6,000) to one-hundred thousand (100,000) square feet of floor area in office use with one (1) additional berth to be provided for each one-hundred thousand (100,000) square feet of floor area.
- D.** The minimum area for each off-street loading space, excluding area for maneuvering, shall be two-hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven-hundred (700) square feet.
- E.** At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

DIVISION 7200 ACCESS CONTROL

The following Sections govern the standards that apply to controlling access to specific roads.

SECTION 7201 ACCESS CONTROL OBJECTIVES

Access to public roads and highways in Lycoming County shall be controlled to ensure that the congestion created by turning movements is reduced to an absolute minimum. Functional classification of roads (arterial, collector, and local) shall be as delineated by the County Transportation Plan or Area Access Plans. In the absence of an adopted County Transportation or Area Access Plan, functional classification of roads shall be as delineated by the most current Pennsylvania Department of Transportation Functional Classification (Federal Aid System) map. All developments shall meet the following objectives:

A. General Objectives

All uses shall be discouraged from taking more than one (1) point of ingress and egress. In instances where more than one (1) access point is necessary, the number shall be minimized by combining access points when possible. Parcel consolidation and sharing of access points is to be encouraged.

B. Residential Access

All proposed residential uses shall take direct access only to local residential streets wherever possible.

1. Individual detached single-family residences may take direct access to a collector or arterial street only if no other access options are viable and site limitations preclude access to a local street. A developer may enter into a voluntary agreement with the municipality to provide access in conformance with municipal standards.
2. All other residential development must take direct access to a local residential street.

C. Non-residential Access

All non-residential uses must take primary access to a collector or arterial street or to a frontage road. Direct primary access to a local residential street is prohibited for non-residential uses. Non-residential uses may take secondary access to a local residential street with the permission of the Lycoming County Planning Commission. Agricultural accessory farm buildings and field drives are exempt from the above requirements.

SECTION 7202 PERMANENT ACCESS PLAN

In order to minimize the number of access points on state and municipal arterial and collector roads, all developers proposing access to such roads may be required to conform with an Area Access Plan which has been approved by the Lycoming County Planning Commission prior to obtaining site plan or subdivision approval.

SECTION 7203 TEMPORARY ACCESS

No developer shall be denied a Zoning/Development Permit for the sole reason that a property cannot meet the objectives of Section 7201, provided that the proposed development meets the standards of Section 7202, and the access permitted is a temporary access permit, which shall expire when the permanent access to the property via adjoining driving aisles, parallel access, or reverse frontage roads becomes feasible. The property owners shall pay for the cost of closing the temporary access and connecting to the permanent access.

SECTION 7204 ROAD RIGHT-OF-WAY CONSTRUCTION

Roads, driveways, and their rights-of-way shall be constructed and provided in accordance with the applicable municipal or County Subdivision and Land Development Ordinance. Driveways must meet the following requirements and address the stormwater runoff with appropriate methods from applicable stormwater plans and ordinances:

1. Single-family detached residence and outdoor recreational uses: a driveway slope cannot exceed 15% grade.
2. Multi-family dwellings(s): a driveway slope cannot exceed 15% grade.
3. Commercial and Industrial uses: a driveway slope cannot exceed 8% grade.
 - (a) Commercial and Industrial uses can be designed with a driveway slope up to 15%, provided that a trips per day analysis is provided certifying that the use will generate less than 100 trips per day.

The driveways are to be provided with a stopping or leveling area having a grade less than or equal to 5% grade for a distance of 25 feet, measured from the edge of the shoulder or curb of the intersecting road. The leveling area shall intersect the street or road at an angle of no less than 60 degrees, and preferably 90 degrees.

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These requirements shall be superseded by Municipal or County Subdivision and Land Development Ordinance requirements for driveways which were approved under municipal or county subdivision and land development.

ARTICLE 8

SIGN STANDARDS

DIVISION 8000 PURPOSE

The purpose of this Article is to:

- A.** Coordinate the type, placement and physical dimensions of signs within the different land-use zones.
- B.** Recognize the commercial communication requirements of all sectors of the business community.
- C.** Encourage the innovative use of design.
- D.** Promote both renovation and proper maintenance of signs.
- E.** Ensure compatibility in scale with the land uses permitted within the zoning districts where the sign is located.
- F.** Promote consistency with the other design standards of this Ordinance.
- G.** Address special circumstances, while guaranteeing equal treatment under the law through accurate record keeping and consistent enforcement.

These objectives shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning district. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of the Ordinance.

DIVISION 8100 SCOPE

The primary intent of this Ordinance shall be to regulate signs of a commercial nature. This Ordinance shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

DIVISION 8200 CALCULATIONS OF DIMENSIONS

A. Sign face area shall be defined by the following:

1. In the case of on-premise and off-premise signs, the entire surface area of the sign on which copy could be placed is the sign face area. The supporting structure or bracing of a sign and pole covers shall not be counted as a part of the sign face area. Where a sign has two (2) sign faces back-to-back, the area of only one (1) sign face shall be considered the sign face area. Where a sign has more than one (1) sign face, all areas which can be viewed simultaneously shall be considered the sign face area.
2. For a sign whose message is fabricated together with the background which borders or frames that message, the sign face area shall be the total area of the entire background.
3. For a sign whose message is applied to a background which provides no border or frame, the sign face area shall be computed by straight lines drawn tangent to copy extremities encompassing individual letters, words, or graphic elements of the message.

B. The height of a free-standing sign shall be measured from the mean ground level to the highest point of the sign face area or its supporting structure, whichever is greater.

1. The clearance of a projecting free-standing, wall or fascia sign shall be measured from the base of the sign face area to the ground below.
2. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face area.
3. For off-premise signs, the sign height shall be measured from the mean grade level beneath the sign or the road grade to which the sign is primarily oriented, whichever is greater. The maximum off-premise sign height shall only be exceeded upon the granting of a Special Exception in the Rural Center (RC), Suburban Mixed Use (SM), Regional Commercial (CR) and Industrial (I) Districts. In addition to the findings for Special Exceptions required in Division 10300, the Lycoming County Zoning Hearing Board shall also base its decision on a finding that the sign and supporting structure shall be designed to minimize any adverse impacts or changes to the community character within the immediate vicinity.

C. Pole covers are not considered part of the calculation of the sign area.

D. If an establishment has walls fronting on two or more streets or other commercial uses or property frontage on more than one street or other commercial use, the sign area for each building wall or property frontage shall be computed separately.

DIVISION 8300 GENERAL SIGN REGULATIONS

- A. Conformance with Ordinances.** Any sign hereafter erected or maintained shall conform to the provisions of this Ordinance and the provisions of the Municipal Building Code and any other ordinance or regulations of the municipality.
- B. Right-of-Way Restrictions.** No sign other than an official traffic sign or similar sign shall be erected within nor overhang the right-of-way of any road unless specifically authorized by other ordinances or regulations of the municipality.
- C. Limits on Projecting Signs.** Projecting, under canopy, and fascia signs may project over public sidewalks subject to the projection and clearance limits defined herein.
- D. Clear View.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location whereby reason of position, shape or color, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.
- E. Changeable Copy.** Changeable copy (automatic) signs may be permitted in commercial and industrial districts by Special Exception.
- F. Sign Maintenance.** Every sign permitted by this Ordinance must be constructed of durable materials and kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise unsafe or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner thereof or the person or firm maintaining same shall, upon written notice by the Zoning Administrator, forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this Ordinance or shall remove it. If within ten (10) days the order is not complied with, the Zoning Administrator may remove or cause to be removed such sign at the expense of the owner or lessee.
- G. Temporary Sign Requirements.** Temporary signs, unless otherwise regulated by specific provisions of this Ordinance relating to size, use, and district in which placed, shall be subject to the following regulations:
1. The size of any temporary sign may not be in excess of the size permitted for any permanent sign of like configuration or type in a given zoning district.
 2. Any temporary sign which is electrically energized or which contains any electrical device must conform to the same requirements and standards which cover permanent electric signs under this Ordinance.
- H. Spotlight.** Any spotlight permitted to illuminate signs shall be shielded such that the light source cannot be seen from adjoining roads and the interior of adjacent residences.
- I. Embellishments.** Embellishments shall not exceed ten (10%) percent of the sign face area.

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- J. Wall Signs in Campus Setting.** For non-residential uses with multiple principal structures arranged in a campus-like setting, there may be one wall sign per building provided that these signs meet the dimensional requirements imposed in the Rural (Section 8620), Suburban (Section 8630), and Urban (Section 8640) district regulations as set forth in this article.

SECTION 8310 COMPLIANCE WITH BUILDING AND ELECTRICAL CODES

All signs shall be constructed in accordance with the requirements of the BOCA Building Code and National Electrical Code.

SECTION 8320 WINDLOADS

- A.** Solid signs, other than wall signs, shall be designed to withstand a windload of fifteen (15) pounds per square foot on any face, up to a sign height of fifteen (15) feet, plus one (1) pound per square foot for each additional one (1) foot of sign height.
- B.** Skeleton signs, other than walls signs, shall be designed to withstand a wind load of twenty (20) pounds per square foot of the total face area of the letters and other sign surfaces, or twenty-five (25) pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

SECTION 8330 ADDITIONAL CONSTRUCTION STANDARDS

- A.** No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress. All signs must be in conformance with the Pennsylvania Department of Labor and Industry Fire and Panic Codes.
- B.** No signs shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover a transom window when not in violation of the provisions of the BOCA Building and Fire Prevention Codes.
- C.** Electrical signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than ten (10) feet horizontally or vertically from any conductor of a public utility.

SECTION 8340 PERMITS

- A. Compliance.** Unless specifically exempted, a permit must be obtained from the County for the erection and maintenance of all signs erected or maintained in the County. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance.

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- B. Plans Required.** Before any permit is granted for the erection of a sign or sign structure, plans and specifications shall be filed with the County showing the dimensions, materials, and required details of construction including loads, stresses, anchorage and any other pertinent engineering data. The application for a permit shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
- C. Certification.** The application for a permit for free-standing signs fifty (50) square feet or larger, or fifteen (15) feet high or higher; projecting signs of thirty (30) square feet or larger or with a projection exceeding six (6) feet in any direction; or any roof mounted sign shall require drawings certified by a qualified registered professional engineer or architect, licensed as such in the Commonwealth of Pennsylvania, that the proposed design meets or exceeds the standards herein, including the structure, foundation, and support.
- D. Permit Required.** No new sign shall hereafter be erected, constructed, altered or maintained except as herein provided and until after a permit has been issued by the Zoning Administrator.
- E. Sign Alteration.** No sign shall be enlarged or relocated except in conformity to the provisions of this Article for new signs, nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of this Article are not violated.
- F. Fees.** Permit fees to erect, alter or modernize a sign shall be in accordance with the fee schedule adopted by the County.

SECTION 8350 VARIANCES

Refer to Division 10400, Variances and Appeals.

SECTION 8360 VIOLATIONS

Refer to Article 13, Violations and Enforcement Procedures.

SECTION 8370 REMOVAL OF SIGNS BY THE ZONING ADMINISTRATOR

- A.** The Zoning Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be conveyed by registered mail or in person to the sign owner stating the nature of the work and the date on which it was performed and requesting payment of the costs as certified by the Zoning Administrator together with inspection and incidental costs.
- B.** The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Administrator, as in the case of a leased sign or a ground lease for an off-premise sign.

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- C. For purposes of removal, the definition of a sign shall include all sign embellishments and structures designed specifically to support the sign.

SECTION 8380 ABANDONMENT

All signs and/or sign messages shall be removed by the owner or lessee from the premises upon which the on-premise sign is located when the use it advertises is no longer conducted. Such removal shall be completed within thirty (30) days of vacating the premises.

DIVISION 8400 SIGNS NOT REQUIRING PERMITS

The provisions and regulations of this Ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of Division 8300.

- A. Real estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental, or lease of the premises, upon which said signs are located.
- B. Professional name plates not exceeding six (6) square feet in area.
- C. Bulletin boards not over thirty-two (32) square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions.
- D. Signs denoting the architect, engineer, contractor, project sponsor or source of financing when placed upon work under construction, and not exceeding a cumulative total of thirty-two (32) square feet in area per site.
- E. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding six (6) square feet in area.
- F. Memorial signs or tablets, names of building and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material.
- G. Directional/informational signs of four (4) square feet or less.
- H. Holiday or special events decorations.
- I. Public signs or notices, or any sign relating to an emergency.
- J. Window signs.
- K. Incidental signs not to exceed four (4) square feet.
- L. Signs denoting the name of an operating farm not to exceed thirty-two (32) square feet.

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- M.** Political signs. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner, and shall not exceed thirty-two (32) square feet in sign area. No deposit is required for political signs.

DIVISION 8500 SIGNS PROHIBITED IN ALL DISTRICTS

- A.** Signs that obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit.
- B.** Signs painted or mounted on rocks or other natural features. No signs other than nameplate/address signs or “posted” property signs less than four (4) square feet shall be affixed to trees.
- C.** Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device; obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic; no signs that are lighted in such a way so as to cause glare or impair driver visibility.
- D.** Signs that resemble, imitate, or approximate the shape, size, form or color of traffic signs, signals, or devices.
- E.** Signs erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape; and attached to a standpipe or fire escape.
- F.** Animated, flashing, revolving and/or rotating signs.
- G.** Mobile signs not specified in Division 8400 (Signs Not Requiring Permits), or which cannot conform to all requirements for permitted signs.

DIVISION 8600 PERMITTED SIGNS

SECTION 8610 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are allowed in all zoning districts:

- A.** All signs not requiring permits (See Division 8400).
- B.** One (1) construction sign for each street frontage of a construction project, not to exceed thirty-two (32) square feet in sign area in residential zones or sixty (60) square feet in sign areas in all other zones. Such signs may be erected fifteen (15) days prior to beginning of construction activity and shall be removed fifteen (15) days following completion of construction activity.

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- C.** Two (2) non-illuminated real estate signs per lot or premises, not to exceed sixteen (16) square feet in sign area. Such signs must be removed fifteen (15) days following sale, rental or lease.
- D.** One (1) attached nameplate per occupancy, not to exceed six (6) square feet in sign area.
- E.** One (1) directional/information sign per lot, not to exceed six (6) square feet in sign area or four (4) feet in height.
- F.** Two (2) temporary special events signs and decoration per premises as allowed by the Zoning Administrator for special events, grand openings, or holidays, subject to the following regulations:
 - 1. Such signs and decorations may be erected forty-five (45) days prior to a special event or holiday and shall be removed seven (7) days following the event or holiday, unless authorized as a Special Exception by the Zoning Hearing Board for a longer period of time.
 - 2. Application for a temporary special events sign permit must be made to the Zoning Administrator accompanied by a cash deposit in the amount of one-hundred (\$100) dollars as a guarantee that the temporary sign shall be promptly and completely removed at the end of the period authorized. In lieu of such deposit with the County, the applicant may enter into an escrow agreement with the County and a financial institution approved by the County in a form to be approved by the solicitor.

G. Feather Flag Signs

- 1. Maximum size. Each feather flag sign shall not exceed thirty two (32) square feet in total area.
- 2. Location. Feather flag signs must be located outside of the public Right-of-Way and comply with Division 8300, D of this Ordinance.
- 3. Limit. The number of feather flag signs is limited to one (1) per day every forty (40) linear feet of road frontage along the roadway where the primary business sign is installed.
- 4. Permits. No feather flag sign shall be erected or installed except pursuant to a permit issued by the Zoning Administrator.
- 5. Maintenance. The owner of any sign shall have the sign and all supports property painted at least once every two (2) years, unless they are galvanized or otherwise treated to prevent rust. Any cracked, faded, torn, ripped, broken or otherwise damaged temporary sign, banner or feather flag sign shall be immediately removed from public view.

**SECTION 8620 SIGNS PERMITTED IN RURAL DISTRICTS
(IN CONJUNCTION WITH USE)**

- A. All signs as permitted in Section 8610.
- B. Two (2) subdivision identification sign(s) per neighborhood, subdivision, or development, not to exceed sixty (60) square feet in area.
- C. One (1) identification sign per apartment or condominium complex, not to exceed twenty-four (24) square feet in sign area; unless fronting on two (2) or more roadways where one (1) additional sign of the same size is allowed.
- D. Permitted non-residential uses, including churches and synagogues, one (1) free-standing sign, not to exceed thirty-two (32) square feet in sign area, and one (1) wall sign not to exceed sixty (60) square feet in sign area.
- E. Off-premise in Rural Center District (RC only): one (1) three-hundred (300) square feet total sign area not exceeding twenty-five (25) feet in height, with five-hundred (500) feet spacing and not closer than three-hundred (300) feet from the nearest principal residential structure or Rural Residential District (RP, AG, CS).
- F. All allowed free-standing signs shall have a maximum height limit of fifteen (15) feet or the height of the principal use structure, whichever is less, and shall have a minimum setback of ten (10) feet from any public right-of-way.

**SECTION 8630 SIGNS PERMITTED IN SUBURBAN DISTRICTS
(IN CONJUNCTION WITH USE)**

- A. All signs as permitted in Section 8610.
- B. One (1) on-premise sign per premises, not to exceed two (2) square feet in sign area for each linear foot of main street frontage up to a maximum of one-hundred fifty (150) square feet. Such signs may not exceed the height of the principal use structure or a height of twenty (20) feet, whichever is less.
- C. One (1) wall sign per occupant, not to exceed four (4) square feet in sign area for each linear foot of the occupancy's building frontage up to a cumulative total of three-hundred (300) square feet for the principal use structure.
- D. One (1) under-canopy sign per occupancy, not to exceed six (6) square feet in sign area.
- E. Incidental signs, not to exceed twelve (12) square feet in aggregate sign area per occupancy.
- F. Special regulations and allowances for light commercial and office uses are as follows:

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1. When an occupancy is on a corner or has more than one (1) main street frontage, one (1) wall sign and one (1) additional on-premise sign will be allowed on the additional frontage, not to exceed one (1) square foot in sign area for each lineal foot of additional street frontage up to a maximum of one-hundred fifty (150) square feet.
- G.** On-premise and under-canopy signs shall have a setback of ten (10) feet from any vehicular public right-of-way and a minimum clearance of fifteen (15) feet over any vehicular use area and nine (9) feet over any pedestrian use area.
- H.** Off-premise: In Suburban Mixed Use (SM) Districts, only up to three-hundred (300) feet per face (back-to-back unit) with five-hundred (500) foot spacing not to exceed twenty-five (25) feet in height.

