



**MONTOURSVILLE BOROUGH
ZONING ORDINANCE**



ORDINANCE #438

ADOPTED - JULY 6, 2009

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Developed in part with a grant from the
Commonwealth of Pennsylvania
Department of Community and Economic Development

Prepared By:

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**In Conjunction with Montoursville Borough Officials
and
Lycoming County Planning and Community Development Department**

Montoursville Borough
Schedule of Uses

Key: P - Permitted Use
CU - Conditional Use

Zoning Districts

Uses	R	RS	RT	RD	LSC	DTC	BSC	I	AB	NB
	<i>See Article: 4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>
Accessory Uses/Structures	P	P	P	P	P	P	P	P	P	P
Adult Entertainment									CU	
Airport									P	
Animal Hospital						P	P	CU		
Automotive Car Wash, Repair, Sales, Service					CU		P	P	P	
Bed & Breakfast		CU	CU	CU		CU	P			P
Bulk Storage								P	P	
Bulk Storage, Mulch	CU							P		
Clubs & Lodges						P	P		P	
Cluster Subdivision				CU						
Commercial Kennel								CU		
Communication Antenna, Equipment Buildings	P	P	P	P	P	P	P	P	P	P
Communication Tower - Government Use Only	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Communication Tower - Private	CU							CU		
Contractor Yards								P		
Convenience Market					CU		P		P	
Cultivation of Crops (no permit req'd)	P		P	P				P	P	
Day Care Center		CU	CU	CU		CU	P	CU		CU
Dwelling, Accessory to Commercial						CU	CU			
Dwelling, Multiple Family			CU	P			CU			
Dwelling, Single Family Detached		P	P	P						
Dwelling, Townhouse			CU	CU						
Dwelling, Two Family			P	P						
Essential Services (no permit req'd)	P	P	P	P	P	P	P	P	P	P
Family Based Group Home			P	P		P	P			
Family Day Care Home		P	P	P		P	P			
Forestry Activities (no permit req'd)	P									
Funeral Home							CU			
Group Care Facility								CU		
Home Occupation		CU	CU	CU		P	P			
Indoor Recreation/Entertainment Facility					P	P	P	CU	P	P
Junkyard or Salvage Yard									CU	
Manufactured (Mobile) Home Park									CU	
Manufacturing, Warehousing, Laboratory, Feed Mill								P	P	
Medical Services Building					P	CU	P	CU		
Motel/Hotel							CU	CU	P	
Motor Truck & Equipment Maintenance Facility								P		
Multiple Family Housing Development, Retirement Housing Complex or Townhouse Development				CU			CU	CU		
No Impact Home Based Business		P	P	P	P	P	P	P	P	P
Nursing or Retirement Home, Assisted Living Facility				CU				CU		
Outdoor Commercial Recreation	P				P		P		P	
Parking Lot/Parking Garage (as principal use)					CU		P	P	P	P
Professional Office					P	P	P	P	P	P
Public Park	P	CU	CU	CU	P	P	P		P	
Public/Quasi Public Uses, Public Service Facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Restaurant					P	P	P	CU	P	
Retail, Wholesale, Office, Service, or Repair Business					P	P	P	CU	P	P
Riding Stable	CU									
Self Storage Units								P	P	
Shopping Center					CU		CU			
Transitional Professional Office		CU	CU							
Trucking Terminal								P	P	
Uses Not Provided For	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

R – Recreation RS – Residential Suburban RT – Residential Town RD – Residential Development LSC – Large Scale Commercial
DTC – Downtown Commercial BSC – Broad Street Commercial I – Industrial AB – Airport Business NB – Neighborhood Business

TABLE OF CONTENTS

**The Montoursville Borough
Zoning Ordinance**

Schedule of Uses ii

Table of Contents iv

ARTICLE 1 - General Provisions

1.1 Authority..... 1-1
1.2 Short Title..... 1-1
1.3 Effective Date 1-1
1.4 Purpose..... 1-1
1.5 Community Development Objectives..... 1-1
1.6 Interpretation 1-2
1.7 Establishment of Controls..... 1-2

