

**COUNTY OF LYCOMING
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 2021-01

AN ORDINANCE

OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LYCOMING, COMMONWEALTH OF PENNSYLVANIA, AMENDING LYCOMING COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE & LYCOMING COUNTY ZONING ORDINANCE WITH THE LANGUAGE CONTAINED WITHIN ATTACHMENT A OF THIS DOCUMENT. PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OR RESOLUTIONS INsofar AS SAME SHALL BE INCONSISTENT HERewith; AND, PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Board of County Commissioners directed the County Planning and Community Development Director to process a text amendment package within the Lycoming County Subdivision and Land Development Ordinance and the Lycoming County Zoning Ordinance; and

WHEREAS, the Lycoming County Planning Commission by public action at its regularly scheduled monthly meeting on January 21, 2021, recommended passage of the amendments to the Lycoming County Subdivision and Land Development Ordinance and the Lycoming County Zoning Ordinance; and

WHEREAS, as required by the Pennsylvania Municipalities Planning Code, the Board of County Commissioners held a public hearing on the proposed amendment on March 9, 2021; and

NOW, THEREFORE, be it enacted and ordained by the Commissioners of the County of Lycoming, as follows:

SECTION 1:

The Lycoming County Subdivision & Land Development Ordinance is hereby amended as follows:

(1). Section 1.02 is added to exclude from the definition of land development uses identified in the local zoning ordinance as being exempt from land development requirements; and,

(2). Section 3.3.A is amended to clarify the finalization of the development process and to provide the option of a Developer's Agreement.

SECTION 2:

The Lycoming County Zoning Ordinance is hereby amended as follows:

(1). Section 3120 is amended to add a Section 3120(K) and Section 3120(W) to the Table of Uses as set forth in Attachment A attached hereto and incorporated by reference as though fully set forth herein to add the Personal Storage Use to be permitted by right in the AG, RP, CS, RC, E, SE, SM, and NP zoning districts and to add the Event Venue Use to be permitted by special exception in the CS and RC zoning districts and to be permitted by right in the SM, CR, and I zoning districts;

(2). Section 3210E.3.b & Section 3210E.3.e are amended as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein to clarify that odor, dust, vibration, noise, glare, parking, access, signage, and exterior lighting are regulated by their respective sections of the Lycoming County Zoning Ordinance;

(3). Section 3220K as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is added to define and provide supplemental controls for Personal Storage uses;

(4). Section 3240L as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is amended to clarify that exceptions to the total floor area requirement are only applicable to wood or stone barns constructed prior to the date of municipal inclusion in the Lycoming County Zoning Ordinance;

(5). Section 3240W as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is added to define and provide supplemental controls for Event Venue uses;

(6). Section 3250C.2 as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is amended include Mobile Compressors under the Oil and Gas Compressor, Processing, Metering Facility definition and to provide supplemental controls for the use;

(7). Section 3250I.2.b as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is amended to correct an omission regarding parking for Medical Marijuana Transport Vehicle Service uses;

(8). Section 3420J as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is added to define and provide supplemental controls for Accessory Solar Energy Systems;

(9). Section 5160F as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein is amended to clarify that Non-Conversion Agreements are required as a condition of receiving the permit; and,

(10). Section 8310 and Section 8330.B as set forth in Exhibit A attached hereto and incorporated by reference as though fully set forth herein are amended to replace references related to BOCA building code to be replaced with UCC or other applicable building code.

SECTION 2:

In any event that any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

SECTION 3:

All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same are expressly repealed.

SECTION 4:

This Ordinance shall be valid and effective for all purposes at noon on the 9th day of March 2021.

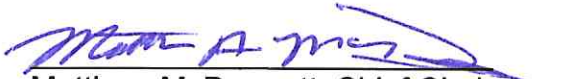
Duly enacted by the Board of Commissioners of the County of Lycoming, Commonwealth of Pennsylvania, in lawful session assembled this 9th day of March 2021

COUNTY OF LYCOMING

ATTEST:



Scott Metzger, Chairman



Matthew McDermott, Chief Clerk



Tony R. Mussare, Vice Chairman



Richard Mirabito, Secretary

– Attachment A –

Updates to the Lycoming County Subdivision and Land Development Ordinance

Article I

1.02 Exclusions to the Land Development Definition

The following shall be excluded from the definition of land development, but not necessarily from the requirement to process a zoning permit or stormwater permit application:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into three or fewer residential units, unless such units are intended to be a condominium; or,
- B. The addition of an accessory building, including non-principal farm buildings, on a lot or lots subordinate to an existing principal building; or,
- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until property authorities have approved plans for the expanded area; or,
- D. The usual rental leases of second residential dwellings in a building as well as continuation of leased premises as may be renewed within existing buildings of residential or non-residential uses; *or,*
- E. *Uses and structures which the local zoning ordinance specifies as being exempt from the land development definition.*