SECTION 8640 SIGNS PERMITTED IN URBAN DISTRICTS (IN CONJUNCTION WITH USE)

- A.** All signs as permitted in Division 8610.
- B.** One (1) on-premise sign per premises, not to exceed four (4) square feet in sign area for each linear foot of main street frontage up to a maximum of three-hundred (300) square feet. Such signs shall not exceed a height of thirty (30) feet or the height of the principal use structure, whichever is less.
- C.** Two (2) wall signs per occupancy, not to exceed four (4) square feet in sign area for each linear foot of that occupancy's building frontage up to a cumulative total of four-hundred (400) square feet.
- D.** One (1) roof sign per premises, not to exceed two (2) square feet in sign area for each linear foot of main street frontage up to a maximum of three-hundred (300) square feet, not to exceed ten (10) feet in height or the maximum permitted height of the principal use structure, whichever is less.
- E.** One (1) awning sign per occupancy, not to exceed twenty-five (25%) percent of the surface area of an awning, or one (1) marquee sign, not to exceed four (4) square feet in sign area for each linear foot of marquee front and side.
- F.** One (1) under-canopy sign per occupancy, not to exceed six (6) square feet in sign area.
- G.** Incidental signs not to exceed twelve (12) square feet in aggregate sign area per occupancy.
- H.** One (1) portable sign per lot, not to exceed thirty-two (32) square feet in sign area or ten (10) feet in height. Such signs may be displayed two (2) times per year for periods not to exceed six (6) weeks.
- I.** Where a lot has an excess of three-hundred (300) feet of main street frontage, one (1) additional free-standing sign will be allowed for each additional one-hundred (100) feet of

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main street frontage. Such signs shall be subject to the size and height limitations of the first allowed free-standing sign on the same premises.

- J.** Where occupancy has more than one main street frontage, one (1) additional free-standing sign is allowed on the additional frontage, not to exceed the size limitations of other allowed wall and free-standing signs.
- K.** A projecting sign may be used instead on any allowed wall or freestanding sign, not to exceed a sign area of two (2) square feet for each linear foot of any occupancy's building frontage up to a maximum of sixty (60) square feet.
- L.** All free-standing, projecting, awning, marquee, and under-canopy signs shall have a minimum setback of ten (10) feet from any vehicular public right-of-way, and a minimum clearance of fifteen (15) feet over any vehicular use area and nine (9) feet over any pedestrian use area.
- M.** Off-Premise:

Regional Commercial (CR) – up to three-hundred (300) square feet, per face (back-to-back unit) with three-hundred (300) foot spacing, not to exceed twenty-five (25) feet in height.

Industrial (I) – up to six-hundred seventy-two (672) square feet, per face (back-to-back unit) with one-thousand (1000) feet spacing, not to exceed twenty-five (25) feet in height.

DIVISION 8700 NON-CONFORMING SIGNS

Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size with the regulations of the district in which such site is located shall be considered a non-conforming use and may continue in such use until replacement becomes necessary.

SECTION 8710 DETERMINATION OF LEGAL NON-CONFORMITY

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal non-conforming" provided that:

- A.** The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.
- B.** The sign was covered by a valid Zoning/Development Permit or variance, or complied with all applicable laws on the date the sign was established.

SECTION 8720 LOSS OF LEGAL NON-CONFORMING STATUS

A legal non-conforming sign shall lose this designation if:

- A.** The sign is relocated or replaced.
- B.** The structure or size of the sign is altered in any way except towards compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

SECTION 8730 MAINTENANCE AND REPAIR OF NON-CONFORMING SIGNS

A legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50%) percent appraised damage or deterioration; it must be brought into conformance with this code or removed.

DIVISION 8800 SIGN DEFINITIONS

The following definitions shall apply to this Article:

Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, Abandoned. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, products, use, or activity for which no legal owner can be found.

Sign, Animated. A sign with action or motion; revolving, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners or other like items. For the purposes of this Ordinance, this definition shall not be meant to include public service signs such as time and temperature units, or changeable message signs.

Sign, Area of (Projecting or Free-standing). The area of a free-standing or projecting sign shall have only one (1) face (the largest one) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows:

- a. If the sign is composed of one (1) or two (2) individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
- b. If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

Sign, Area of (Wall). The area of a wall sign shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall

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as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Sign, Awning. A sign painted on, printed on, or attached flat against the surface of an awning.

Sign, Back-to-Back. One sign facing each direction when mounted perpendicular to the roadway (See “Double-Faced”).

Sign, Area of (Background). The entire area of a sign on which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Sign, Banner. A sign made of fabric or any non-rigid material with no enclosing framework.

Sign, Changeable Copy (Automatic). A sign on which the copy changes automatically on a lampbank or through mechanical means; e.g., electrical or electronic time and temperature units. **Sign, Changeable Copy (Manual).** A sign on which copy is changed manually in the field; e.g., reader boards with changeable letters.

Sign, Clearance of. The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign, Conforming. A sign which was legally erected in accordance with federal, state and local laws and regulations in effect at the time of erection of the sign.

Sign, Construction. A temporary sign identifying an architect, contractor, sub-contractor and/or material supplier participating in construction on the property on which the sign is located.

Sign, Controlled Access Highway. Any sign identifying premises where food, lodging, or places of business are located which engage in supplying goods and services essential to normal operation of motor vehicles and where such enterprises are directly dependent upon an adjacent freeway for business.

Sign, Copy Area of. The actual area of the sign copy applied to any background.

Sign, Directional/Informational. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy; e.g., parking or exit and entrance signs.

Sign, Double-Faced. A sign with two (2) faces.

Sign, Electrical. A sign or sign structure in which the electrical wiring, connections, or fixtures are used as part of the advertising message.

Sign, Face of. The area of a sign on which the copy is placed.

Sign, Fascia. See “Wall Sign”.

Sign, Feather Flag. A free standing sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

Sign, Flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare “Animated Sign” and “Changeable Copy Sign”).

Sign, Free-standing. An on-premise sign supported upon the ground by poles or braces and not attached to any building.

Sign, Government. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

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Sign, Height of. The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare “Clearance”).

Sign, Identification. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Sign, Illegal. A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Sign, Illuminated. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign, including illuminated awnings.

Sign, Incidental. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises; e.g., a credit card sign or a sign indicating hours of business.

Sign, Interior. Any sign placed within a building regardless of whether its message is visible to the exterior of the building, but not including window signs as defined and regulated by this Ordinance. Except for such window signs, interior signs are not regulated by the zoning provisions of this Ordinance.

Sign, Maintenance. For the purposes of this Article, the cleaning, painting, repair, and replacement of defective parts of a sign in a manner that does not alter the basic design or size of the sign.

Sign, Marquee. Any sign attached to or supported by a marquee structure.

Sign, Mobile. A structure or part of a structure of vehicular, portable design, built on a chassis or designed to be moved from one site to another, and to be used with or without a permanent foundation.

Sign, Nameplate. A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Sign, Non-conforming. A sign which was erected legally but which does not comply with subsequently enacted sign regulations or amendments thereto.

Sign, Official. Directional or other signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in state or federal law for the purpose of carrying out an official duty or responsibility.

Sign, Off-Premise. A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located; e.g., “billboards” or “outdoor advertising”.

Sign, On-Premise. A sign which carries only messages strictly incidental to a lawful use of the premises on which it is located. Such sign or sign devices may include, but not limited to, messages indicated the business transacted, services rendered, goods rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

Sign, Owner. A person recorded as such on official records. For the purposes of this Article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Administrator; e.g., a sign leased from a sign company or land leased for off-premise sign use. **Sign, Permit.** A license granted by the state and/or municipality to authorize a sign.

Sign, Painted Wall. Any sign which is applied with paint or similar substance on the face of a wall.

Sign, Pole. See “Freestanding Sign.”

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Sign, Political. For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Sign, Projecting. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Sign, Public Service. Message of a civic or philanthropic nature posted in the interest of community welfare.

Sign, Real Estate. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Revolving. A sign which revolves three-hundred and sixty (360) degrees, but does not exceed eight (8) revolutions per minute.

Sign, Roof. Any sign erected over or on the roof of a building (compare “Mansard” and “Wall Signs”).

Sign, Setback. The distance measured from the cartway centerline or the edge of the right-of-way to the nearest edge of the advertising structure.

Sign, Skeleton. An assembly of shapes and/or letters mounted on a frame without a solid background.

Sign Structure. Any structure which supports, has supported, or is capable of supporting a sign.

Sign, Subdivision Identification. A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Sign, Temporary. A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, political activity or other special community, business, or commercial events. Such signs may be displayed for a specified period of time only as prescribed by this code. Portable or vehicular signs or any sign not permanently embedded in the ground, or permanently affixed to a building structure or sign structure which is permanently embedded in the ground, are temporary signs.

Sign, Time and Temperature. A display containing illuminated or reflective numerals switching alternately to show the time and temperature.

Sign, Under-Canopy. A sign suspended beneath a canopy, ceiling, roof, or marquee.

Sign, Vehicular. A sign which is affixed to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicles primary purpose but becomes a primary purpose in itself. Such signs shall be subject to the regulations for temporary signs as defined in this code.

Sign, Wall. A sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Sign, Window. A sign installed inside a window and intended to be viewed from the outside.

ARTICLE 9

EXTERIOR LIGHTING STANDARDS

DIVISION 9000 PURPOSE

The purpose of this Article is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are causes for the regulation. This Article is not intended to apply to public street lighting. Public street lighting shall conform to the standards set forth by the Pennsylvania Department of Transportation.

DIVISION 9100 APPLICABILITY

This Article shall not apply to any agricultural uses as listed in Section 3210. Nor shall this Section apply to residential uses that have no common off-street parking areas, except that no building-mounted lights shall be permitted to be mounted on such residential dwelling units for the purposes of illuminating off-street parking areas. This Division shall apply to all non-residential uses (see Sections 3230-3250).

DIVISION 9200 EXTERIOR LIGHTING REQUIRMENTS

SECTION 9210 EXTERIOR LIGHTING PLAN

At the time any exterior light is installed or substantially modified, and whenever a Zoning Certificate is sought, an exterior lighting plan shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Division have been met and that adjoining property will not be adversely impacted by the proposed lighting.

SECTION 9220 EXTERIOR LIGHTING STANDARDS

Exterior lighting shall meet one (1) of the following standards:

- A. When a light source or luminaire has no cutoff (see illustration below), the maximum permitted illumination and the maximum permitted luminaire height shall be:

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| Use and District | Maximum Permitted Illumination (in footcandles) | Maximum Permitted Height |
|----------------------------------------|-------------------------------------------------------|-----------------------------|
| All residential in all districts | 0.20 | 10 ft. |
| All non-residential in AG, RP, CS, RC | 0.20 | 15 ft. |
| All non-residential in other districts | 0.30 | 20 ft. |

Commentary: Exterior lighting fixtures frequently produce unsightly glare. At times, the glare may even result in a safety hazard. The standards imposed by this Section are designed to reduce the hazard and nuisance of these fixtures.

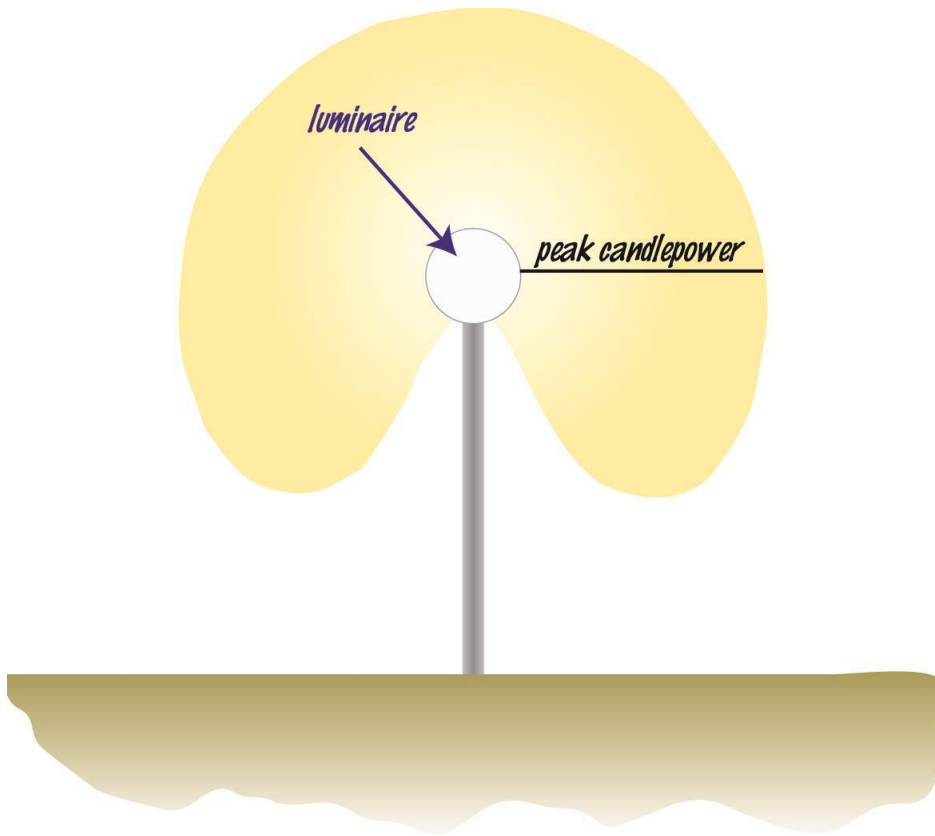


Illustration - NO CUTOFF LUMINAIRE

- B.** When a luminaire has a total cutoff of an angle greater than ninety (90°) degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height shall be:

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| Use and District | Maximum Permitted Illumination (in footcandles) | Maximum Permitted Height |
|----------------------------------------|----------------------------------------------------|--------------------------|
| All residential in all districts | 0.30 | 15 ft. |
| All non-residential in AG, RP, CS, RC | 0.50 | 20 ft. |
| All non-residential in other districts | 1.50 | 35 ft. |

Commentary: This standard is designed to ensure that no light is emitted above a horizontal line parallel to the ground. In order to achieve total cutoff at ninety (90°) degrees, such a luminaire shall emit maximum (peak) candlepower at an angle not exceeding seventy-five (75°) degrees. This angle is formed by the line at which maximum candlepower is emitted from the light source and a line perpendicular to the ground from the light source.

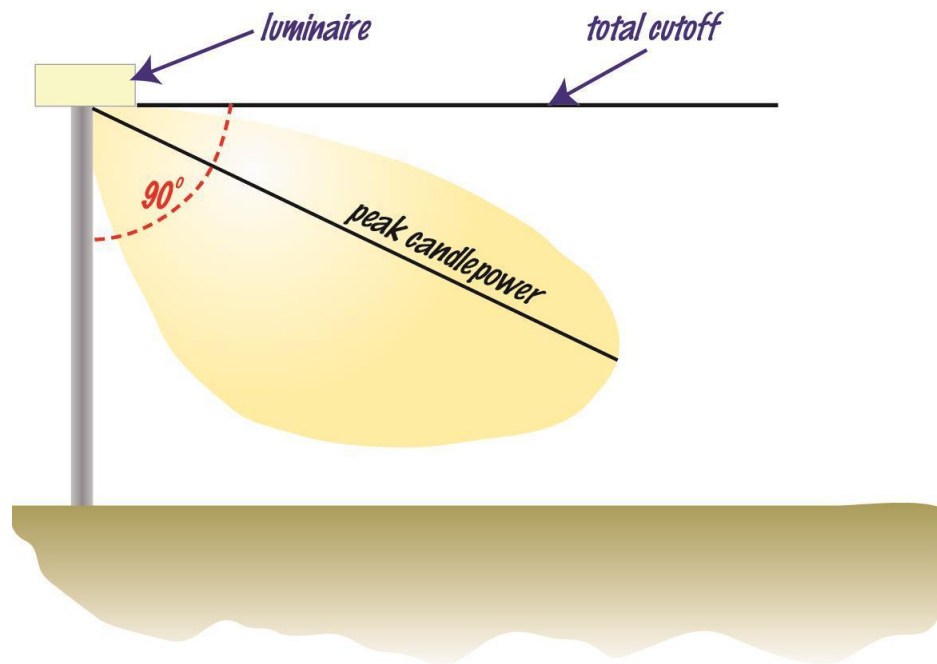


Illustration - 90° CUTOFF LUMINAIRE

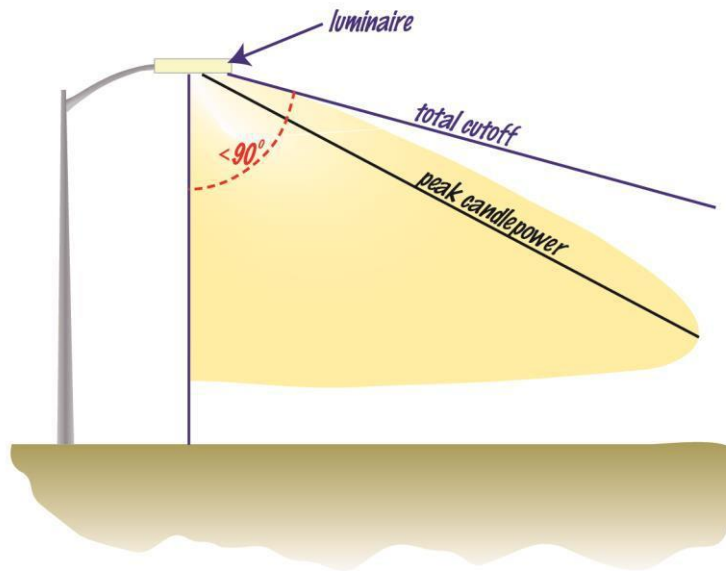
- C. When a luminaire has total cutoff of light at an angle less than ninety (90°) degrees (see illustration below) and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the

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point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

| Use and District | Maximum Permitted Illumination (in footcandles) | Maximum Permitted Height |
|----------------------------------------|----------------------------------------------------|--------------------------|
| All residential in all districts | 0.30 | 15 ft. |
| All non-residential in AG, RP, CS, RC | 0.50 | 20 ft. |
| All non-residential in other districts | 1.50 | 35 ft. |
| Street lights in all districts | per requirements of PennDOT | |

Commentary: This type of light fixture may be taller and provide greater illumination at the property line than the other two (2) types specified above, because the design of this fixture ensures that its light source will not be directly visible from off-site locations.