1.7.1 Minimum and Uniform Regulations

1.7.2 For New Uses and Structures

1.7.3 For Existing Uses and Structures

1.7.4 Types of Controls

1.8 Application of Regulations 1-3
1.9 Severability 1-3
1.10 Conflicts 1-4

1.10.1 Repeal

1.10.2 Relation To State Law

1.11 Disclaimer of Liability 1-4
1.12 Amendment to Prior Ordinance..... 1-4
1.13 Enactment and Effective Date 1-5

ARTICLE 2 - Definitions

2.1 Applicability and Interpretation 2-1
2.2 Definition of Terms 2-1

ARTICLE 3 – Establishment of Zoning Districts and Zoning Map

3.1 Names and Purposes Of Zoning Districts..... 3-1
3.2 Zoning Map 3-4

3.2.1 Adoption of Official Zoning Map
 3.2.2 Copies of Zoning Map
 3.2.3 Zoning District Boundary Lines
 3.2.4 Interpretation of Boundaries

ARTICLE 4 – Recreation District

4.1 Purpose of the Recreation District 4-1
4.2 Use Regulations for the Recreation District 4-1

4.2.1 Permitted Uses
 4.2.2 Conditional Uses

4.3 Height and Coverage Requirements – All Uses 4-2
4.4 Minimum Areas and Dimensions – All Uses 4-2

ARTICLE 5 – Residential Suburban District

5.1 Purpose of the Residential Suburban District..... 5-1
5.2 Use Regulations for the Residential Suburban District 5-1

5.2.1 Permitted Uses
 5.2.2 Conditional Uses

5.3 Height and Coverage Requirements – All Uses 5-2
5.4 Minimum Areas and Dimensions – All Uses 5-2
5.5 Design Criteria for New and Renovated Structures..... 5-3

ARTICLE 6 – Residential Town District

6.1 Purpose of the Residential Town District 6-1
6.2 Use Regulations for the Residential Town District..... 6-1

6.2.1 Permitted Uses
 6.2.2 Conditional Uses

6.3 Height and Coverage Requirements – All Uses 6-2
6.4 Minimum Areas and Dimensions 6-2

6.5 Design Criteria for New and Renovated Structures..... 6-4

ARTICLE 7 – Residential Development District

7.1 Purpose of the Residential Development District 7-1
7.2 Use Regulations for the Residential Development District 7-1
7.2.1 Permitted Uses
7.2.2 Conditional Uses
7.3 Height and Coverage Requirements – All Uses 7-2
7.4 Minimum Areas and Dimensions 7-2

ARTICLE 8 – Large Scale Commercial District

8.1 Purpose of the Large Scale Commercial District..... 8-1
8.2 Use Regulations for the Large Scale Commercial District 8-1
8.2.1 Permitted Uses
8.2.2 Conditional Uses
8.3 Height and Coverage Requirements – All Uses 8-2
8.4 Minimum Areas and Dimensions – All Uses 8-2

ARTICLE 9 – Downtown Commercial District

9.1 Purpose of the Downtown Commercial District 9-1
9.2 Use Regulations for the Downtown Commercial District 9-1
9.2.1 Permitted Uses
9.2.2 Conditional Uses
9.3 Height and Coverage Requirements – All Uses 9-2
9.4 Minimum Areas and Dimensions – All Uses 9-2

ARTICLE 10 – Broad Street Commercial District

10.1 Purpose of the Broad Street Commercial District..... 10-1
10.2 Use Regulations for the Broad Street Commercial District..... 10-1
10.2.1 Permitted Uses

10.2.2 Conditional Uses

10.3 Height and Coverage Requirements 10-3
10.4 Minimum Areas and Dimensions 10-3

ARTICLE 11 – Industrial District

11.1 Purpose of the Industrial District..... 11-1
11.2 Use Regulations for the Industrial District..... 11-1

- 11.2.1 Permitted Uses**
- 11.2.2 Conditional Uses**

11.3 Height and Coverage Requirements – All Uses 11-3
11.4 Minimum Areas and Dimensions – All Uses 11-3

ARTICLE 12 – Airport Business District

12.1 Purpose of the Airport Business District 12-1
12.2 Use Regulations for the Airport Business District..... 12-1

- 12.2.1 Permitted Uses**
- 12.2.2 Conditional Uses**

12.3 Height and Coverage Requirements – All Uses 12-2
12.4 Mobile Home Park 12-3
12.5 Minimum Areas and Dimensions – All Other Uses 12-4