Article III

3.3 RECORDING OF FINAL PLAN (Subdivision & Land Development Ordinance)

- A. The applicant shall record a copy of the approved plan in the Office of the Lycoming County Register and Recorder upon notification and within ninety (90) days of final plan approval, or ninety (90) days after the date of delivery of an approved plan signed by the LCPC following completion of conditions imposed for such approval, whichever is later. Delivery of the approved plan is satisfied by: a) the pick-up and signing for the plan by the applicant in the Lycoming County Planning and Community Development Department Office, or b) the date of certified mail delivery as indicated on return receipt of the plan sent to the applicant. Should the applicant fail to record the final plan within such ninety (90) day period, the LCPC's approval shall become null and void, unless the applicant requests a time extension in writing and the LCPC grants said extension before the expiration date. In a case when the ninety (90) day recording deadline is not met and no extension of time is granted, the applicant may request a re-approval to be considered at the next available LCPC meeting. The final plans shall be filed with the Lycoming County Register and Recorder before: (1) proceeding with the sale of lots; or, (2) ~~Zoning Occupancy-certificate construction~~ of buildings and structures, *unless the developer has completed a Developer's Agreement and Improvement Guarantee Agreement between the developer and the county and approved by the LCPC and the municipality.*
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Updates to the Lycoming County Zoning Ordinance

Article III

Table 3120 Permitted Uses Zoning District*										
General Use	Rural				Suburban			Urban		Preservation
Residential	AG	RP	CS	RC	E	SE	SM	CR	I	NP
<i>K. Personal Storage</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>P</i>
Commercial	AG	RP	CS	RC	E	SE	SM	CR	I	NP
<i>W. Event Venue</i>	<i>N</i>	<i>N</i>	<i>S</i>	<i>S</i>	<i>N</i>	<i>N</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>
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										

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 to 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. Approval 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 use 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 residence 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 *odor, dust, vibration, noise, and glare (Article 5); buffering (Article 6); parking, and access (Article 7); signage (Article 8); exterior lighting (Article 9);* etc.
 - 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.
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3220K Personal Storage

1. Definition

A structure such as a garage, shed, carport, or other storage structure generally intended for the storage of personal property for the landowner(s). Uses intended for commercial rental of storage space are regulated as Mini-Storage (Section 3250C).

2. Supplemental Controls

- a. *Personal Storage structures shall not exceed 2,500 square feet of total floor area unless otherwise approved by the Lycoming County Zoning Hearing Board.*

- b. *Personal Storage structures are exempt from Land Development definition unless otherwise required by the Land Development definition in the Subdivision and Land Development Ordinance of local jurisdiction.*
 - c. *The use shall not be utilized for residential purposes except where change of use approval is given and the structure meets local and state requirements. Non-Residential or Multi-Unit Residential change of use shall require land development approval.*
 - d. *Personal Storage structures located in the regulatory floodplain shall be designed to meet the requirements of Section 5160.*
 - e. *Personal Storage structures of less than 600 square feet shall comply Accessory Structure or Open Air Structure setback requirements listed in Table 4230. Personal Storage structures of 600 square feet or more shall comply with the single family setbacks of the district. Personal Storage Structures shall be placed on the lot to allow the development of the parcel for a future primary use other than a Personal Storage structure.*
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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~~ a wood or stone barn which was in existence prior to the date of municipal inclusion in the Lycoming County Zoning Ordinance.
- 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.

3240W Event Venue

1. Definition

An establishment and/or grounds used to host events such as a celebration, ceremony, wedding, reception, corporate function, or similar activity and involving the gathering of individuals assembled for the common purpose of attending said event. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Agricultural Accessory Event Venues (3210E) and Temporary Special Event Permits (3340C) are exempt from the provisions of this section and subject to their respective ordinance.