Luminaire with Less Than 90% Cutoff

Illustration - Less than 90% Cutoff

**SECTION 9230 EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR
RECREATIONAL USES**

Ball diamonds, playing fields, golf driving ranges, and tennis courts have unique requirements for nighttime visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards of Section 9220 if the applicant can demonstrate to the Zoning Administrator, upon site plan review, that the following requirements are met:

- A. The site plan must meet all other requirements of this Ordinance.
- B. Any exterior light sources shall not exceed the maximum permitted post height of eighty (80) feet.
- C. If the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cutoff angle of ninety (90°) degrees. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) foot-candles.

SECTION 9240 ADDITIONAL REGULATIONS

- A. No flickering or flashing lights shall be permitted.
- B. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

SECTION 9250 SEARCHLIGHTS

The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

ARTICLE 10
PROCEDURES

DIVISION 10000 PURPOSE

The purpose of this Article is to establish the application and appeals procedure, as well as the standards of review for zoning permits, required site plans, special exception uses, variances, and zoning amendments.

DIVISION 10100 REQUIRED PERMITS AND CERTIFICATES

**SECTION 10110 GENERAL PROCEDURE FOR A ZONING/DEVELOPMENT
PERMIT APPLICATION**

All persons desiring to undertake any new construction, substantial improvement of an existing structure, or change in the use or increased intensity of use of a building or lot shall apply to the municipal permit officer for a Zoning/Development Permit by completing a joint permit application form and by submitting the required fee. The municipal permit officer shall then refer a copy of the joint application to the Zoning Administrator, who shall then either grant or deny the zoning approval or refer the application to the Zoning Hearing Board for their consideration. After receiving both zoning and development approvals, and being issued the Zoning/Development Permit by the Zoning Administrator, the applicant may proceed with the proposal as approved.

Following completion of the project, the applicant shall notify the Zoning Administrator for a final inspection. If the Zoning Administrator finds that the project has been completed in accordance with the terms of the Zoning/Development Permit, he shall notify the municipal permit officer who shall then issue a Certificate of Compliance for single-family residential uses or a Certificate of Occupancy for multi-family residential uses or non-residential uses, upon compliance with the municipal building requirements.

In addition to meeting the requirements of this Ordinance, the applicant shall meet all other regulations or codes in effect in the municipality or as may be hereafter adopted, including, but not limited to, Municipal Floodplain Management Ordinances, building permit requirements, and Airport Hazard Area regulations. Nothing herein shall relieve any applicant of the responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Ordinance.

Refer to Appendix A for an illustration of general procedures for Zoning/Development Permits. Appendix B illustrates the procedures for Certificates of Compliance (single-family residential) and Certificates of Occupancy (multi-family residential and non-residential uses).

SECTION 10120 ZONING/DEVELOPMENT PERMIT REQUIRED

A Zoning/Development Permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the change in use or increase in the intensity of use; or prior to the change or extension of a non-conforming use; except as listed below. (In some instances, even though a joint Zoning/Development Permit may be exempted as listed below, additional permits, such as a municipal building permit, may need to be obtained prior to beginning construction or alterations.)

A. Exemptions

With the exception of uses or activities situated within the regulatory floodplain, Zoning/Development Permits shall not be required for the following:

1. Interior alterations when there is no increase in ground floor exterior dimension and no change in use.
2. General maintenance and repair to existing buildings or structures; including siding, roofing, painting, and similar activities which do not involve substantial improvement or an increase in the exterior dimensions of the existing building.
3. Crop or tree farming.
4. Landscaping, provided that said activity shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal or device.
5. Construction or erection of fences, steps, handicap ramps, or other similar structures; provided all such structures shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal or device.
6. Placement or location of private utility lines as long as they do not cross or occupy public roads or rights-of-way.
7. Satellite dish receivers.
8. Emergency efforts to secure and shore up a structure for health, safety or sanitary reasons or to assure safe living conditions.
9. Personal equipment such as: smokers or grills, fire pits, recreational equipment such as basketball hoops, swing sets, and other similar non-permanent play structures, as well as the storage of trailers, campers or similar objects.
10. Shelters for domesticated animals under 25 square feet so long as they are located outside of any public right-of-way.

SECTION 10130 APPLICATION FOR ZONING/DEVELOPMENT PERMITS

A. General Application Requirements. Each request for a Zoning/Development Permit shall be made by completing the appropriate application form obtained from the municipal permit officer. All applications for a Zoning/Development Permit shall contain or have attached thereto the following:

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1. Plans drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, and the lines within which the proposed building or structure shall be erected or altered.
2. The existing and intended use of such building or part of a building, the number of families or dwelling units the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations. A site plan may be required in accordance with Division 10200.

B. Coordination with Subdivision or Land Development Approvals Issued Prior to Enactment of this Ordinance. When a Zoning/Development Permit is sought for a development which is part of a subdivision plan or a land development that has received final municipal or County approval prior to the enactment of this Ordinance, the plan, together with any covenants, conditions, or other restrictions related thereto, shall be included as a part of the application for the Zoning/Development Permit.

C. Coordination with Subdivision or Land Development Approvals Sought after the Enactment of this Ordinance. If the applicant is required to obtain subdivision or land development approval from a municipality which is under the jurisdiction of this Zoning Ordinance, application for municipal subdivision or land development approval shall be coordinated with the application for a Zoning/Development Permit by the Zoning Administrator for the same development.

D. Coordination with Special Exception Approvals Sought after the Enactment of this Ordinance. When a Zoning/Development Permit is sought for a development which requires a Special Exception, an application for a Special Exception shall be submitted as part of the application for the Zoning/Development Permit.

E. Coordination with Required Site Plan Review. If the development for which a Zoning/Development Permit is required by this Ordinance to submit a site plan review (Division 10200), a site plan shall be made a part of the application for a Zoning/Development Permit and shall suffice as the statement of proposed use required by this Section.

F. Temporary and Accessory Use Requirements. A temporary use or an accessory use shall require a Zoning/Development Permit as a precondition to its lawful establishment.

1. The Zoning Administrator may establish guidelines for the application requirements for a Zoning/Development Permit in the case of either a temporary or accessory use which is established at any time other than simultaneously with a principal use, in which case all information required in Subsection A shall be submitted.
2. The purpose of the information required to be submitted is to provide the Zoning Administrator with a sufficient factual basis to determine whether all requirements of this Ordinance applicable to temporary and accessory uses have been fully met.

G. Compliance with Municipal Floodplain Regulations. In the case of uses or activities which are subject to the requirements of a local Floodplain Management Ordinance, the applicant shall submit verification of municipal floodplain development approval and/or certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor, and elevations are in compliance with the applicable Municipal Floodplain Ordinance. For proposals involving floodproofing, the applicant shall submit certification by a registered professional engineer or registered architect that the floodproofing measures being implemented adequately meet the requirements of the Municipal Floodplain Ordinance.

H. Administration of County Floodplain Regulations

1. Permit Requirements

To insure that the appropriate flood damage controls are being utilized, the applicant/landowner shall apply for and obtain a Zoning/Development Permit prior to the commencement of any construction, development, or substantial improvement activity within the designated floodplain district. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Administrator to determine that:

- a. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
- b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided to reduce exposure to flood hazards.

3. Application Requirements. The applicant shall submit a completed Zoning/ Development Permit application form and other pertinent information (e.g., any or all of the technical information contained in Section 5160H) as may be required by the Zoning Administrator to make the above determinations. At a minimum, the application shall include the following:

- a. The name and address of applicant.
- b. The name and address of the property owner.
- c. The name and address of the contractor
- d. A listing of other permits required.
- e. A brief description of proposed work and the estimated cost.
- f. A plan which satisfies the requirements of Section 10240 and includes the following information:
 - (1) All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
 - (2) If available, information pertaining to the floodway and the flow of water, including direction and velocities.

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- (3) The proposed lowest floor elevation of any proposed building based upon the vertical datum that is utilized in the most recently adopted Flood Insurance Study and Flood Insurance Rate Map.
 - (4) If available, the elevation of the base flood.
 - (5) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
 - (6) Detailed information concerning any proposed floodproofing measures.
- g. The following data and documentation:
- (1) Documentation, specifically including an elevation certificate, certified by a registered professional engineer or architect, indicating that the cumulative effect of the proposed development within the Floodway District will cause no increase in the elevation of the base flood. Acceptable documentation includes: hydrologic and hydraulic analysis, volumetric measurement, or other standard engineering practices that may be applicable for the proposed project.
 - (2) Documentation, certified by a registered professional engineer or architect, indicating that the cumulative effect of the proposed development within the Floodplain Elevation District, when combined with all other existing and anticipated development, will not increase the elevation of the base flood more than one (1) foot at any point.
 - (3) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.
 - (4) Detailed information needed to determine compliance with Section 5160.C.12, Storage; and Section 5160G, Development Which May Endanger Human Life, including:
 - i. The amount, location and purpose of any materials or substances referred to in Sections 5160.C.12 and 5160.G which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. A description of the safeguards incorporated into the design of the proposed structures to prevent leaks or spills of the dangerous materials or substances listed in Section 5160.C.12 during a base flood.
 - (5) The appropriate component of the Department of Environmental Protection's Planning Module for land development.
 - (6) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

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- h. Any new residential, commercial, or industrial uses are required to submit an emergency preparedness, evacuation, and rescue plan that has been reviewed by the appropriate agencies; e.g., EMA coordinators, DCED, FEMA, DEP, and County Department of Public Safety. Whenever the applicant's building site is located in or surrounded by the regulatory floodplain, the approved emergency preparedness plan shall insure the safe evacuation of the property in the flood event.
3. **Review by County Conservation District.** A copy of all plans for proposed development in any floodway district shall be submitted by the Zoning Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards.
4. **Review of Application by Others.** A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Administrator to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.
5. **Other Permit Requirements.** Prior to the issuance of any Zoning/Development Permit, the Zoning Administrator shall review the application to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Zoning/Development Permit shall be issued until this determination has been made and until it has been determined that the proposed work will be in compliance with the requirements of this and all other applicable codes and ordinances.

SECTION 10140 PROCEDURES FOR A ZONING/DEVELOPMENT PERMIT

- A. Developments consisting of a single-dwelling unit or other use not requiring Site Plan Review (Division 10200), a Special Exception approval (Division 10300), a Variance (Division 10400), or a Zoning Amendment (Division 10600) shall be reviewed by the Zoning Administrator for compliance with this Ordinance within fourteen (14) working days after a copy of the completed application for a Zoning/Development Permit has been received by the Zoning Administrator. The Zoning Administrator shall inform the municipal permit officer whether zoning approval of the Zoning/Development Permit application has been granted.
 1. In any case where a Zoning/Development Permit application is granted zoning approval by the Zoning Administrator, the municipal permit officer shall issue such permit upon approval of the municipal building permit review.
 2. In any case where zoning approval of a Zoning/Development Permit application is denied, the Zoning Administrator shall state the specific reasons and shall cite the specific articles, divisions, and sections of this Ordinance upon which denial is based. If relief of such denial would be available by a Variance, the Zoning Administrator shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

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- B.** Development consisting of more uses or structures than described above or requiring Site Plan, Special Exception, Variance, or Zoning Amendment approvals shall be reviewed for compliance with this Ordinance in as timely a manner as possible. Zoning/Development Permit applications shall not be considered complete until such approvals have been granted. The Zoning Administrator shall inform the municipal permit officer whether the application has been granted within thirty (30) days after a complete application for a Zoning/ Development Permit has been received by the Zoning Administrator or, in instances where site plan review and approval is required, within ten (10) days of site plan approval.
- C. Changes to Approved Permit.** After the zoning approval of a Zoning/Development Permit by the Zoning Administrator, no changes of any kind shall be made to the Zoning/ Development Permit application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the Zoning Administrator. Requests for any such change shall be made in writing and shall be submitted to the municipal permit officer who will refer a copy of the request to the Zoning Administrator for consideration.
- D. Posting of the Premises.** In addition to the Zoning/Development Permit, the municipal permit officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Zoning/Development Permit, the date of its issuance, a description of the construction authorized, and bear the signatures of the municipal permit officer and the Zoning Administrator.
- E. Time Limitations.** Work on the proposed construction shall begin within ninety (90) days after the date of issuance of the Zoning/Development Permit and shall be completed within twelve (12) months after the date of such permit or the permit shall expire unless a time extension is granted in writing by the municipal permit officer after review by the Zoning Administrator. Time extensions shall be granted only if a written request is submitted by the applicant who sets forth sufficient and reasonable cause for the municipal permit officer and the Zoning Administrator to grant such a request.
- For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers, or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.
- F. Inspections.** During the construction period, the Zoning Administrator shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Zoning/Development Permit application.
- G. Requirements for Certificate of Compliance.** A single-family residence must be certified as meeting municipal standards for habitable space, including, but not limited to, adequate sewage disposal prior to occupancy. Construction of a single-family residence need not be

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completed prior to occupancy provided that the property owner has received a Certificate of Compliance from the municipal permit officer.

Commentary: Section 10140.G of the Lycoming County Zoning Ordinance provides for Certificates of Compliance to certify a residence as meeting standards for habitable space. Upon inspection, this residence has been determined to meet the required zoning standards and is certified to be in compliance.

- H. Requirements for Certificate of Occupancy.** A multi-family residential or non-residential structure may not be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a Certificate of Occupancy has been issued by the municipal permit officer, certifying that the buildings or proposed use thereof complies with the provisions of this Ordinance.

The applicant shall notify the Zoning Administrator and municipal permit officer upon completion of the permitted activity. The Certificate shall be issued within fourteen (14) days after receipt of notice provided that, upon inspection, the activity is in compliance with the provisions of this Ordinance and the issued permit. Once granted, the Certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants, or occupants.

Certificates of Occupancy may be issued in phases for phased construction projects.

- I. Revocation of Permits.** The Zoning Administrator may revoke a Zoning/Development Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the permit shall immediately surrender it to the Zoning Administrator.
- J. Temporary Permits.** A temporary permit may be authorized by the Zoning Administrator for a non-permanent structure or use not generally permitted which is determined to be beneficial to the public health or general welfare, or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the permit without cost to the County. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional one (1) year periods.

SECTION 10150 SIGN PERMIT REQUIRED

- A.** Unless specifically exempted by Division 8400, no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a Sign Permit has been secured from the Zoning Administrator. Sign permits shall be renewed prior to their expiration dates as specified below.
- B.** Applications for sign permits shall be reviewed for compliance with this Ordinance. Within fourteen (14) days after receipt of a completed sign permit application, the Zoning

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Administrator shall inform the applicant that the sign permit has been granted or that the sign permit has been denied and the reasons for denial, unless the applicant allows an extension of time.

C. Application Requirements for Sign Permits

1. All applications for sign permits shall be made in writing on a form supplied by the Zoning Administrator and shall contain or have attached thereto the following information:
 - a. Name, address, and telephone number of applicant.
 - b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - c. Two (2) drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs.
 - d. When a Sign Permit is sought for a use which existed at the effective date of this Ordinance, the Zoning Administrator shall specify the information required to show full compliance with the sign regulations of this Ordinance, but in no event shall information not required by this Section or an application for a Zoning/Development Permit be required.
2. Deposits for temporary signs shall be accompanied by a letter providing the name, address and telephone number of the person to whom the deposit is to be returned. The Zoning Administrator shall issue a receipt for such deposit. Temporary signs may be renewed upon receipt of a new deposit; provided such signs are in compliance with the standards of this Ordinance.

D. Review Procedures for the Issuance of a Sign Permit.

Application for sign permits in Lycoming County shall be reviewed by the Zoning Administrator for sign conformance with the requirements and standards set forth in Article 8.

DIVISION 10200 PROCEDURE FOR SITE PLAN REVIEW

This Division sets forth the procedures for site development plan review and approval for subdivisions, planned developments, and non-residential developments.

SECTION 10210 FILING AN APPLICATION FOR A SITE PLAN REVIEW

The owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representative, shall, prior to the time of application for a Zoning/Development Permit, file an original and five (5) copies of the site plan review application with the Zoning Administrator on forms provided by the County. Included shall be a filing fee which the Lycoming County Board of Commissioners may prescribe and six (6) copies of the preliminary

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site development plan(s). If warranted, the required site plan information and data may be submitted on more than one (1) site plan map. The site plan(s) shall be drawn to an accurate scale not less than one (1) inch equals one-hundred (100) feet (1"=100') and shall show the information contained in Section 10230 for simplified site plans and Section 10240 for general site plans. Site plan maps should be submitted on twenty four (24) inch by eighteen (18) inch sheets to facilitate handling and storage.