ARTICLE 13 – Neighborhood Business District

13.1 Purpose of the Neighborhood Business District..... 13-1
13.2 Use Regulations for the Neighborhood Business District..... 13-1

- 13.2.1 Permitted Uses**
- 13.2.2 Conditional Uses**

13.3 Height and Coverage Requirements 13-2
13.4 Minimum Areas and Dimensions 13-2
**13.5 Performance Standards for Non-Residential Uses in the Neighborhood
Business District 13-2**

ARTICLE 14 - Reserved for Future Use

ARTICLE 15 - Reserved for Future Use

ARTICLE 16 - Supplemental Lot Regulations

16.1 Access To Structures 16-1

16.2 Accessory Uses and Structures 16-1

16.2.1 Fences, Walls, Hedges and Vegetative Plantings

16.2.2 Attached Accessory Structures

16.2.3 Detached Accessory Buildings or Structures in Residential Districts

16.2.4 Swimming Pools

16.2.8 On-Lot Storage of Recreational Vehicles in Residential Districts

16.2.9 Outside Storage for Commercial and Industrial Uses

16.3 Conversion or Replacement of Buildings 16-9

16.4 Exceptions to Height Regulations..... 16-9

16.5 Habitable Floor Area Requirements..... 16-9

16.6 Intersection Visibility 16-10

16.7 Mobile Home Placement 16-11

16.8 Nuisance Standards 16-13

16.8.1 Noise

16.8.2 Smoke, Ash, Dust, Vapors and Gases

16.8.3 Glare

16.8.4 Vibrations

16.8.5 Storage and Waste Disposal

16.8.6 Radioactivity and Electrical Disturbances

16.9 Outdoor Lighting on Private Premises 16-18

16.10 Projections Into Required Yards..... 16-18

16.11 Public Utilities Exempt..... 16-19

16.12 Screening and Landscaping 16-19

16.12.1 General

16.12.2 Classification of Plant Materials

16.12.3 Required Plantings

16.12.4 Additional Landscaping and Buffer Yard Requirements

16.12.5 Parking Lot Landscaping Standards

16.12.6 Landscape and Buffer Yard Maintenance

16.13 Storage of Junk and Certain Vehicles..... 16-26

16.14 Unique Lots and Building Locations..... 16-26

- 16.14.1 Two or More Buildings on a Lot – Land Development
- 16.14.2 Corner Lots and Through Lots
- 16.14.3 Ratio of Lot Width to Length

ARTICLE 17 – Conditional Use Criteria

17.1	Conditional Use Criteria	17-1
17.2	Adult Entertainment.....	17-2
17.3	Animal Hospitals and Kennels.....	17-3
17.4	Automotive Repair Facility, Sales Facility, Service Station, or Convenience Market.....	17-3
17.5	Bed and Breakfast Inn.....	17-4
17.6	Cluster Subdivision.....	17-5
17.6.1	Statement of Purpose	
17.6.2	Applications for Cluster Subdivision Development	
17.6.3	Criteria for Granting Conditional Use Approval for Cluster Subdivision	
17.6.4	General Qualifications	
17.6.5	Special Housing Qualifications	
17.6.6	Garages and Accessory Buildings	
17.6.7	Impervious Coverage	
17.6.8	Maximum Building Height	
17.6.9	Miscellaneous Regulations	
17.6.10	Open Space Requirements	
17.7	Communications Towers (see Article 20)	17-10
17.8	Day Care Center	17-10
17.9	Family Based Group Home.....	17-11
17.10	Funeral Home.....	17-12
17.11	Group Care Facility.....	17-12
17.12	Home Occupation (including Family Day Care Home)	17-13
17.13	Junk Yard or Salvage Yard	17-13
17.14	Manufacturing, Warehousing, Laboratory and Feed Mill Uses	17-14
17.15	Multiple Family and Townhouse Dwellings	17-14
17.16	Multiple Family Housing Development, Retirement Housing Complex, and Townhouse Developments.....	17-15
17.17	No Impact Home Based Business	17-16
17.18	Transitional Professional Office Use.....	17-16
17.19	Uses Not Provided For.....	17-17