2. Supplemental Controls

- a. *All appropriate federal, state, and local licenses and permits shall be obtained including, but not limited to, serving alcoholic beverages and food preparation.*
 - b. *Event Structures shall comply with the Non-Residential Bulk Requirements for commercial uses found in Table 4230. Tents and/or canopies for events shall be temporary in nature and comply with setbacks described in Table 4230 for an open-air structure.*
 - c. *When permitted by right in the district, the special event duration shall not exceed twelve (12) hours per day within an operational period limited to the hours of 7:00 AM to 11:00 PM. Hours of operation will be determined by the Zoning Hearing Board in special exception cases.*
 - d. *Every such use shall be provided with adequate sanitary sewage facilities and water supply subject to applicable local, state, and federal rules and regulations. Satisfactory evidence of the permitted sewage facility must be submitted with each application for a Zoning/Development Permit for these activities. A "Will Serve" letter is required in instances in which public utilities are available.*
 - e. *The most recent International Fire Code and Building Code Regulations shall determine event capacities.*
 - f. *Access to the property shall be located to allow for anticipated traffic volume to and from the proposed venue. Applicant shall submit agreements and/or easements necessary to provide access to the event venue. A Traffic Plan may be requested by the Zoning Administrator as described in Section 10240C.*
 - g. *Adequate parking shall be provided with the following provision: One (1) space per four (4) expected patrons at maximum capacity. Grass parking may be permitted for parking areas so long as the parking area remains mud and dust free.*
 - h. *Such use shall be compliant with the performance standards of this Ordinance inclusive of odor, glare, dust, lighting, noise, buffering, dust, signage, etc.*
 - i. *Food prepared on site shall be used for events hosted at the venue location or off-site catering. Commercial restaurant facilities require separate permitting.*
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3250C.2 Oil and Gas Compressor, Processing, Metering Facility

A light industry activity that adds a separate use to an existing well pad 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.

Mobile Compressor: *A structure or unit with storage tanks and equipment used in conjunction with a well pad to process and/or compress gas that is packaged for transport typically by truck.*

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. *Mobile Compressors do not need to be enclosed in a building but must be equipped with sound attenuation equipment and comply with noise requirements in Section 5130.*
- b. The building and roofing color is required to blend with the community character of the site. *Mobile Compressors and related equipment do not need to be colored 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.
- d. *Mobile Compressors where there will be regular truck traffic in and out of the site, the site plan must 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 engineer stamped analysis shall indicate that safe access can be provided to the site and if any improvements are needed to accommodate the weight of vehicles using the facility. Copies of the site plans shall be forwarded to the municipality and local emergency service representatives for review and comment.*
- e. *Mobile Compressors are exempt from the Land Development definition unless otherwise required by the Land Development definition in the Subdivision and Land Development Ordinance of local jurisdiction.*

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.

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 _____ 5 _____ Off-Street Parking Regulations.~~ Parking shall be provided to accommodate at least one (1) space per truck normally parked on the premises, plus one (1) space for each two (2) employees in the maximum shift. Parking and access shall also be designed to meet the standards of Article 7.
- 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.

3420J Accessory Solar Energy Systems (ASES)

1. Definition

An area of land used for a solar collection system to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground mounted solar arrays or modules battery storage unit, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. Solar Energy Systems which collect solar energy primarily for off-site use are considered Principal Solar Energy Systems and are permitted under Section 3230.C2.

2. Exemptions

- a. *Roof or wall mounted ASES units which do not increase the horizontal dimensions of the structure and do not exceed the maximum building height by more than 5 ft. Roof mounted ASES which exceed the maximum building height by more than 5 ft. shall not be permitted.*
- b. *ASES that have an aggregate collection and/or focusing area of 100 square feet or less. Freestanding ASES of 100 square feet or less must comply with setbacks.*

3. Supplemental Controls

- a. *The installation of the ASES shall be in compliance with all applicable local, state, and federal permit requirements, codes, and regulations.*

- b. *If the ASES is intended to be a grid-connected system then the owner of the ASES shall provide the Zoning Administrator written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid-connected system and approved of such connection.*
 - c. *Prior to issuance of a zoning permit, ASES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property. The applicant may protect these interests through a privately arranged solar easement with the relevant landowners.*
 - d. *The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious. All ground mounted mechanical equipment of the ASES including any structure for batteries or storage cells and gravel or paved access roads servicing the ASES shall be considered impervious area. ASES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for stormwater management.*
 - e. *The surface area of ground mounted arrays shall be calculated as part of the maximum permitted building coverage for the parcel.*
 - f. *Ground mounted ASES shall not be placed within any legal easement or right-of-way location unless otherwise permitted under the terms of the agreement, or be placed within any storm water conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.*
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Article V

5160F Special Provisions for Accessory Structures

- 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 *permit Variance*. The Agreement must be assigned a UPI (uniformed parcel identifier) number and recorded with the County Register and Recorder's Office.
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Article VIII

SECTION 8310 COMPLIANCE WITH BUILDING AND ELECTRICAL CODES

All signs shall be constructed in accordance with the requirements of the ~~BOCA Building Code~~ *UCC or other applicable building code* and National Electric Code.

SECTION 8330 ADDITIONAL CONSTRUCTION STANDARDS

- 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~~ UCC or other applicable building code, Fire Prevention Codes, or other requirements.