A simplified or general site plan, when required by this Article, or the supplementary land use regulations of Article 3, must be reviewed and approved by the Zoning Administrator prior to issuance of a Zoning/Development Permit.

SECTION 10220 EXEMPTIONS FROM SITE PLAN REVIEW REQUIREMENTS

The following land uses are exempt from either simplified or general site plan review, unless such uses or activities are situated within the regulatory floodplain, or unless specifically required by the supplemental controls of Article 3:

1. A single-family dwelling, mobile home, or twin house (also known as a duplex or double) unit.
2. Agricultural uses.
3. Temporary uses.
4. Additions of less than two-thousand (2,000) square feet to existing structures.
5. Accessory uses of less than two-thousand (2,000) square feet.

SECTION 10230 SIMPLIFIED SITE PLAN REQUIREMENTS

A. A simplified site plan may be filed instead of a general site plan for the following uses, unless such uses are situated within the regulatory floodplain, or unless specifically required by the supplementary land use regulations of Article 3:

1. A single institutional, commercial, or industrial use where the structure does not exceed two-thousand (2,000) square feet in gross floor area.
2. **Additions.** A simplified site plan is required for additions to existing structures of more than two-thousand (2,000) square feet and less than six-thousand (6,000) square feet of floor area.

B. The simplified site plan shall contain the following information:

1. Number of units and square feet of use proposed.
2. Boundary drawing of the lot or area involved.
3. Present owner of record of the property.
4. Approximate location of the vehicular entrance to the site.

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5. Method of handling and approximate location of water and sewer (septic) facilities, if required.
6. Location, dimensions, height, and setbacks of all existing and proposed buildings.
7. Location of existing and proposed roads, rights-of-way, easements, and means of access.
8. Location of parking area and number of stalls required.
9. Proposed use of structural additions.
10. General location of landscaping, buffer areas, and screening.
11. The general location of any natural resources and environmental hazard areas listed in Article 5 which would be affected by the proposed development.
12. North arrow and accurate, graphic scale of drawings.
13. The Zoning Administrator may request additional information as provided in Section 10240 to determine compliance with the standards in this Ordinance.

SECTION 10240 GENERAL SITE PLAN REQUIREMENTS

The following information is required for those land uses which require site plan review, but which are not reviewed as a simplified site plan (see Section 10230):

A. General Matters

1. A small location “key” map showing the subject parcel and illustrating its relationship to the nearest major street intersection and adjacent streets. This map may be drawn at an accurate scale of one (1) inch equals two-thousand (2,000) feet (1”=2,000’).
2. North arrow and accurate, graphic scale of drawings.
3. Title block including the name and address of the development and the developer, architect, engineer, or land surveyor seal; the date; and the date of all revisions.
4. Property lines, existing and proposed right-of-way lines, with metes and bounds (bearing and distances) indicated, and building or setback lines.
5. Existing and proposed easement lines and dimensions, with the owner’s name or a description of facilities located therein.
6. Location, size, dimensions, height, and setbacks of all existing and proposed structures and other improvements on the property, including but not limited to, buildings, existing and proposed parking areas, streets, walkways, drainage structures, utility poles, fences, retaining walls, including on-site sewage systems or private water supply systems, etc.
7. Ownership, land-use, and zoning of adjoining properties.
8. Submission of permits or other records, if required, proving that the proposed use is located on a legal lot.
9. Design of all exterior signs, including location and size (both free-standing and attached signs) and illumination technique.

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10. Location and intensity, in candlepower, of all exterior lighting, including height and spacing of all lighting standards.
11. Location of outside refuse collection areas and the type of screen to be provided.
12. Within a legend or title block, the following information:
 - (a) Gross square footage of all building structures.
 - (b) Type and size of all trees and shrubs used in landscaping of the site if not noted elsewhere on the plan.
 - (c) Present zoning of the subject tract.
 - (d) Open space per lot not occupied by buildings, structures, or paving.
 - (e) A description of the general use for which any structure is intended and its size in square feet.
 - (f) For non-residential uses, the number of employees on the largest work shift; for places of assembly, the maximum capacity of the meeting or assembly space (if applicable).

B. Drainage Matters

1. All existing or proposed ponds, lakes, basins, rivers, streams, or other bodies of water, and their intended purpose (recreation, retention, etc.).
2. Existing and/or proposed storm sewers to serve the site.
3. When applicable, the nearest available sanitary sewer and an indication of the sanitary sewer district or sewer company to serve the project.
4. Existing and proposed major drainage facilities, such as culverts, channels, creeks, etc.
5. The limits of the floodway and 100-year floodplain (if applicable) from the FEMA floodplain maps.
6. Stormwater management and construction site erosion control plans.
7. Location of the ordinary high water mark of any abutting navigable waterways.
8. Location and elevation of existing or future access roads.
9. The elevation of the lowest floor of proposed buildings and any fill within the 100-year floodplain using National Geodetic Vertical Datum of 1929 (NGVD).

C. Circulation, Parking, and Landscaping Matters

1. The internal and peripheral vehicular circulation including:
 - (a) Curb cuts required to provide ingress and egress to and from adjacent streets.
 - (b) The existing width and proposed widening of all existing adjacent streets and rights-of-way (including the number and width of lanes and any island or medians). Note

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that new easements and right-of-way dedications may be required in conjunction with the proposed development, and must be shown and dimensioned on the plan.

- (c) All the entrances on opposite sides of existing adjacent streets within the frontage of the development.
 - (d) The width and location of all internal drives, aisles, parking and loading spaces.
 - (e) The location of all islands and medians.
 - (f) The location and dimensions of all existing and proposed curbs.
- 2. The number of parking and loading spaces.
 - 3. The location of spaces to be used for outdoor vehicular and equipment storage, and the location of screening, existing and proposed.
 - 4. All proposed deciduous and evergreen trees, ground cover, and other landscaping elements.

D. Site Grading Matters

- 1. Existing and proposed contours shall be referenced to U.S. Geological Survey data normally at twenty (20) foot intervals for the subject property, extending at least fifty (50) feet off site. Contour intervals at smaller intervals than the above may be required depending on the topography of the site. Existing contour lines shall be differentiated from that of proposed contour lines. A varied frequency of contours and/or spot elevations may be required.
- 2. A minimum of two (2) cross sectional profiles (taken perpendicular to each other), showing proposed structures and proposed and existing grades through the center of the property. The Zoning Administrator may request additional profiles for large or unusually shaped tracts.
- 3. An erosion and sedimentation control plan is required for disturbance of steep slopes in excess of two-thousand (2,000) square feet in accordance with Section 5180 of this Ordinance. The control plan shall be submitted to the Lycoming County Planning Commission for review and referral to the Lycoming County Conservation District. No land disturbance shall be permitted until the Conservation District has approved the erosion and sedimentation control plan.

E. Proposed Activities

- 1. In single-lot developments, approximate location of all buildings and other structures, as well as parking and loading areas, shall be indicated. In multiple lot developments, conceptual location and configuration of buildings, approximate locations of common ground areas, open space, major utility easements, and stormwater retention areas shall also be indicated.
- 2. Preliminary plan for sanitation and storm drainage facilities.

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3. Proposed land uses, lot areas and dimensions, building sizes and heights, and setback distances.
4. Proposed landscaping, lighting, and screening plans.
5. Proposed development phasing schedule.

F. Existing Natural Resources

1. Approximate location of wooded areas on the tract.
2. Location on the site of all the natural resources and environmental hazard areas listed in Article 5 which would be affected by or have an impact on the proposed development.

SECTION 10250 PROCESSING OF A SITE PLAN REVIEW APPLICATION

Applications for a site plan review shall be processed by the Zoning Administrator as follows:

A. Preliminary Site Plan Review

1. Copies of the application shall be distributed to the applicable municipal board of supervisors and planning commission(s), and to appropriate state and federal agencies such as the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources, and the Lycoming County Conservation District.
2. The Zoning Administrator and other officials shall examine the plan for its compliance with this Ordinance. The plan review shall be completed within ninety (90) days after receipt by the Zoning Administrator unless additional information is required of the applicant by the Zoning Administrator in order to complete said review. The Zoning Administrator shall endeavor to make a determination of completeness of the site plan application within fifteen (15) days of receipt.
3. The Zoning Administrator and each official to which the application has been referred shall prepare a written report to the applicant. The report shall set forth the recommendations for changes in the plans as submitted and the conditions for approval, if any, necessary to bring the plan into compliance with any applicable requirement of this Ordinance.
4. **Decision.** The Zoning Administrator shall approve, subject to conditions, or deny a site plan within ninety (90) days of the receipt of all necessary information necessary to determine compliance with this Ordinance, unless a time extension is agreed to by the applicant.
 - (a) Failure of the Zoning Administrator to act within the time period stated above shall constitute approval of the plan.
 - (b) If the Zoning Administrator finds that any one of the conditions in Section 10250 or in any other sections of this Ordinance have not been satisfied and cannot be

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adequately provided for on the site plan, the Zoning Administrator shall deny preliminary site plan approval.

B. Final Site Plan Review

1. If the preliminary site plan is approved by the Zoning Administrator, the developer shall submit a final site development plan which reflects compliance with any conditions contained in the preliminary site plan approval.
 - (a) Review and approval of the final site plan shall be by the Zoning Administrator and shall occur within fifteen (15) days after the application for a Zoning/Development Permit has been submitted. Upon a finding of compliance, the Zoning Administrator or his designee shall note the finding of compliance and the date of said finding upon the final development plan. No Zoning/Development Permit shall be issued unless a finding of compliance is made.
 - (b) The developer may simultaneously apply for a Zoning/Development Permit.
 - (c) If a subdivision or certified survey map is required, a final plat of the subdivision or certified survey map shall be filed concurrently with the final site development plan.
 - (d) If the final plan is denied, the developer may resubmit a revised final site plan for approval. The procedure for resubmission shall be the same as for submission of an original final site development plan as set forth in this subsection.
2. **Recording Requirements.** Upon a finding of compliance with the authorizing ordinance, the applicant shall record the approved final site development plan with the Lycoming County Register and Records Office within ninety (90) days of the finding date. The Zoning Administrator shall retain a file copy of the approved site plan in the Planning Commission office.

C. Procedure for Amendment of Site Plan or Conditions Thereon. In order to amend the recorded approved final site development plan, the procedure, subject to the same standards of review required for site development plan approval, shall be as follows:

1. The property owner or authorized representative shall submit an amended final site development plan, together with a filing fee, to the Zoning Administrator or his designee for review and recommendation. The Zoning Administrator or his designee shall then evaluate the request for consistency in purpose and content with the nature of the proposal as approved.
2. The Zoning Administrator shall, within fifteen (15) days of receipt of the proposed amendment, approve or disapprove the amendment in accordance with the procedures and standards set forth in Division 10200 unless additional information is required of the applicant by the Zoning Administrator in order to complete said review. If approved, the amended plan shall be recorded by the applicant with the Lycoming County Register and Records Office within thirty (30) days of approval. The Zoning Administrator shall retain a file copy of the amended site plan in the Planning Commission office.

SECTION 10260 STANDARDS FOR SITE PLAN REVIEW

- A. Review.** The Zoning Administrator shall examine all plans, documents, and exhibits pertaining to proposed structures for general siting and building mass to ensure conformity with the requirements of the district in which the site plan is located. This development review will be based on information provided by the developer and will cover landscaping, lighting, setbacks, points of ingress and egress, screening, locational relationships of proposed buildings (s), improvements, phasing of construction, and any other information as deemed necessary by the Zoning Administrator to determine conformance with the standards of this Ordinance.
- B. Reasons for Denial.** The Zoning Administrator shall not approve a preliminary site development plan which fails to meet the standards of this Ordinance.

DIVISION 10300 SPECIAL EXCEPTION PROCEDURES

Special Exception uses have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The Zoning Hearing Board may grant Special Exceptions only for those uses as are provided in Section 3120, Table of Permitted Uses.

When such a use is proposed, a review by the Lycoming County Zoning Hearing Board will be conducted to determine whether the proposed use should be permitted. In making such a determination, the Board may attach reasonable conditions and safeguards, in addition to those already expressed in the Ordinance.

A summary of the procedure for obtaining a Special Exception is contained in Appendix C.

SECTION 10310 GENERAL STANDARDS FOR SPECIAL EXCEPTION USES

No application for a Special Exception shall be approved unless the Lycoming County Zoning Hearing Board specifically finds that the proposed Special Exception use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A.** The proposed use and location shall be consistent with the general purpose, goals, objectives, and standards of the adopted Lycoming County Comprehensive Plan, this Ordinance, or any other plan, official map, or ordinance adopted by the county or the municipality.
- B.** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare.
- C.** The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on any public improvements, facilities, utilities, or services. Where any such

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improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant may, as part of the application for a Special Exception, enter into a voluntary agreement with the affected municipality(ies) for the provision of such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, or other plans, official maps, and ordinances adopted by the county or municipality to service the development. Approval of the Special Exception may be conditioned upon the provision of such improvements, facilities, utilities or services.

SECTION 10320 APPLICATION FOR A SPECIAL EXCEPTION

- A. Application.** Applications for a Special Exception permit shall contain all the information required for a Simplified Site Plan Review as specified in Section 10230. The Zoning Administrator may require additional information as provided under Section 10240 (General Site Plan Requirements) as necessary for the Zoning Hearing Board to make the findings required by Section 10310.
- B. Processing by the Zoning Hearing Board.** Applications for a Special Exception shall be processed by the Zoning Hearing Board as follows:
1. Copies of the application shall be distributed to the secretary of the township board of supervisors, the secretary of the township planning commission, to the regional office of the Pennsylvania Department of Transportation if the property abuts a State Highway, and to other affected officials or agencies as determined by the Zoning Administrator.
 2. **Public Hearing Required and Notice of Hearings.** The Zoning Hearing Board's decision to approve or deny a Special Exception shall be made only after public notice and hearing. Within sixty (60) days of receipt of an application, the Zoning Hearing Board shall establish a reasonable time and place for and hold a public hearing thereon, giving notice as follows:
 - (a) **Notice.** A public hearing shall be held by the Zoning Hearing Board after a public notice has been published in accordance with the definition of "Public Notice" in Article 14 of this Ordinance. A copy of such notice shall be mailed to the Secretary and Chairman of the Board of Supervisors for the Municipality affected by the proposed special exception, and adjacent property owners who are connected to the parcel in questions, and within a 300 foot radius of the proposed use, at least ten (10) days prior to the date of such hearing.
 - (b) **Posting.** The subject property shall be posted in a conspicuous place with a written notice of the pending hearing action at least seven (7) days prior to the public hearing.
 - (c) **Recommendations.** No later than ten (10) days prior to the date set for the hearing on the application, the Zoning Administrator shall file a written report thereon with the Zoning Hearing Board, including information from each official or consultant to which the application has been referred. A copy of such report shall be mailed to the applicant, the secretary of the municipal governing body, and to any person who has made a timely request for the same, and copies will be made available in the office of

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the Lycoming County Planning Commission. The report shall recommend any changes in the plans as submitted, and the conditions for approval, if any, necessary to bring the plans into compliance with any applicable ordinance or regulation and the Comprehensive Plan of Lycoming County. Conditions for approval may also be designed to eliminate any adverse effects of the proposed development on aspects of the general health, safety, and welfare of the community for which the official or consultant has special responsibility.

3. **Decision.** Within forty-five (45) days of the last public hearing on the application, unless an extension of this time is granted by the Zoning Hearing Board pending the submittal of additional information from the applicant, the Zoning Hearing Board shall render a decision to grant the application for a Special Exception Permit, grant it subject to conditions, or deny it. The application shall be denied if the Zoning Hearing Board finds any of the following:

- (a) The application and record fail to establish compliance with the standards made applicable to the proposed development by the provisions of this Ordinance.
- (b) The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.
- (c) The adverse impacts on the overall public health, safety, and welfare are not balanced by the public or private benefits of the proposal. The Zoning Hearing Board shall include in this determination any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.

4. **Conditions and Restrictions**

- (a) The Zoning Hearing Board may, in approving the application for any Special Exception Permit, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the general purposes, goals, and objectives of the County Comprehensive Plan and this Ordinance to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, and welfare of the County.
 - (b) All conditions imposed upon any Special Exception permit approval, with the exception of conditions made applicable to such approval by the express terms of this Ordinance, shall be expressly set forth in the granting of such Special Exception permits.
5. **Amendments.** The decision of the Zoning Hearing Board shall apply specifically to the application and plans submitted and presented at the public hearing. Any subsequent changes or additions may be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception use.
 6. **Expiration.** All Special Exception permits shall expire twelve (12) months from the date of issuance where no action has commenced to establish the authorized use.

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7. **Expansion of Existing Special Exception Uses.** The expansion or enlargement of a Special Exception use in existence as of the effective date of this Ordinance does not require Special Exception approval but shall meet the requirements of this Ordinance, insofar as possible, prior to issuance of a Zoning/Development Permit. If compliance with the standards of this Ordinance is not achieved, a variance approval from the Zoning Hearing Board shall be required prior to issuance of a Zoning/Development Permit.

SECTION 10330 SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS

In the review of applications for Special Exceptions in any floodplain district, the County Zoning Hearing Board shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood heights or velocities caused by the encroachments. In the Floodway District, no Special Exception shall be permitted which would cause any rise in the 100-year flood.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions during periods of inundation.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the goals and objectives and Floodplain Management Program for the municipality.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

DIVISION 10400 VARIANCES AND APPEALS

This Division sets forth the procedures and conditions for application, review, and granting of variances and appeals.