ARTICLE 18 - Floodplain Management Provisions

18.1	Identification of Floodplain.....	18-1
18.2	Description of Floodplain Area	18-1
	18.2.1 Floodway District	
	18.2.2 Flood-Fringe District	
18.3	Changes in Designations of Area(s).....	18-1
18.4	Boundary Disputes.....	18-2
18.5	Technical Requirements.....	18-2
	18.5.1 General	
	18.5.2 Elevation and Floodproofing Requirments	
	18.5.3 Design and Construction Standards	
	18.5.4 Special Requirements for Manufactured (Mobile) Homes and Structures	
	18.5.5 Development Which May Endanger Human Life	
18.6	Water Management Uses	18-12
18.7	Activities Prohibited Within Floodplain Areas	18-12
18.8	Existing Structures in Identified Floodplain Areas	18-13
	18.8.1 Existing Structures	
	18.8.2 Improvements	
18.9	Variance of Floodplain Management Provisions.....	18-14
	18.9.1 General	
	18.9.2 Variance Procedures and Conditions	

ARTICLE 19 – Sign Regulations

19.1	Application of Building Code	19-1
19.2	Exemptions	19-1
19.3	Sign Permits	19-1
19.4	Alterations	19-2
19.5	Outdoor Signs – Number of Signs Permitted and Exten-of-Use	19-2
	19.5.5 Explanation of Sign Types	
19.6	Setback of Signs	19-4
	19.6.1 Attached Signs	

19.6.2 Free-Standing Signs

19.7 Banners, Buntings, Flags, Pennants and Other Special Promotional Devises 19-4
19.8 Projection of Signs 19-4
19.9 Illumination of Signs..... 19-5

19.9.1 All Zones

19.9.2 Free Standing Sign

19.9.3 Near Highway Traffic Lights

19.10 Movement and Sound 19-5
19.11 Placement..... 19-5
19.12 Construction and Maintenance 19-5
19.13 Termination of Enterprise 19-5
19.14 Posting of Signs, Notices, Cards, Posters and Leaflets 19-5
19.15 Yard Sale Signs 19-5
19.16 Signs in the LSC District 19-6

19.16.1 General Requirements

19.16.2 Business Signs (On-Premises Signs)

19.16.3 Advertising Signs (Off-Premises Signs)

19.16.4 Temporary Signs

19.16.5 Directional Signs

ARTICLE 20 – Wireless Communications Towers, Facilities, Equipment and Antennas

20.1 Purpose 20-1
20.2 Applicability 20-2
20.3 General Requirements 20-2
20.4 Contents of Applications 20-5
20.5 Wireless Communication Towers, Facilities, Equipment and Antennas 20-7

ARTICLE 21 – Performance and Design Standards for Commercial and Industrial Buildings

21.1 Purpose of these Performance and Design Standards 21-1
21.2 Design Guidelines for All Building Types 21-1
21.3 Roof Design Guidelines 21-2
21.4 Building Lighting 21-2
**21.5 Downtown Commercial, Broad Street Commercial and
Neighborhood Business District Design Standards 21-2**
21.6 Large Scale Commercial District Design Standards 21-3
21.7 Retail Design Standards 21-4
21.8 Industrial and Warehousing Use Design Standards 21-4

ARTICLE 22 – Access Driveway Regulations

22.1 General 22-1
22.2 Location 22-1
22.3 Number of Driveways Per Lot 22-1
22.4 Common Driveways Permitted 22-1
22.5 Access Driveway Standards 22-2

22.5.1 Approach Angle
 22.5.2 Driveway Approach Radius
 22.5.3 Corner Clearance
 22.5.4 Edge Clearance
 22.5.5 Driveway Width
 22.5.6 Acceleration and Deceleration Lanes
 22.5.7 Sight Distance
 22.5.8 Driveway Slope
 22.5.9 Barriers May Be Required
 22.5.10 Design Review