SECTION 10410 AUTHORITY

The Zoning Hearing Board shall hear and decide variances and appeals pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended, and shall have the following authority:

A. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances to vary or adapt the strict application of any of the requirements of this Ordinance in accordance with the standards for variances contained in Section 10420 of this Ordinance.

B. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator administering this Ordinance, including but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the regulation or refusal to register any non-conforming use, structure, or lot.
2. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Administrator, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

C. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of this Ordinance, except those for landowner curative amendments, which shall be brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.

SECTION 10420 GENERAL STANDARDS FOR A VARIANCE

Whereby reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or special condition of such piece of property in

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question, the literal enforcement of the requirements of this Ordinance would make it exceptionally difficult, if not impossible, to comply with the exact provisions of this Ordinance and would cause unwarranted hardship and injustice, unnecessary to carry out the purpose and intent of this Ordinance, the Zoning Hearing Board shall have the power, upon petition in specific cases filed as provided in Division 10400, to authorize such variance from the terms of this Ordinance as will not be contrary to the public interest and will relieve such hardship, so that the purpose and intent of this Ordinance shall be observed and substantial justice done.

In authorizing a variance, the Zoning Hearing Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of furthering the purposes of this Ordinance and in the public interest. In authorizing a variance with attached conditions, the Zoning Hearing Board shall require such evidence and guarantee or bond as it may deem necessary to ensure compliance with the attached conditions.

A No variance from the provisions or requirements of this Ordinance shall be authorized by the Zoning Hearing Board unless the Board finds that all the following facts and conditions exist:

1. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions; not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. An unnecessary hardship has not been created by the appellant.
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation in issue.

B Limited Effect of a Variance. When the Zoning Hearing Board approves a variance application under these regulations, such approval shall neither change the use classification of the building or premises, nor give it any status as a non-conforming use other than that which it may already have had. Granting of a variance shall neither qualify any adjacent property for any special treatment such as a variance, nor shall there be another substantial change of use without approval of the Zoning Administrator.

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Commentary: Variances should not be used to grant a change in zoning by allowing uses that are not permitted in a zoning district. Such requests should follow the zoning amendment procedures, since changing the allowed uses in a zoning district may have a significant impact on the character of the zoning district.

SECTION 10430 PROCEDURES FOR VARIANCES AND APPEALS

Refer to Appendix D for a summary of the procedure for obtaining a variance.

- A. Parties Appellant Before Board.** Requests for a variance may be filed with the Zoning Hearing Board by any landowner or an authorized agent of such landowner. Appeals from a decision or interpretation of the Zoning Administrator and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board by any aggrieved person. Such an appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Hearing Board. The Zoning Administrator shall forthwith transmit to the Zoning Hearing Board all of the papers constituting the record of the action upon which the appeal was taken.
- B. Time Limitations.** No person shall be allowed to file any variance or appeal proceedings with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate officer, agency, or body if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such action had been taken.
- C. Applications Required.** All variance requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Administrator. Each variance request or appeal shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include all information requested on the form and any additional information that is reasonably necessary as requested by the Zoning Administrator.
- D. Procedure for Zoning Administrator.** The Zoning Administrator shall transmit the completed petition form and information constituting the basis for the variance or appeal, along with all County documents on the matter, to the County Zoning Hearing Board. The Zoning Administrator may recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same, but when he does not have authority to grant the relief sought.
- E. Fees.** Each petition for a variance or an appeal from a determination of the Zoning Administrator shall be accompanied by a fee payment, as set by the Lycoming County Board of Commissioners, to cover the cost of the procedure as provided by law.
- F. Hearings.**

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1. The Zoning Hearing Board, before rendering a decision, shall hold hearings on any variance, challenge, or appeal requiring the Zoning Hearing Board's decision or other official action. Upon the filing of a variance, challenge, or appeal request with the Zoning Hearing Board, the Board shall, within sixty (60) days of receipt of the complete application, fix a reasonable time and place to hold a public hearing thereon, giving notice as follows:
 - (a) Publish public notice in accordance with the definition of "Public Notice" in Article 14 of this Ordinance.
 - (b) The property shall be posted conspicuously with a notice of the hearing at least seven (7) days prior to the date of the hearing. The sign shall contain the date of the hearing, a short description of the hearing, and a phone number to call for information.
 - (c) Give written notice to the applicant, the Zoning Administrator, the Lycoming County Board of Commissioners, the County Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing date, of the time, place, and purpose of the public hearing. Written notice shall be given to the secretaries of the municipal governing body and planning commission at least thirty (30) days prior to the hearing date to allow for municipal comment.
2. During the hearing, any party may appear in person or by agent or attorney.

G. Stay of Proceedings. An appeal to the Zoning Hearing Board shall stop all proceedings in furtherance of the action appealed unless the Zoning Administrator or other appropriate agency has certified to the Zoning Hearing Board, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Administrator and any other appropriate agency.

H. Withdrawal of Appeal or Variance Request. A petitioner may withdraw his appeal or application at any time prior to decision thereon; but if a motion is pending to grant, deny, or dismiss the appeal, such motion shall have precedence. Withdrawal shall not entitle the appellant, applicant, or petitioner to the return of the filing fee.

I. Final Decision by the Zoning Hearing Board. The Zoning Hearing Board shall establish findings of fact and an order to grant the appeal or variance request with conditions, modify, or reverse. If the Zoning Hearing Board attaches conditions, modifies, or reverses, it shall do so only where the record of the hearing indicates that the Zoning Administrator was unsupported by the record or that the proposed order is not in conformance with the standards of this Division.

The written decision or findings of the Zoning Hearing Board shall be rendered within forty-five (45) days after the date of the last hearing on said application. A copy of the final

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decision or findings shall be provided to the applicant and all interested parties no later than the day following its publication.

- J. Failure to Hold Required Hearing or Render Decision.** If the Zoning Hearing Board fails to hold the required hearing or render a decision within the prescribed time periods, a decision shall be rendered in accordance with the provisions of Section 908(9) of the Pennsylvania Municipalities Planning Code.
- K. Expiration of Appeal or Variance Decision.** Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning/Development Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
- L. Repeated Petitions.** If a petition is disapproved by the Zoning Hearing Board, thereafter the Zoning Hearing Board shall not be required to consider another petition for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval.
- M. Court Review.** Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within thirty (30) days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 10440 VARIANCES IN FLOODPLAIN DISTRICTS

Upon review of applications for variance within any designated floodplain district, the County Zoning Hearing Board shall consider all factors specified in other sections of this Ordinance, state law relative to variances, and the following:

- A.** Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, so long as it is the minimum necessary to maintain such status.
- B.** Variances shall not be given in the floodway that results in any increase in flood levels during the 100-year flood.
- C.** Variances shall only be given where the applicant shows that granting of a variance will not result in prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D.** Prior to the granting of a variance, the applicant shall provide written notification that:
 - 1. The structures are so designed and constructed as to be able to withstand the hydrostatic and hydrodynamic load of the 100-year flood.
 - 2. Owners and intended purchasers will be made aware that:

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- (a) Construction of structures could significantly increase premium rates for flood insurance.
 - (b) It is recommended that they obtain rates from their insurance agent prior to applying for their Zoning/Development Permit and constructing their building.
 - (c) Accessory structures shall not be used for human habitation.
- 3. The administrative procedures contained in this Section and other appropriate sections of this Ordinance shall be adhered to.
 - 4. Failure to grant the variance will result in exceptional hardship to the applicant.
- E.** Construction occurring below the 100-year flood level increases risk to life and property.
- F.** Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 5160G, Development Which May Endanger Human Life, and to Section 5160H, Activities Requiring Special Permits.
- G.** If granted, a variance shall involve only the least modification necessary to provide relief.
- H.** Records of all variance actions, including their justification, shall be maintained by the County Zoning Administrator as well as reported in an annual report to FEMA.
- I.** Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, and the effects of buoyancy of the 100-year flood.
- J.** No variance shall be granted for any construction, development, use, or activity within any FE District that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one (1) foot at any point.

DIVISION 10500 TEXT AMENDMENT OR MAP AMENDMENT PROCEDURES

The County may on its own motion or by petition, amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by following the provisions of this Division.

SECTION 10510 TEXT AMENDMENT

The approval of a text amendment by the Lycoming County Board of Commissioners shall be preceded both by public hearings, as provided herein, and by findings that such a change is needed for one of the following reasons:

- A.** The use desired is not provided for in the text of the Ordinance, but is acceptable because:
- 1. The proposed use is in accordance with the purpose of the zoning district.
 - 2. There are similar uses in the district.

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3. The intensity of use proposed is consistent with other uses in the district. The Lycoming County Board of Commissioners, upon the recommendation of the Lycoming County Planning Commission, may adjust the intensity, landscaping, and other criteria to ensure that consistency is maintained.
- B.** New conditions have arisen that have not been addressed in the Ordinance. These new conditions may be any one of the following:
1. The Comprehensive Plan has been amended and the Zoning Ordinance needs to be brought into conformity with the Plan.
 2. A changing market or other conditions require new forms of development or new procedures to meet changing needs.
 3. New methods of development or providing infrastructure makes it necessary to alter this Ordinance to accommodate these new methods.
 4. Changing governmental finances requires amending the text of this Ordinance to be in keeping with the needs of government to provide and afford new public services.

SECTION 10520 MAP AMENDMENT

The Lycoming County Board of Commissioners may, by Ordinance, after recommendation by the County Planning Commission, approve map amendments. An approval shall be preceded both by public hearings, as provided herein, and by findings that such a change is needed for one of the following reasons:

- A.** The Comprehensive Plan has been amended and the Zoning Map needs to be brought into conformance with the revised Plan.
- B.** A mistake was made in the original map. That is to say, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. Since the County may have intended to stop an undesirable land use pattern from spreading, it must be demonstrated that the circumstance is not intentional.
- C.** Changing conditions, such as new roads or utility lines, makes another location more favorable for development than the location originally planned.
- D.** Growth rates have changed, thereby increasing the need for development in the County.

SECTION 10530 PROCEDURE FOR TEXT AND/OR MAP AMENDMENT

The procedure for amending the Zoning Ordinance is summarized in Appendix E.

A. General

1. Whenever the public necessity, convenience, general welfare, or good zoning practice requires it, the Lycoming County Board of Commissioners may, after recommendation by the County Planning Commission and subject to the procedure set forth in this Article,

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pass an ordinance to amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereafter established by this Ordinance or amendments thereof.

2. A petition for amendment of this Ordinance may be made by any property owner in the area to be affected by the amendment; by the supervisors of any township or borough wherein this Ordinance is in effect; or by the Lycoming County Board of Commissioners or the Lycoming County Planning Commission.
3. The County hereby expresses recognition of the fact that sections of Lycoming County are changing from a rural to a residential, commercial, industrial, or other character, and have in the official County Comprehensive Plan anticipated and sought to direct such growth along desirable lines for a period of twenty (20) years. It is inevitable that no such plan can be perfect or everlastingly valid. The County, therefore, anticipates that the County Comprehensive Plan will need to be periodically amended and updated, as contemplated and authorized by the Pennsylvania Municipalities Planning Code, and that the zoning map must also be comprehensively amended from time to time in order that it may continue to be in conformity with the County Comprehensive Plan.

B. Petitions

1. Petitions for any change, either of district boundaries or classification of property as shown on the zoning maps, shall be submitted to the office of the Lycoming County Planning Commission. Petitions shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission to ensure the fullest practicable presentation of facts for the permanent record.
2. Petitions for either rezoning or text amendments to this Ordinance shall likewise be submitted to the Lycoming County Planning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

C. Fees. Each petition for an amendment or change to the zoning map by a private property owner must be accompanied by either a check payable to the Lycoming County Planning Commission or a cash payment, in the required amount, as set by the Lycoming County Board of Commissioners. This fee is to cover the approximate procedural costs of the application; under no condition shall the fee or any part thereof, be refunded for failure of said amendment or change to be enacted into law.

D. Public Hearing and Notice. The Lycoming County Board of Commissioners shall, at a public meeting, establish a date, time, and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general, local circulation. The first notice shall be published not more than thirty (30) days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and a description of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

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In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the affected tract at least seven (7) days prior to the date of the hearing.

- E. Opportunity to be Heard.** During the public hearing, full opportunity to be heard shall be given to any citizen and all parties of interest.
- F. Municipal and Planning Commission Review.** A copy of the proposed amendment or change, whether initiated by the Lycoming County Board of Commissioners or by petition, and notice of the public hearing, shall be referred to the township board of supervisors, township planning commission (if any), borough council and planning commission (if any), and the County Planning Commission at least thirty (30) days prior to the date of the public hearing. If the township board of supervisors, borough council or the planning commission(s) shall fail to file a resolution in support or opposition to the Ordinance within thirty (30) days after the final public hearing, it shall be presumed that the township board of supervisors, borough council or planning commission(s) have no comments or concerns regarding the proposed amendment, supplement, or change.
- G. Notice of Enactment.** Prior to taking action on the amendment, the Lycoming County Board of Commissioners shall give notice of the proposed enactment by publishing the entire amendment or the title and a brief summary one (1) time in a newspaper of general, local circulation. Such notice shall be published not more than sixty (60) days or less than seven (7) days prior to passage.
- H. Action by the Lycoming County Board of Commissioners.** After receiving the Lycoming County Planning Commission's recommendations on a proposed amendment, the Lycoming County Board of Commissioners may adopt the amendment by simple majority vote.

Within thirty (30) days after enactment, a certified copy of the amendment shall be forwarded to the township board of supervisors and the township planning commission.
- I. Zoning Appeals.** Any person aggrieved by a zoning amendment decision by the Lycoming County Board of Commissioners may appeal therefrom within thirty (30) days pursuant to the procedures established in the Pennsylvania Municipalities Planning Code, as amended.
- J. Repeat Petitions.** Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the Lycoming County Board of Commissioners, or where a petition has been withdrawn by the applicant after public notice has been given in accordance with subsection D, no new petition covering the same property and additional property can be filed with, or considered by, the Lycoming County Board of Commissioners until one (1) year has elapsed from the date of the filing of a previous petition.
- K. Curative Amendments.** For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**SECTION 10540 ZONING AMENDMENTS IN THE AGRICULTURAL (AG)
DISTRICT**

- A.** Lycoming County may approve petitions for rezoning areas zoned for agricultural use only after findings are made based upon consideration of the following:
1. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
 2. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
 3. The land proposed for rezoning is suitable for development, and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

DIVISION 10600 ANNUAL REPORT

The Zoning Administrator shall keep a record of each zoning permit, site plan, special exception, variance request, appeal, non-conforming use, and zoning amendment action and shall make an annual report to the Lycoming County Planning Commission. The report shall include any recommendations that this Ordinance, the zoning map, or any rules and regulations applying thereto, be amended to add new provisions or new uses to the various uses established by this Ordinance.

ARTICLE 11

NON-CONFORMING USES, STRUCTURES, AND LOTS

DIVISION 11000 PURPOSE

Except as otherwise provided in this Article, any non-conforming use or structure legally existing at the effective date of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located. All non-conforming lots, uses, or structures shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.

DIVISION 11100 REGISTER OF NON-CONFORMITIES

Within twelve (12) months following the adoption of this Ordinance, the Zoning Administrator shall develop a register of all non-conforming uses, structures, and lots.

DIVISION 11200 ABANDONMENT OF NON-CONFORMING USES OR STRUCTURES

If any non-conforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the district regulations. A non-conforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

DIVISION 11300 ALTERATION AND RECONSTRUCTION OF NON-CONFORMING USES AND STRUCTURES

- A. Repairs and structural alterations may be made to a non-conforming building or a building occupied by a non-conforming use.
- B. A non-conforming building which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:
 - 1. Reconstruction commences within one (1) year of the damage.
 - 2. Reconstruction shall not exceed the size, bulk and area that existed prior to the damage, unless approved by the Zoning Hearing Board.
 - 3. The location of said reconstruction does not create a safety hazard.
 - 4. When the non-conformity is located within the 100-year floodplain, the new construction shall comply, to the extent required, with all floodproofing requirements contained in the Municipal Floodplain Ordinance.

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5. When the non-conformity is located within the Floodway portion of the 100-year floodplain, the reconstruction may not cause any rise in elevation of the 100-year flood.

DIVISION 11400 EXTENSIONS OR ENLARGEMENTS OF NON-CONFORMING USES AND STRUCTURES

- A.** Extensions or enlargements of non-conforming uses shall be permitted in accordance with the maximum permitted floor area percentage (FAP) and maximum impervious surface percentage (ISP) of the zoning district in which the non-conforming use is located (refer to Division 4200 for the FAP and ISP standards), provided that:
 1. The non-conforming structure or use is not located within the floodway of a 100-year floodplain.
 2. The expansion may be approved provided the additions or alterations extend no further into the required yard setback than the existing non-conforming structure.
 3. In the case of a non-conforming use, be immediately adjacent to the existing non-conforming use.
- B.** A non-conforming use shall not be extended to displace a conforming use.
- C.** Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces and involving no structural alteration or enlargement of such structure.
- D.** Extensions or enlargements of less than two-thousand (2,000) square feet to an existing non-conforming use or structure may be authorized by the Zoning Administrator via a Zoning/Development Permit.
- E.** Extensions or enlargements of two-thousand (2,000) square feet or greater to an existing non-conforming use or structure must be approved by the Zoning Hearing Board prior to issuance of a Zoning/Development Permit.

DIVISION 11500 CHANGE OF LOCATION OR USE

- A. Change of Location.** A non-conforming use shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- B. Change of Use.** A non-conforming use of a building, structure, or land may be changed to another non-conforming use of the same or more restricted classification, subject to the following conditions. (It should be noted that whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed back to a non-conforming use.)
 - 1) The Zoning Administrator shall approve all such changes.

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- a) Any decision to approve a change in use must be conspicuously posted at the property for no less than 30 days prior to the issuance of the permit. This notice must contain a short description of the proposal, date the permit is to be issued, and instruction for how to appeal the decision.
- 2) The applicant shall document, through the application process, that the proposed change will be no more objectionable in external impact than the existing no-conforming use with respect to:
 - a) For uses of a similar impact:
 - i) The zoning officer shall compare the impact of the current use to the proposed use by utilizing the Major Group classification in the most recent Standard Industrial Classification (SIC) publication for guidance, in addition to the review criteria listed in Subsection .
 - b) For uses of a lesser impact.
 - i. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
 - ii. Parking demand.
 - iii. Noise, smoke, dust, fumes, vapors, gasses, heat, fire hazards, odor, glare, or vibration.
 - iv. Hours and manner of operation.
 - v. Outside, unenclosed storage and waste collection, and disposal.
 - vi. Appearance.

DIVISION 11600 ACCESSORY USES

No use or structure which is accessory to a principal non-conforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Section shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.

DIVISION 11700 NON-CONFORMING LOTS

A lot which is non-conforming, but a legal lot of record recorded prior to the effective date of this Ordinance, shall be deemed a legal non-conforming lot and may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Pennsylvania Department of Environmental Resources for such wells and septic systems.

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Setbacks for non-conforming lots of record shall comply with setbacks of the zoning district unless variances are granted by the Zoning Hearing Board. If a non-conforming lot is found to be in common ownership with abutting lands, the contiguous lots shall be considered a single parcel unless the parcel is redivided to conform to the dimensional requirements for new lots. A Zoning/Development Permit for construction on a vacant non-conforming lot shall only be issued after the granting of any necessary variances by the Zoning Hearing Board.

DIVISION 11800 GRANDFATHERING PROVISIONS

- A.** Any project which received subdivision or land development approval consistent with the ordinance in effect prior to the effective date of this Ordinance shall be permitted to construct the project provided construction begins within five (5) years of the date of the adoption of this Ordinance based upon the approved subdivision and land development plan.
- B. Termination of Non-Conforming Status Required by Modification.** Whenever there is a non-conforming use which is non-conforming with respect to signs, exterior lighting, landscaping, screening, buffering, parking, or any of the performance criteria and regulations specified in this Ordinance, such use shall be required to comply with all such requirements to the fullest extent possible as a precondition to issuance of a County Zoning/Development Permit. If compliance is not achieved, a variance approval shall be required prior to the issuance of a Zoning Permit.

ARTICLE 12

ADMINISTRATION

DIVISION 12000 PURPOSE

The purpose of this Article is to define the responsibilities of the Lycoming County Planning Commission, municipal officials, the County Zoning Hearing Board, and the Zoning Administrator in the administration of this Ordinance.

DIVISION 12100 LYCOMING COUNTY PLANNING COMMISSION

SECTION 12110 APPOINTMENT

The Lycoming County Planning Commission is appointed by the Lycoming County Board of Commissioners and is comprised of nine (9) Lycoming County residents pursuant to the requirements set forth in Article II of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 12120 POWERS AND DUTIES OF THE COUNTY PLANNING COMMISSION

- A. Among other duties as referenced in paragraph B below, a principal duty of the County Planning Commission is to recommend the boundaries of the various zoning districts and appropriate regulations and restrictions to be enforced therein.
- B. The Planning Commission shall:
 - 1. Exercise those powers and duties specified in Article II, Section 209.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - 2. Prepare written reports for the Lycoming County Board of Commissioners regarding the approval or denial of all zoning map and/or text amendments.
 - 3. Hold public hearings as provided and set forth in Article 10 of this Ordinance.
 - 4. After the adoption of such regulations, restrictions, and boundaries of districts, the County Planning Commission may recommend to the Lycoming County Board of Commissioners amendments, supplements, changes, or modifications.

SECTION 12130 POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE LYCOMING COUNTY PLANNING COMMISSION

The duties of the Executive Director shall include, but not necessarily be limited to, the following:

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- A.** Attend policy formulation meetings and make recommendations to the County Planning Commission, and related functions as required by the Pennsylvania Statutes and this Ordinance of Lycoming County.
- B.** Conduct all necessary studies required for the improvement of land use in Lycoming County and analyses relevant to the imposition of conditions for obtaining a Zoning/Development Permit.
- C.** Supervise and provide management oversight for the initial operation of the County Zoning Program and to recommend job descriptions for contracts or positions necessary to implement the program.
- D.** Prepare all necessary resolutions, recommendations, and reports on behalf of the County Planning Commission for presentation to the Lycoming County Board of Commissioners that relate to planning and zoning.

DIVISION 12200 MUNICIPAL OFFICIALS

A copy of all application materials for general (major) site plans, variance requests, special exception requests, interpretations, appeals, and zoning amendment requests shall be referred to the municipal board of supervisors and municipal planning commission for their review and comment prior to any action being taken by the Zoning Administrator, Zoning Hearing Board, or Lycoming County Board of County Commissioners.

It shall be the responsibility of the Zoning Administrator to provide such referrals in a timely manner. In addition, the municipal permit officer will be informed of all zoning permit actions through the joint Zoning/Development Permit process.

DIVISION 12300 ZONING HEARING BOARD

SECTION 12310 ESTABLISHMENT

There is hereby established a Zoning Hearing Board for Lycoming County for the purpose of approving special exceptions, hearing appeals, and granting variances to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance. Whenever a conflict exists between these rules and the laws of the state or ordinances of the County, the most restrictive shall prevail.

SECTION 12320 MEMBERSHIP

- A. Appointment.** The Zoning Hearing Board shall consist of five (5) members to be appointed for staggered five (5) year terms by the Lycoming County Board of Commissioners in accordance with the provisions of Section 903 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Successors shall be appointed for five (5) year terms at the expiration of each term. One (1) to three (3) alternate members may be appointed by the Lycoming County Board of Commissioners. Members of the Zoning Hearing Board shall hold no other County government office.

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Commentary: There should be a proportionate geographical representation from Municipalities under the County Zoning Ordinance jurisdiction on the Zoning Hearing Board.

- B. Vacancies.** When any vacancies occur, the Zoning Hearing Board Chairman shall promptly notify the Lycoming County Board of Commissioners which shall appoint a member for the unexpired portion of the term.
- C. Officers.** The elected officers of the Zoning Hearing Board shall be a Chairman, Vice-Chairman, and Secretary. The appointed office of Recording Secretary shall be filled by the Zoning Administrator or his authorized representative. The elected officers shall be selected at the annual meeting by a majority vote of the Zoning Hearing Board. Their terms shall begin immediately following the annual meeting and shall expire at the next annual meeting. The duties of the officers shall be as follows:
1. **Chairman:** The Chairman shall preside at all meetings and hearings of the Board, direct the conduct of the meeting or hearing, decide all points of procedure unless otherwise directed by a majority vote of the Board, and supervise the work of the Secretary and Recording Secretary.
 2. **Vice-Chairman:** The Vice-Chairman shall assume the duties of the Chairman in the event of absence or inability to perform those duties.
 3. **Recording Secretary:** The Recording Secretary shall provide all necessary forms, assist applicants in filing appeals and petitions, receive and file appeals and petitions, prepare and distribute legal notices of meetings and hearings, conduct correspondence on behalf of the Board, keep the minutes and records of the Board, and provide assistance when requested by the Board.
- D.** The Zoning Administrator shall be present at all meetings for the purpose of providing technical assistance when requested by the Zoning Hearing Board.

SECTION 12330 ORGANIZATION AND RULES

- A. Call for meetings:** The Zoning Hearing Board shall meet at the call of the Chairman, and at such other time and place as the Zoning Hearing Board may determine.
- B. Open meetings:** All meetings of the Zoning Hearing Board shall be open to the public unless otherwise authorized by Pennsylvania Law.
- C. Minutes:** The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, the Zoning Hearing Board's findings of facts, and shall keep records of its examinations and other official actions, all of which shall be public record.
- D. Performance of duties:** The Zoning Hearing Board shall have the power to call on any County department or agency for assistance in the performance of its duties and it shall be

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the duty of such other department or agency to render all such assistance as may be reasonably required.

- E. Effectuation:** The Zoning Hearing Board may adopt such rules as are necessary to carry into effect the regulations of the County Board.
- F. Appeals:** In the case of all appeals, the Zoning Hearing Board shall call upon the County Planning Commission for all information pertinent to the decision appealed.
- G. Quorum:** For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- H. Alternates:** If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was originally appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

SECTION 12340 POWERS

- A.** The Zoning Hearing Board shall have the following powers (Reference Section 909.1a of the PA Municipalities Planning Code):

- 1. Hear and decide appeals, as may be authorized by this Ordinance, or where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

- 2. Hear and to authorize upon appeal, owing to specific circumstances, such variance from the terms of the Ordinance, if, and only if, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed and substantial justice done.
- 3. Hear and grant applications for substitution of more or equally restrictive non-conforming uses for existing non-conforming uses provided no structural alterations are to be made and the County Planning Commission has made a review and

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recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

4. Hear and consider approval of applications for special exceptions, as may be authorized by this Ordinance.
- B.** No variance shall have the effect of permitting any use in a district that is prohibited in that district, nor shall a variance have the effect of a rezoning.
- C.** The Board may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.
- D.** The Chairman, an acting Chairman or Hearing Officer may administer oaths and compel the attendance of witnesses and production of documents by subpoena.

DIVISION 12400 ZONING ADMINISTRATOR

The Zoning Administrator, as appointed by the Lycoming County Board of Commissioners, shall administer and enforce this Ordinance in accordance with its provisions.

SECTION 12410 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

The duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:

- A.** Administer and enforce the Zoning Ordinance enacted by the Lycoming County Board of Commissioners so as to manage and promote the public health, safety, convenience, and general welfare of the citizens of Lycoming County pursuant to appropriate statutes and ordinances.
- B.** Give all legal notices required by State Statutes and the aforementioned ordinances.
- C.** Investigate alleged zoning violations and give notice thereof to the owner of the subject property and assist in necessary prosecutions; make as often as necessary, all necessary inspections of structures, lands, and waters to certify compliance with the aforementioned ordinances; and report uncorrected violations to the Solicitor in a manner specified by him, and assist the Solicitor in any action involving the County Zoning Program.
- D.** Extend zoning information and advice to the public, and assist them in preparing permit applications and appeals.
- E.** Maintain, by parcel number where feasible, the appropriate records for all permits, inspections, work approved, complaints, public hearings, legal notices, zoning maps, and other official actions. As requests are received for modifications or additions to non-conforming uses or non-conforming structures, a record shall be kept which lists the non-conforming uses and non-conforming structures, their present assessed value, and the cost of those additions or modifications which have been permitted.

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- F.** Prepare and maintain, by parcel number where feasible, all records, maps, surveys, tapes, and data required for the efficient and proper enforcement of the aforementioned ordinances.
- G.** Maintain records after the approval of this Ordinance, of amendments thereto; of changes in district boundaries, approved by the Lycoming County Board of Commissioners; and the use of all lands, premises, and buildings in the municipalities not conforming to the regulations applicable to the district in which they are situated. The list of non-conforming uses shall be compiled within twelve (12) months of the effective date of this Ordinance.
- H.** Receive, review, and act upon (either granting or denying) all zoning and other permit applications authorized by the aforementioned ordinances.
- I.** Determine if intended uses are similar to those uses set forth in a particular district.
- J.** Prohibit the use or erection of any structure or the use of any land or water until the Zoning Administrator has reviewed and approved such use or erection.
- K.** Suspend or revoke any permit issued by the Zoning Administrator, upon non-compliance with the terms of the permit and/or this Ordinance.
- L.** Commence, subject to the Solicitor's approval, any legal action in the name of Lycoming County to ensure enforcement of the terms of the aforementioned ordinances.
- M.** Issue citations pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended, and Ordinances of Lycoming County to be served by the Lycoming County Sheriff for violations of any of the aforementioned ordinances.
- N.** Gain entry to premises, buildings, and structures for the purpose of investigating applications for permits and for the purpose of determining compliance with any permit issued pursuant to any of the aforementioned ordinances or provisions of this Ordinance during reasonable hours or any other time authorized by the court.
- O.** Review all permit applications to ensure that all necessary permits have been obtained from federal, state, and local governmental agencies.
- P.** Make recommendations to the Zoning Hearing Board on all cases before the Board.
- Q.** Collect and account for all fees and other monies received for the County Zoning Program.
- R.** Review subdivision proposals to ensure such proposals are consistent with the purpose of this Ordinance, and advise the County Planning Commission and the Lycoming County Board of Commissioners of potential conflicts.

ARTICLE 13

VIOLATIONS AND ENFORCEMENT PROCEDURES

DIVISION 13000 VIOLATIONS

Failure to secure a Zoning/Development Permit when required hereunder or failure to secure a Certificate of Compliance or Certificate of Occupancy, or failure to comply with any reasonable requirement or condition imposed by the Zoning Hearing Board, or failure to carry out the provisions of this Ordinance shall be considered a violation of this Ordinance.

The Zoning Administrator, or a designee, is hereby authorized to enter upon the land in Lycoming County for the purpose of enforcing and implementing this Ordinance.

DIVISION 13100 ENFORCEMENT NOTICE

Whenever it appears to the Zoning Administrator that there has been a violation of any provision of this Ordinance, the Zoning Administrator, on behalf of the County, shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

- A. Be served upon the property owner or sent to him by Certified Mail (return receipt request).
- B. Include the name of the owner of record and any other person against whom the County intends to take action.
- C. Include the location of the property in violation.
- D. Identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance.
- E. Contain an outline of remedial action which, if taken, will effect compliance.
- F. Specify the time to be allotted for which compliance must be commenced and specify the time to be allotted for correction or abatement of the alleged violation.
- G. Notify the recipient of his right to appeal to the County Zoning Hearing Board within thirty (30) days of receipt of the notice.
- H. Indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted and remedied as provided in Division 13300, Enforcement Remedies.
- I. Be sent to other person requesting notice.

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DIVISION 13200 CAUSES OF ACTION

- A.** If any building, structure, sign, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, or maintained or used in violation of this Ordinance, the Zoning Administrator or County Solicitor may seek, whenever necessary, to institute an injunction, mandamus, abatement, or other appropriate action or proceedings to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent in or about such premises, any act, conduct, business, or use constituting a violation.
- B.** Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded by serving a copy of the complaint to the Lycoming County Board of Commissioners at least thirty (30) days prior to being instituted. No such action may be maintained until such notice has been given.

DIVISION 13300 ENFORCEMENT REMEDIES

- A.** Any person, partnership, or corporation which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law shall, upon being found liable therefore in a civil enforcement proceeding commenced by Lycoming County, pay a judgment of not more than five-hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice with appropriate jurisdiction. If the defendant neither pays nor timely appeals the judgment, the County may enforce the judgment pursuant to the rules of civil procedure.
- B.** Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
- C.** All judgments, costs, and reasonable attorney fees for the violation of this Zoning Ordinance shall be paid over to Lycoming County.
- D.** The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- E. Statute of Limitations.** Any action to recover a forfeiture or penalty imposed by ordinance or regulation of any county, when no other limitation is prescribed by law, shall be commenced within two (2) years of said violation. In those situations in which there occurs a continuing violation in existence for more than two (2) years prior to the issuance of the complaint, and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two (2)

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years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two (2) year period prior to the issuance of the complaint.

ARTICLE 14

DEFINITIONS

DIVISION 14000 PURPOSE

The purpose of this Article is to define words, terms, and phrases contained within this Ordinance.

DIVISION 14100 WORD USAGE

In the interpretation of this Ordinance, the provisions and rules of this Section shall be observed and applied, except when the context clearly requires otherwise:

- A.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- B.** Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C.** The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D.** The word “shall” is mandatory.
- E.** The word “may” is permissive.
- F.** “Person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G.** “County” shall mean Lycoming County, Pennsylvania.
- H.** “Zoning Hearing Board” shall mean the Lycoming County Zoning Hearing Board.
- I.** “Commissioners” or the “Board of Commissioners” shall mean the Lycoming County Board of Commissioners.
- J.** “Planning Commission” shall mean the Lycoming County Planning Commission.
- K.** “County Solicitor” shall mean the Lycoming County Corporation Counsel. “Commission Solicitor” shall mean the Lycoming County Planning Commission Counsel.
- L.** “Register” or “County Register” shall mean the County Register of Deeds of Lycoming County.
- M.** “Zoning Administrator” or “Zoning Officer” shall mean the Lycoming County Zoning Administrator who is authorized by the Lycoming County Planning Commission or Lycoming County Board of Commissioners.
- N.** “Ordinance” shall mean this Lycoming County Ordinance.
- O.** The phrases “that they presently have” or “that presently exist” shall mean “that exist at the time this Ordinance is adopted.”

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- P.** In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

DIVISION 14200 ABBREVIATIONS

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

| | |
|---------------|--------------------------------------|
| ac | acre |
| BC | building coverage |
| den | density |
| DBH | diameter at breast height for a tree |
| du | dwelling unit |
| ISP | impervious surface percentage |
| FAP | floor area percentage |
| ft | feet |
| max | maximum |
| min | minimum |
| OSR | open space ratio |
| PA | Pennsylvania |
| sq.ft. or sf. | square feet |
| SF or S.F. | single-family |

DIVISION 14300 DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Abandon. To cease from maintaining, practicing, or using.

Abutting. Having a common border with, or being separated from such common border by, an alley or easement, other than publicly dedicated and approved rights-of-way.

Access. A means of vehicular approach or entry to an exit from property, from a street, or highway.

Access, Secondary. A means of vehicular or non-vehicular approach or entry to or exit from property, from a source other than a public street or highway (such as an alley).