ARTICLE 23 – Nonconforming Lots, Structures, Buildings and Uses

23.1 General 23-1

23.1.1 Non-conforming Lots, Uses and Structures
 23.1.2 Abandonment
 23.1.3 Repairs and Reconstruction
 23.1.4 Extension or Enlargement
 23.1.5 Change of Use
 23.1.6 Registration of Non-Conforming Uses, Structures, and Lots

ARTICLE 24 – Off-Street Parking and Loading Requirements

24.1 General 24-1
24.2 Schedule of Off-Street Parking Requirements 24-1
24.3 Handicapped Parking 24-3
24.4 Off-Street Loading 24-4
24.5 Development and Maintenance of Parking Facilities 24-4

ARTICLE 25 – Exterior Lighting Standards

25.1 Purpose 25-1
25.2 Applicability 25-1
25.3 General Requirements 25-2

25.4	Lighting Standards for Uses within 50 feet of Residential Zones	25-3
25.5	Open-Air Parking Lot Lighting	25-4
25.6	Canopy Lighting and Lighting of Service Stations	25-5
25.7	Lighting of Outdoor Performances, Sport and Recreation Facilities and Playfields	25-6
25.8	Architectural Accent Lighting	25-7
25.9	Lighting of Landscaping	25-7
25.10	Temporary Lighting	25-7

ARTICLE 26 – Reserved for Future Use

ARTICLE 27 - Reserved for Future Use

ARTICLE 28 - Reserved for Future Use

ARTICLE 29 - Reserved for Future Use

ARTICLE 30 - Zoning Hearing Board Proceedings

30.1	Organization and Procedure.....	30-1
	30.1.1 Establishment	
	30.1.2 Appointment and Membership	
	30.1.3 Appointment to Fill Vacancies	
30.2	Powers and Duties.....	30-1
	30.2.1 To Hear and Decide Requests for Special Exceptions	
	30.2.2 To Hear and Decide Appeals	
	30.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance	
	30.2.4 To Hear and Decide Requests for Variances	
30.3	Hearing Procedures	30-4
	30.3.1 Parties Appellant Before the Board	
	30.3.2 Time Limitations	
	30.3.3 Application Required	
	30.3.4 Procedure for Zoning Officer	

- 30.3.5 Hearing Required and Notice of Hearings
- 30.3.6 Rules of Conduct
- 30.3.7 Decisions
- 30.3.8 Expiration of Appeal Decision
- 30.3.9 Required Interval for Hearings on Applications and Appeals after Denial
- 30.3.10 Failure to Hold Required Hearing or Render Decision
- 30.3.11 Stay of Proceedings
- 30.3.12 Appeals

Article 31 - Amendments and Conditional Uses – Borough Council

- 31.1 Amendments to Zoning Ordinance or Map 31-1
 - 31.1.1 Review by Planning Agency
 - 31.1.2 Public Hearing
 - 31.1.3 Opportunity to be Heard
 - 31.1.4 Notice of Enactment
 - 31.1.5 Enactment of Amendment
- 31.2 Conditional Uses 31-2
 - 31.2.1 Application Procedure
 - 31.2.2 Written Statement
 - 31.2.3 Site Plan
 - 31.2.4 Hearing Requirements
 - 31.2.5 Criteria for Review and Approval of Conditional Use
 - 31.2.6 Decisions
 - 31.2.7 Failure to Hold Required Hearing or Render Decision
 - 31.2.8 Expiration of Decision
 - 31.2.9 Appeals

Article 32 - Administration and Enforcement

- 32.1 Generally: Appointment of Zoning Officer 32-1
- 32.2 Powers and Duties of the Zoning Officer..... 32-1
- 32.3 General Procedure: Zoning Permit Required..... 32-3
- 32.4 Zoning Permits and Certificates..... 32-3
 - 32.4.1 Classes of Zoning Permits
 - 32.4.2 Requirements for Zoning Permits
 - 32.4.3 Application
 - 32.4.4 Plan Requirements