Accessory Use or Structure. A structure detached from a principal building or use on the same lot and customarily incidental and subordinate to the principal building or use; including, but not limited to non-commercial greenhouses, tool sheds, private garages, swimming pools, or similar uses or structures. A use or structure that:

- a. is clearly incidental to and customarily found in connection with a principal building or use;
- b. is subordinate to and serves a principal building or a principal use;

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- c. is subordinate in area, extent, or purpose to the principal building or principal use served;
- d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
- e. is located on the same lot as the principal building or use served.

Active Recreation. Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, skating rinks, and golf courses are examples of active recreation uses.

Addition. An extension or increase in floor area or height of a building or structure.

Agriculture. See Section 3210A.

Agricultural Support. See Section 3240T.

Alley. A thoroughfare, either used as such or shown on any recorded description of the subject parcel(s), which is not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Allowable Drilling Area: The area within the well pad that is approved for wells to be drilled.

Animal, Domesticated. Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter. These animals are to be kept as pets for companionship or for therapeutic purposes. This term does not include animals that are intended to be used for the purpose of food production (eggs, meat, milk, or otherwise), raised in an agricultural environment, or reproduction for profit.

Animal Shed. A structure used to house horses, goats, livestock, poultry or other animals that are not considered “domesticated” which are raised for profit, food production, drafting, harnessing and are commonly raised or kept in an agricultural environment.

Apartment. A dwelling unit contained in a building comprised of three (3) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit (see Section 3220F).

Apartment, Commercial. An apartment located above the first floor of a commercial building (see Section 3220H).

Appeal. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Articles 10 and 12 of this Ordinance.

Applicant. A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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Area, Floor. The sum of the areas of the several floors of a building or structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.

Area, Surface. The total of areas on a horizontal plane at the main grade level of the principal building.

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare “Marquee”).

Basement. A portion of a building located partially underground, having more than fifty (50%) percent of its clear floor-to-ceiling height below grade.

For floodplain management purposes, the following shall apply: any area of the building having its floor below ground level on all sides.

1. That portion of a building partly underground, but having less than one-half (1/2) of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of adjoining ground is more than five (5) feet or if used for business or dwelling purposes.
2. A basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

Base Flood. A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the “100-year flood” or one-percent (1%) annual chance flood).

Base Flood Elevation (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

Base Site Area. See Section 4140-Residential, and Section 4220-Non-residential.

Bedroom. A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Berm. A mound or linear elevated embankment designed expressly for purposes of noise or visual screening of a development which normally would be landscaped and positioned to optimize the buffering effects.

Billboard. See “Off-Premise Sign” Division 8800.

Blade Length. The length measured from the tip of any blade to the hub of the nacelle.

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Bluff. A vegetated escarpment that ends in water.

Board. Any body granted jurisdiction under a land use ordinance or under the PA Municipalities Planning Code to render final adjudications.

Boat Launch. An area of land or structure used in order to set boats afloat in a body of water.

Bufferyard. A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them. Bufferyards include peripheral and street bufferyards (see Article 6).

Building. A structure built, maintained, or intended to be used for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by common walls, each unit is a building.

Building, Accessory. A building which:

1. is subordinate to and serves a principal structure or a principal use;
2. is subordinate in area, extent, and purpose to the principal structure or use served;
3. is located on the same lot as the principal structure or use served; and
4. is customarily incidental to the principal structure or use. Any portion of a principal structure devoted to, or intended to be devoted to, an accessory use is not an accessory structure.

Building Coverage. That portion of a lot covered by any and all buildings including accessory buildings.

Building Envelope. An area of a lot enclosed by the front, rear, and side yard setback lines.

Building Front. That exterior wall of a building which faces the front lot line.

Building, Habitable. Any building, or portion thereof, used for human habitation.

Building, Historic. 1) listed on or nominated by the State Historical Society for listing on the National Register for Historic Places in Pennsylvania; 2) included in a district which is listed on, or nominated by the state Historical Society for listing on the National Register for Historic Places in Pennsylvania, and which has been determined by the State Historical Society to contribute to the historic significance of the district; 3) listed on a certified municipal register of historic property; or (4) included in a district which is listed on a certified municipal register of historic property, and which has been determined by the municipality to contribute to the historic significance of the district.

Building Line. That line formed by the rear, side, and street setbacks.

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Bulk Regulations. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

Caliper. The diameter of a tree measured at one (1) foot above ground level.

Campgrounds. A tract or tracts of land, or any portion thereof, used for the purpose of providing two (2) or more spaces for travel trailers or tents, with or without a fee charged for the leasing, renting, or occupancy of such space (see Section 3240M).

Candlepower. The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Canopy Tree. A deciduous tree that occupies the upper canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees.

Capacity. When referring to off-street parking requirements, the term “capacity” means the maximum number of persons which may be accommodated by the use as determined by its design or by applicable Pennsylvania Department of Labor and Industry Codes, whichever is greater.

Caregiver. The individual designated by a patient to delivery medical marijuana.

Caretaker’s Residence. See Section 3420C.

Carport. See definition of “Garage.”

Cellar. See definition of “Basement.”

Certified Medical Use. The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient’s serious medical condition, as authorized by certification by the Commonwealth.

Channel. The land normally occupied by either an intermittent or perennial stream of water confined within a generally established bank, or man-made drainage ditches along roads or through agricultural areas.

Clearing. See Section 3210B.

Cliff. A type of escarpment that is so steep that only the stone is exposed and only small pockets of vegetation are exposed to view.

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Clinical Registrant. An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and
2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

Cluster Residential Development. See Section 3220E.

Commercial Retail. See Section 3240F.

Commercial Services. See Section 3240B.

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.

Completion of Drilling, Re-Drilling and Re-Working: The date the work is complete for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

Comprehensive Plan. The Lycoming County Comprehensive Plan text and all accompanying maps, charts, and explanatory material adopted by the County pursuant to Article III of the Pennsylvania Municipalities Planning Code, Act 247 of the Pennsylvania Statutes, and all amendments thereto.

Construction Site Erosion Control Measure. An erosion control measure used to meet the requirements of this Ordinance.

Construction, Start of. The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

Control Measure, Erosion. A practice or combination of practices to reduce erosion and attendant pollution.

Control Plan, Erosion. A written description of the number, locations, sizes, and other pertinent information or erosion control measures designed to meet the minimum requirements of this Ordinance and submitted by the applicant for review and approval of the Lycoming County Soil Conservation District.

Curb Cut. See “Access.”

Cut-off. The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground (see Article 9).

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Cut-off Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Article 9).

Cut-off Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut-off the light at an angle that is less than ninety (90°) degrees (see Article 9).

Decision. Final adjudication of any board or other body granted jurisdiction under a land use ordinance or under the PA Municipalities Planning Code to do so, either by reason or grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and judicial district wherein the municipality lies.

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Density, Gross. The quotient of the total number of dwelling units on a site divided by the base site area.

Derrick. Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil and gas, i.e. Rig.

Determination. Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except for the following:

1. The governing body;
2. the Zoning Hearing Board; or
3. the planning agency, only if and to the extent the planning agency, if charged with final decision on preliminary or final plans under the Subdivision or Land Development Ordinances or planned residential development provisions of the PA Municipalities Planning Code.

Developer. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including optionee or contract purchaser.

Development.

1. The division of a parcel of land into two (2) or more parcels;
2. the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures;
3. any use or change in use of any buildings or land;
4. any extension of any use of land;

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5. any clearing, grading, or other movement of land;
6. mining, dredging, filling, grading, paving, excavation or drilling operations; or
7. the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities; for which permission may be required pursuant to this Ordinance.

The following shall apply for floodplain management purposes: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Option. Alternative development types within specific residential zoning districts including, but not limited to, single-family development, cluster development, planned development, mobile home, mobile home park, and institutional residential. (Also, see Sections 4120-4140).

Development Pad. The portion of a lot subject to site disruption from construction and/or clearing activities including construction of principal and accessory buildings, drives, walkways, loading areas, storage yards, septic or alternative waste disposal areas, and woodland clearing activities.

Diameter at Breast Height. A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4-1/2) feet above the adjacent natural grade.

Dispensary. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of health (DOH) of the Commonwealth to dispense medical marijuana.

Disposal Uses. Disposal operations including landfills, trash transfer sites, incinerators, sludge or other land disposal; storage of septic tank wastes or sludges, trash, junk cars; recycling facilities; and used auto parts or junkyards.

Documents, Official. Documents maintained by Lycoming County and the municipalities and their various departments.

Downsizing. The required alteration in any manner of an existing billboard.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage, sometimes referred to in terms of stormwater management, also includes the control of or runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drilling. The digging or boring a new well either vertically or horizontally for the purpose of exploring for, developing or producing oil and gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

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Drilling Equipment. The derrick or rig, together with all parts of, and appurtenances to such a structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

Drill Site. The premises used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated use.

Driveway. The portion of the site which provides vehicular access between the dwelling(s), non-residential uses(s), accessory parking structure(s), and/or parking lot(s), leading to a public or private street or right-of-way.

Dwelling. Any building or portion thereof, which is designated or used for residential purposes.

Dwelling, Attached. Two (2) or more adjoining dwelling units, each of which is separated from the others by one (1) or more common walls, or floors/ceilings, from ground to roof.

Dwelling, Multiple-Family. A dwelling structure designed for occupancy by three (3) or more families, with each family occupying a separate dwelling unit which may be separated vertically as well as horizontally. Shared halls, entrances, or stairs are common features of this type of housing.

Dwelling, Single-Family Detached. A dwelling designed for and occupied by not more than one (1) family or having no roof, wall, or floor in common with any other dwelling unit.

Dwelling Unit. A room or group of rooms, providing, or intended to provide, living quarters for not more than one (1) family.

Easement. Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

Electronic Message Center. See “Changeable Copy Sign, Automatic”

Erosion. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

Essential Services. Facilities owned or maintained by utility companies or public agencies, located in public ways or in easements provided for the purpose, or on a customer’s premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and not including any cross-country line on towers or a private right-of-way.

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 passage of water.

Existing Manufactured Home Park or Subdivision. See definition of “Mobile Home Park.”

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Expansion to an Existing Manufactured Home Park or Subdivision: See definition of “Mobile Home Park.”

Exploration. Temporary geologic or geophysical activities, drilling in context with the oil and gas drilling zoning definition in this ordinance, hydraulic fracturing, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

Exterior Storage. Outdoor storage of fuel, raw materials, products, equipment, and solid waste storage equipment. In the case of lumber yards, exterior storage includes all building materials or waste or scrap materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Extraction Uses. Earth material removal operations including that of sand, clay, dolomite, shale, gravel, topsoil, or similar operations including borrow pits and excavations for removing material for filling operations.

Façade. The elevational surface of a building.

Facility Owner. The entity or entities having an equity interest in a wind energy facility, including all its successors and assigns.

Facing. The direction of a sign face relative to traffic flow. A south facing panel can be read by north bound traffic.

Family. A group of individuals living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Farm. The land, buildings, structures, and machinery which are primarily adapted and used for agricultural purposes.

Farm Stand. A temporary or permanent structure or vehicle used in the sale of farm products such as fruits, vegetables, and juices (see Division 3300 for Temporary Farm Stand; Section 3240T for Permanent Farm Stand).

Fence. Any constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Festoons. A string of ribbons, tinsel, small flags, or pinwheels.

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) are not permitted as fill materials.

Flood. A temporary inundation of normally dry land areas.

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Flood, 100-Year. See definition of “Base Flood.”

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

Flood Fringe. That portion of the 100-year floodplain outside the floodway, excluding approximated 100-year flood zones on the community’s Flood Boundary and Floodway Map (FBFM) or Flood Insurance Rate Map (FIRM).

Floodplain. 1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation and has a one (1%) percent chance of occurring each year (i.e., is likely to occur once every 100-years); 2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Form of Medical Marijuana. The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

Fracture Simulation/Hydraulic Fracturing (Fracking). The process of injecting water, sand, customized fracking fluid, steam, or gas into a gas well to allow or to improve gas recovery.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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Gaming Establishments. Gaming Establishments include all facilities for games conducted as authorized by the laws of the Commonwealth of Pennsylvania, including, without limitation, gaming authorized by: (i) the Pennsylvania Racehorse Development and Gaming Act, PL.572, No. 71, 4 Pa. C.S.A., §1101, et seq., as amended from time to time (the “Racehorse Development and Gaming Act”); and (ii) the Racehorse Industry Reform Act, P.L. 435, No. 135, 4P.S. §325.101 et seq., as amended from time to time (the “Racehorse Reform Act”). Notwithstanding the foregoing, for purposes of this Ordinance, the term “Gaming Establishments” shall not include or encompass facilities or establishments at which small games of chance (including bingo) are played or facilities participating in any lottery authorized by the Commonwealth of Pennsylvania.

Garage. A building designed and used for the storage and protection of motor vehicles or equipment.

garage, private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

garage, public: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

garage, repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)

Garden Center. A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. Items offered for sale may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, other garden and farm tools, and utensils.

Garden Plot. An area established for the growing of food for home use. Such areas may be owned by an individual, community association, homeowners’ association, or agency.

Gas. Any fluid, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

Gas Station. An establishment providing sale of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This use does not include paint spraying or vehicle body repair.

Gas Storage Well: A well located and used in a gas storage reservoir for injection withdrawal purposes or an observation well.

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Gas Well: Any well drilled for the intent of extracting gas or other hydrocarbon from beneath the surface of the earth.

General Floodplain. The portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated areas on the community's Flood Insurance Rate Map (FIRM).

Grade. For the purpose of determining sign height, the elevation or level of the public street closest to the sign as measured at the street centerline.

Greenhouse. An enclosed building, permanent or portable, which is used for growing of plants.

Grower/Processor. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health (DOH) to grow and process medical marijuana.

Habitable Space. Dwellings that are in compliance with the adopted municipal building code, sewage ordinance, and other related municipal standards, regulations and ordinances. At a minimum, heated space in a structure for living, sleeping, eating, or cooking must be present.

Hazardous Materials. Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being, including those specified under floodplain management regulations.

Heated Space. A space within a building which is provided with a positive heat supply. Finished living space within a basement, or registers or heating devices designed to supply heat to a basement space shall define that space as a heated space.

Hearing. An administrative proceeding conducted by a Board pursuant to Section 909.1 of the PA Municipalities Planning Code.

Height (Building or Structure). The vertical distance measured from the average ground elevation to the highest point on such building or structure. Spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height requirements of this Ordinance.

The following shall apply for floodplain management purposes: The vertical distance measured between the top of the first enclosed floor to the highest point on such building or structure. The architectural features listed above remain exempt for this definition.

Height, Sign. See Division 8200.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

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2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) directly by the Secretary of the Interior in states without approved programs.

Home Business. A business conducted on a residential lot or agricultural lot in conjunction with a residential dwelling unit (see Section 3240L).

Home Occupation. A business, profession, occupation, or trade conducted for gain or support, and located entirely within a residential building, or a structural accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building (see Section 3240K).

Hotel. A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight lodging facilities for periods not to exceed thirty (30) days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management (see Section 3240I).

Hunting and Fishing Lodges/Camps. Hunting and Fishing Lodges/Camps include properties owned by a person or group of persons duly formed as a club, and properties owned by incorporated forms of ownership that are inclusive of family members which may not necessarily function as a club. Land and buildings are used principally for hunting or fishing and are open only to club members, family members, and guests. The only buildings present on the property are those used for lodging, eating, and sanitary facilities by members and guests, and related accessory structures.

Identification Card. A document issued by the Department of Health (DOH) that permits access to medical marijuana.

Impervious Surface. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Impervious Surface Percentage. A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the base site area.

Improvement, Substantial. Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized

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assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. 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 or site documented as deserving preservation by the Pennsylvania State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components.

(For 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 following shall apply for floodplain management purposes:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The terms does not, however, include either:

1. Any project solely for the purpose of improving a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. any Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Industrial, Heavy. See Section 3250D.

Industrial, Light. See Section 3250C.

Inoperative Vehicle. Any motor vehicle which lacks a current registration, or two (2) or more wheels, or any other component part, the absence of which renders the vehicle illegal for use on highways.

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Institutional. See Section 3230B.

Institutional Residential. See Section 3230E.

Interstate. A high-speed highway for through traffic with access partially or fully controlled and grade separations at important intersections with other roads.

Junk. Any discarded article or material, not ordinarily disposed of as rubbish, garbage, or refuse, and including, but not limited to, scrap metal, abandoned or junked motorized vehicles or motorized conveyances and/or parts therefrom (including waste tires), abandoned farm equipment, machinery, equipment, paper, rags, glass, containers and other salvageable materials.

Junk Vehicle. Any motor vehicle, motorized conveyance, trailer, or semi-trailer that cannot be operated in its existing condition because the parts necessary for operation such as, but not limited to, tires, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are removed, destroyed, damaged or deteriorated.

Junkyard. See Section 3250G.

Kennel. See Section 3210C.

Lake. Any body of water two (2) acres or larger in size and which is navigable.

Land Development Activity. The construction of buildings, structures, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Construction Activity. Any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as: planting, growing, cultivating, and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

Landscaping. Ornamental features or structures that only serve the purpose of improving the aesthetic appearance of a property. Landscaping structures (such as arbors, fencing, retaining walls (not to exceed 4 ft. in height), ornamental ponds, or other similar objects as determined by the zoning administrator) cannot impede safe sight distance requirements or be constructed within the public right-of-way.

Land Use. Any non-structural use made of unimproved or improved real estate.

Land User. Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Lot. An area of land undivided by any public street or right-of-way and occupied by, or designated to be developed for, permitted building(s) or principal use(s) and accessory building(s) or use(s) customarily incidental to such building, use, or development, including such

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open spaces and yards as are designed and arranged or required by this Ordinance for such building, use, or development.

Lot Area. The area contained within the boundary lines of a lot excluding easement for publicly dedicated or accepted rights-of-way.

Lot, Corner. A lot abutting two (2) or more streets at their intersection.

Lot, Flag. A lot not fronting or abutting a public roadway and where access to the public roadway is provided by means of a long, narrow driveway.

Lot Frontage. Lot width measured at the midpoint of the building envelope and parallel to the front lot line. When a lot has more than one (1) street frontage line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

Lot Line. A line bounding a lot which divides one (1) lot from another or from a street.

Lot Line, Front. In the case of a lot abutting only one (1) street, it is the property line or street right-of-way line separating such lot from such street. In the case of a double frontage lot, each property line or street right-of-way line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement; in which case, one (1) of two (2) opposing yards shall be a rear yard.

Lot Line, Rear. In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street. In the case where the lot does not abut a street, the rear lot line shall be the lot line farthest from the closest street and generally parallel to it or an imaginary line at least twenty (20) feet long.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. Any validly recorded platted lot of a subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Lycoming County Register of Deeds and has complied with all applicable laws, ordinances, and regulations.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the line representing the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback. For a flag lot, the “front setback” shall be measured along the lot line that is most parallel to the closest street, excluding the pole portion of the flag lot.

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Lowest Floor. The lowest floor elevation of an enclosed area of a building or structure (including basement or cellar). An unfinished flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Mansard. A sloped roof or roof-like façade architecturally comparable to a building wall.

Manufactured Home. See Mobile Home definition.

Marina. A harbor with boat dockage, supplies, and services for pleasure craft with on-board seating for fewer than twenty (20) persons.

Marquee. Permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building (compare "Awning").

Maximum Permitted Illumination. The maximum illumination measured in foot-candles at the interior bufferyard line at ground level or the vertical plane above the line (see Article 9).

Medical Marijuana. Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Delivery Vehicle Office. Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Medical Marijuana Organization or Facility. A dispensary or a grower/processor of marijuana for medical purposes.

Midstream Operation. Compressors, compressor stations, meters and processing plants that support more than one well pad.

Minerals. Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. It is noted that natural gas is not a mineral per se, but it is recognized as such in the PA Municipalities Planning Code (MPC).

Mini-Warehouse. A building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares (see Section 3250C).

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Minor Repair. The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to required utilities.

The following shall apply for floodplain management purposes:

A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. The term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding one-hundred eighty (180) consecutive days.

Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Pad or Stand. 1) a stabilized space on a mobile home lot for the parking or placement of a mobile home; or, 2) a stabilized space for the temporary placement of a recreation vehicle on a lot.

Mobile Home Park. A development containing mobile homes placed on lots specifically designed for them. Such a facility shall meet all requirements for mobile home park uses listed in Section 4120. (Also, see Section 3220G.) A parcel or contiguous parcels of land under single ownership, which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

For floodplain management purposes, the following terms shall apply:

1. **Existing manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale and for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
2. **Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the

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manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for non-transient use or a period of time exceeding one-hundred eighty (180) days.

Motel. See definition of “Hotel.”

Multi-Family Development. A development that contains a minimum amount of common open space and uses one (1) or more of the dwelling unit types in Section 4120. (Also, see Section 3220F.)

Municipality or Municipal. Means a county, city, borough, or township.

Natural Area. An area protected and maintained as permanent open space in which disruption from development (other than trails and limited outdoor recreation as a conditional use) is prohibited. Areas in which vegetation is reestablished following disruption, and otherwise meeting the previous conditions, are also considered natural areas.

Natural Grade. The lowest level of the ground adjoining the building, measured three (3) feet perpendicular from the exterior of the foundation wall, or, if on a curve, on the radius of the curve.

New Construction. Structures for which the start of construction commenced on or after the effective start date of this Floodplain Management Ordinance and includes any subsequent improvements to such structures. Any construction started after the effective date of community’s first floodplain management ordinance adopted by the community and before the effective start date of this Floodplain Management Ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

The dates for member municipalities are as follows:

| | |
|----------------------|--------------------|
| Bastress Township | September 24, 1984 |
| Brown Township | March 2, 1981 |
| Cascade Township | October 2, 1982 |
| Cogan House Township | October 1, 1979 |
| Cummings Township | September 17, 1980 |
| Gamble Township | September 30, 1980 |
| Jackson Township | November 7, 1988 |
| Jordan Township | October 2, 1983 |
| Lewis Township | December 26, 1972 |
| Limestone Township | January 24, 1975 |
| McHenry Township | October 13, 1986 |
| McIntyre Township | August 15, 1980 |
| McNett Township | September 23, 1981 |

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| | |
|-------------------------|--------------------|
| Mifflin Township | April 16, 1985 |
| Moreland Township | March 2, 1981 |
| Penn Township | July 28, 1988 |
| Piatt Township | April 1, 1980 |
| Pine Township | September 17, 1980 |
| Porter Township | September 17, 1980 |
| Borough of Salladasburg | January 5, 1979 |
| Washington Township | August 1, 1983 |

New Manufactured Home Park or Subdivision. See definition of “Mobile Home Park.”

Non-conforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-conforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, signs.

Non-conforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-participating Landowner. Any landowner except those on whose property all or portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Observation Well. A well used to monitor the integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

Obstruction. Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building wire, fence, stockpile, refuse, fill, structure, or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream in the damage of life or property.

Occupancy. See Occupant.

Occupant. Any person or franchise who holds a written contract/lease of or who actually occupies the whole or a part of such building or land, either alone or with others.

Occupied Building. Any building that is used for human occupancy which includes dwellings, offices, factories, visitor centers as examples when the land development plan or zoning permit application is submitted.

Office. See Section 3240A.

Office, Temporary. See Division 3300.

Oil and Gas Compressor Station/Processing Plant: A permanent structure with equipment, tanks and site disturbance used to process and/or compress gas that is used as a midstream operation supporting oil and gas production.

Oil and Gas Development. The oil and gas development use includes the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy production and all associated equipment, structures and construction at the drilling site including the well pad, access roads, hydraulic fracturing, production, pipelines, tanks, meters, and temporary work crew and supervisor trailers for exploration and production at a single well pad, including multiple wells at a single pad, and all subsequent site reclamation activities which follow the production phase.

Oil and Gas Metering Stations: A permanent structure that is used as midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

Oil and Gas Staging Facility. A facility or location on a permitted site for the storage of equipment and vehicles used to support gas development activities at other permitted sites.

Oil and Gas Water Reuse Storage Facility. Tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water and/or water that has been used and is being reused.

Oil and Gas Well. A hole or holes, bore or bores, that perforate the earth's surface and rock layers and extracts water and brine in the process of obtaining oil, gas or other hydrocarbons from the earth.

On-Site. Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

Open Space. Land that is to be used primarily for resource protection, agriculture, recreational purposes or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Where lots are above the minimum sizes required by this Ordinance, and the excess lot area is deed restricted to open space uses, it may be counted as open space. In the case of floodplain areas, open space uses would have a relatively low flood damage potential and not involve structures.

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Open Space Ratio. The proportion of a site consisting of open space as specified in Sections 4120, which shall be calculated using the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected.

Operator. The entity responsible for the day-to-day operation and maintenance of a wind energy facility.

Outlot. A platted lot which is unbuildable.

Owner. The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Pad, Mobile Home. The lot for a single mobile home park unit.

Parapet. The extension of a false front or wall above a roofline.

Parcel. The area of land within the boundary lines of a subdivision, certified survey map, or property defined by a metes and bounds description.

Participating Landowner. A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

Passive Recreation. Recreational uses, areas, or activities oriented to non-competitive activities which either require no special equipment or are natural meadows. Passive recreation areas are generally maintained by mowing. Bicycle riding, hiking, and bird watching are examples of passive recreation activities.

Person. An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

Picnic Area. An area specifically designed for providing facilities for picnic activities. Facilities may include picnic tables, grills, sealed vault privies in public parks, and shelters.

Point of Purchase Display. Advertising of a retail item accompanying its display; e.g. an advertisement on a product dispenser.

Pole Cover. Covers enclosing or decorating poles or other structural supports of a sign.

Poster Panel. An outdoor off-premise structure on which advertising is displayed in printed sheets, rather than being painted. Measures twelve (12) feet by twenty-five (25) feet or three-hundred (300) square feet or less.

Private Landing Strips and Heliports. See Section 3240R.

Private Sewage System. A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term

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also means an alternative sewage system approved by the Pennsylvania Department of Environmental Resources, Water Quality Section, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure, or a system located on a different parcel than the structure.

Production Well. Any gas or oil well that has been brought on line to provide the material to market after a successful exploration step.

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform or obtain public comment, prior to taking action in accordance with this act.

Public Improvement. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

Public Notice. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Service. Any facility or service provided by the local or federal government, or duly authorized by the State of Pennsylvania to provide services to the general public (see Section 3230C).

Public Sanitary Sewer. Includes sanitary sewer systems other than individual on-site systems approved by the state, municipality or county regional sewer authority, and maintained by a public or private agency authorized to operate such systems.

Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone, and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

Recorded Lot. See Lot of Record.

Recreational, Outdoor. See Section 3230A.

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or towed by another vehicle (see Section 3230A). The basic entities are as follows:

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Camping Trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfolds at the campsite to provide temporary living quarters for recreational, camping, or travel use.

Motor Home. A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Park Trailer. A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.
2. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
3. Have a gross trailer area not exceeding four-hundred (400) square feet in the set-up mode.
4. Have a gross trailer area not less than two-hundred forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than three-hundred twenty (320) square feet.

Truck Camper. A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

The following shall apply for floodplain management purposes: A portable or mobile vehicle, with no more than 400 sq. ft. of gross floor area, used for temporary living or sleeping accommodations without a permanent foundation. Included in this definition are travel trailers, truck campers, motor homes and similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the municipality or on private independent parcels.

Re-Drill. Deepening or sidetrack/horizontal drilling extending more than one-hundred fifty (150) feet from the existing well bore.

Registry. The registry established by the Department of Health (DOH) for all medical marijuana organizations and practitioners.

Re-Work. Re-entry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations which do not extend more than one-hundred fifty (150) feet from the existing well bore, or replacement of well liners or casings.

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Regulatory Flood. The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100-year flood.

Regulatory Flood Elevation. The 1% annual chance flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet. For developments within Porter Township, the safety factor is two and one-half (2-1/2) feet.

Regulatory Floodplain. The special flood hazard area (SFHA) which is subject to the regulations set forth in Section 5160.

Rentable Space. A space for rent for either the storage or parking of trailers or recreational vehicles.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption: 1) within the restaurant building, 2) within a motor vehicle parked on the premises; or, 3) off the premises as carry-out orders, and whose principal method of operation includes serving food and/or beverages usually in paper, plastic, or other disposable containers (see Section 3240D).

Restaurant, Standard. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: 1) customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee at the same table or counter at which food and beverages are consumed; and, 2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building (see Section 3240C).

Resubdivision. See Subdivision.

Ridge. See Section 5240.

Right-of-Way. A specific type of easement (either public or private) being limited to use for passage over another person's land; for example, an easement for vehicular passage or public utility passage such as electric transmission line, water main, oil or gas pipeline, sanitary or storm sewer main, shade trees, or other special use.

Right-of-Way, Ultimate. The public right-of-way shown as ultimate on an adopted precise plan of highway alignment; or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map, or a recorded development plan. The latest adopted or recorded document in the cases mentioned in this section shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the master plan of arterial highways. In all other instances, the ultimate right-of-way shall be considered to be the existing public right-of-way.

Road, Arterial. A road which is intended to provide for high-speed travel between or within communities or to and from collectors. Access is controlled so that only regionally significant land uses may take direct access to these streets.

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Road, Collector. A road which is intended to connect residential streets to arterial roads or provide access to non-residential uses and arterial streets.

Road, Freeway. An arterial road with limited access, only at arterials or collector roads.

Road, Local. A road which is intended to provide access to abutting properties.

Road, Residential. A road which is intended to provide access to abutting residential properties.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Run-off. The rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sedimentation. The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Seismic Testing. Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geological conditions.

Setback. See Building Line.

Setback, Rear. A line at least the minimum setback from the rear lot line of the lot.

Setback, Side. A line parallel to a side lot line.

Setback, Street. A line at least the minimum setback from the street right-of-way line.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

SIC. Standard Industrial Classification from the 1987 manual printed by the Executive Office of the President, Office of Management and Budget.

Single-Family Residential Use. See Section 3220A.

Sinkhole. A solution feature that includes sinkholes with surface topographic features, sinkholes that have been filled in, swallets, and crevices, all having weathered bedrock into which surface water drains.

Site. For construction site erosion control purposes, the entire area included in the legal description of the land on which a land disturbing or land development activity is proposed in a permit application.

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Site Plan. A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas along with certain information as required in Article 10.

Slope. The relationship of the change in the vertical measurement to the change in the horizontal measurement, and usually written as a ratio or a percentage.

Slope, Steep or Severe. Two categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: 15 to 25% slope is classified as steep, over 25% is classified as severe. No land area shall be considered a steep or severe slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five-thousand (5,000) square feet.

Snipe/Imprint. Embellishments attached to painted or printed bulletins.

Spacing. The distance between any two objects in a regularly arranged series along the same side of a public street or highway.

Special Flood Hazard Area (SFHA). An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

Special Permit. A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring special permits and details of such situations.)

Stable, Commercial. A building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Stable, Private. Any building, incidental to an existing residential principal use that shelters horses for the exclusive use of the occupants of the premises.

Start of Construction. *For floodplain management purposes only*, the term “Start of Construction” includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

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substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stream Buffer. See Section 5220.

Street. A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

Structural Alteration. Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

The following shall apply for floodplain management purposes: Any man-made object having an ascertainable stationary location on or in land or water, which may or may not be affixed to the land, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Excluded from this definition are wire pasture fences, poles, and similar objects.

Structure, Permanent. A structure placed on or in the ground, or attached to another structure in a fixed position, and intended to remain in place for a period of more than nine (9) months.

Structure, Principal. The building or structure containing the primary use of a property.

Subdivision. Any redivision of a plat, tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting by either certified survey map or subdivision as defined by Article I of the Pennsylvania Municipalities Planning Code, Act 247, as amended, conveyance, change, or rearrangement of boundaries. All subdivisions are also land developments.

Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds fifty (50%) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement. See “Improvement, Substantial.”

Swale. A linear depression in the land’s surface in which sheet runoff would collect and form a temporary watercourse.

Tack Shop. An establishment which sells items related to the care of horses such as grooming implements, saddles, and harnesses; and which has no more than thirty (30%) percent of unrelated product sales.

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Tank. A container, covered or uncovered, used in conjunction with the drilling or production of oil and gas or other hydrocarbons for holding or storing fluids.

Tire-Derived Materials. Usable materials produced from waste tires, through physical or chemical processing of such tires, which are stored prior to use, reuse, or reclamation of material for commercial, industrial, or governmental purposes.

Towers, Communication. See Section 3240Q.

Travel Trailer Park. A travel trailer park is a planned development containing travel trailers placed in areas of the park specifically designed for them (see “Campground”).

Tree, Canopy. See “Canopy Tree.”

Tree, Understory. A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.

Turbine Height, Tower Height. The distance measured from the surface grade of the tower foundation to highest point in vertical position of the turbine rotor blade.

Upland. Land having an elevation that is above the ordinary high water mark and is not classified as a wetland.

Use. The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory. A use that is:

1. Subordinate to and serves a principal structure or a principal use.
2. Is subordinate in area, extent, and purpose to the principal structure or use served.
3. Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance.
4. Is customarily incidental to the principal structure or use.

Use, Principal. The specific primary purpose for which land is used.

Use, Temporary. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure (see Division 3300).

Variance. Permission to depart from the literal requirements of this Ordinance granted pursuant to Division 10400.

Violation. *For floodplain management purposes only*, a “Violation” refers to the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate,

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other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Wall. An upright surface of a building or structure (not including fences) serving to enclose, divide, support, or protect the building. Such upright surface shall be the furthest extension of the building's edges and shall include overhangs covering a boardwalk, false roofs, and unenclosed porches.

Waste Tires. Tires discarded by the generator because they are no longer suitable for the intended use because of wear, damage, or defect.

Waterbodies. Lakes, ponds, and streams.

Watershed. The entire region or area contributing run-off or surface water to a particular watercourse or body of water.

Well. An excavation opening in the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater regardless of its intended use.

Well Bore. The surface location of the center of the drill hole.

Well Pad. The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wind Energy Facility. An electric generating complex of wind towers whose main purpose is to supply electricity, consisting of one (1) or more wind towers as primary use and other accessory structures and buildings, including sub-stations, meteorological towers, electrical infrastructures, transmission lines and other appurtenant structures and facilities.

Wind Tower, Tower. In total a structure for converting wind sources into electricity through a system using a wind turbine generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

Woodland. An area of planted material covering one (1) acre or more consisting of thirty (30%) percent or more canopy trees having an eight (8) inch or greater caliper, or any grove consisting of eight (8) or more trees having a ten (10") inch or greater caliper.

Yard. The space between a lot line and building line.

Yard, Front. A yard extending the full width of the front of a lot between the front lot line and the front building line.

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Yard, Rear. A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Side. A yard extending the full length of the lot in the area between a side lot line and a side building line.

Yard, Street. A yard extending the full width of the lot in the area between a lot line abutting a street right-of-way and a building line.

Zoning Map. The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, “Official Zoning Maps, Lycoming County, Pennsylvania.”

Zoning/Development Permit. A written permit issued by the Zoning Administrator that a use or parcel of land, the elevation of fill, or the lowest floor of a structure is, or will be, in compliance with the requirements of this Ordinance.