32.4.5	Proof of Compliance	
32.4.6	Changes	
32.4.7	Permit and Permit Placard	
32.4.8	Time Limitations	
32.4.9	Expiration of Permit	
32.4.10	Inspections	
32.4.11	Revocation of Permit	
32.4.12	Temporary Use Permits	
32.4.13	Occupancy Permits	
32.4.14	Coordination With Building Permit Certificate of Occupancy	
32.5	Application Requirements for Proposed Construction Within the 100 Year	
	Flood Boundary.....	32-7
32.6	Violations	32-9
32.7	Enforcement Notice	32-10
32.8	Cause of Action	32-10
32.9	Enforcement Remedies.....	32-11
32.10	Filing Fees.....	32-11

Appendix A – Native Plants & Invasive Species

Appendix B – Landscaping & Buffer Yard Calculation Form

ARTICLE 1

General Provisions

1.1 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

1.2 Short Title

This Ordinance shall be known and may be cited as the Montoursville Borough Zoning Ordinance.

1.3 Effective Date

This Ordinance shall become effective immediately upon enactment.

1.4 Purpose

This Ordinance is designed, adopted, and enacted:

1.4.1 In consideration of the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

1.4.2 To promote the public's health, safety, morals, and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property; provide adequate open spaces for light and air, prevent undue concentration of population, and lessen congestion on streets and highways.

1.5 Community Development Objectives

The Community Development Objectives of this zoning ordinance shall be the community goals and objectives identified in Chapter 2 through 5 of the **Montoursville – Muncy Planning Area Comprehensive Plan** adopted January 17, 2005 by Montoursville Borough.

1.6 Interpretation

In the interpretation and the application of the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. Any reference to this ordinance, or any effective date of this ordinance shall, in all cases, refer to and include the most recent amendments to this ordinance.

1.7 Establishment of Controls

1.7.1 Minimum and Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.7.2 For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.7.3 For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article 23.

1.7.4 Types of Controls

The following minimum and uniform regulations shall apply in the respective districts:

- Use regulations, including Permitted, Special Exception, and Conditional Uses;
- Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections Into Yards; Screening and Landscaping; Signs; and other unique conditions;
- Floodplain management provisions; and

- Criteria for the evaluation of Special Exception and Conditional Uses.

1.8 Application of Regulations

Except as provided for elsewhere within the Ordinance:

- 1.8.1** No building, structure, or land shall be used or occupied and no building or structure shall hereafter be located, converted or structurally altered except in conformity with all regulations herein specified for the district in which it is located;
- 1.8.2** No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building;
- 1.8.3** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance;
- 1.8.4** When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board with the recommendation from the Planning Commission shall make the determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing their decision on the overall intent stipulated for the district its' purpose statement.
- 1.8.5** In cases of "Mixed Occupancy" the regulations for each use shall apply to the portion of the building or land so used.

1.9 Severability

The provisions of this Ordinance shall be severable, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

1.10 Conflicts

1.10.1 Repeal

All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.10.2 Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

1.11 Disclaimer of Liability

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

1.11.2 With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. 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 any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

1.11.3 Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

1.12 Amendment to Prior Ordinance

This Ordinance serves to amend under the terms of Section 609 of the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, the prior Montoursville Borough Zoning Ordinance Number 223 of 1971, enacted and ordained by the Borough Council of Montoursville, Lycoming County, Pennsylvania, on November 1, 1971, and any subsequent amendments to that Ordinance.

1.13 Enactment and Effective Date

ENACTED AND ORDAINED into an Ordinance by the Council of Montoursville Borough, Lycoming County, PA, on this 6th day of July, 2009.

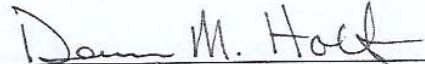
TO BE EFFECTIVE on the 6th day of July, 2009.

MONTOURSVILLE BOROUGH COUNCIL

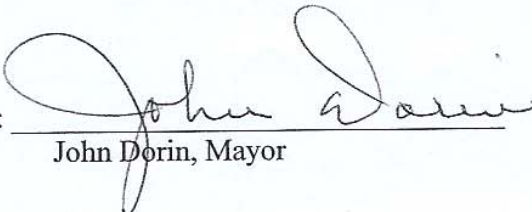
By: 

Robert J. Gehr, Council President

ATTEST:

By: 
Dennis M. Holt, Borough Secretary

APPROVED this this 6th day of July, 2009.

By: 
John Dorin, Mayor

ARTICLE 2

Definitions

2.1 Applicability and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used”; and the word “shall” is intended to be mandatory; the word “abut” shall include the words “directly across from”.

2.2 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abandonment: The discontinuance of a nonconforming use for a period of one (1) year is considered actual abandonment, so long as intent to abandon is established.

Abutting: Having a common border with, or being separated from such common border by, an alley or easement.

Access: A means of vehicular approach or entry to or exit from property.

Accessory Use or Structure: A use or structure subordinate to, and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

Adult Entertainment: Adult book stores, topless or bottomless bars, 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.

Agricultural Business: A business which offers at least twenty-five percent (25%) of its services to the agricultural sector including the processing and sale of agricultural products/supplies or the sale and/or repair of agricultural equipment.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this Ordinance, the word Agriculture Operation shall not include “Kennels” nor “Agricultural Business”.

Aircraft: Any contrivance, except an un-powered hang-glider or parachute, used for ascent into or flight through the air.

Airport: Any area of land or water which is used, or is intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. For the purposes of this Ordinance, the term airport shall not include facilities designated as heliports and those facilities which can be used only by rotary wing aircraft, nor to private airports.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented.

Alley: A public or private way which typically affords secondary means of access to abutting property.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alteration, Structural: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Borough Council.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals where the indoor boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel:

Commercial Kennel: A facility involved in the boarding, breeding, grooming, sale or training of four or more dogs over six months of age and for which a fee is charged.

Non-Commercial Kennel: Any establishment where no more than 5 dogs over six months of age are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials, obedience training or as a family pet. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity for the purpose of this ordinance. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot which the kennel is located.

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 Article 30.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

Automotive Car Wash: A structure used primarily for washing vehicles using a vehicle conveyor and/or automatic equipment.

Automotive Repair Facility: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

Automotive Sales Facility: Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.

Automotive Service Station: A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive

accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service or an automated car wash may be offered.

Balloon Test: Means the use of a balloon or similar object to locate or identify the proposed height and location of a tower.

Basement: That portion of a building that is partly or completely below grade (see “Story above grade”).

Bed and Breakfast: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Boarding House: Any dwelling in which no more than four (4) persons are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.

Borough: The Borough of Montoursville, Lycoming County, Pennsylvania.

Borough Council: The Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania.

Buffer Yard: A combination of the required minimum yard as specified by Article 4 through 13 and a visual buffer or barrier, together with required landscaping, designed to minimize nuisances between disparate or incompatible land uses caused by subdivisions and land developments. Additional landscaping and buffer yard requirements are based upon the intensity of the proposed land use and the adjacent property. See §16.12.4.

Building: Any structure having a roof supported by columns or walls used for shelter, housing or enclosure of persons, animals or property. The word “building” shall include any part thereof. Included shall be all mobile or manufactured homes and trailers used for human habitation.

Building Area: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Building Coverage: The portion of a lot, expressed as a percentage, that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance measured from the average level of the highest and lowest portion of the building site covered by the building to the highest point of the

roof adjacent to the front wall for flat roofs, or to the deck line of mansard roofs, or to the mean height between eaves and ridges for gabled, hipped or gambrel roofs.

Building – Principal: A building housing the main or principal use of the lot on which the building is situated.

Bulk Storage: The use of land for the storage of fuel, raw materials or processed materials in large quantities for subsequent distribution to customers or retail users.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an Outdoor Recreation Area.

Carport: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Cellar: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

Certificate of Occupancy: A statement signed by the Building Code Official setting forth that a building complies with the International Building Code or other applicable building code.

Central Water or Sewer: A water or sewer distribution system, which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.

Clear Sight Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.

Club: The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

Cluster Subdivision: A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements is permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying district cannot be exceeded in this type of development.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Commercial Kennel: See Animal Kennel.

Commercial Recreation: See Recreation Facility, Commercial.

Commission: The Planning Commission of Montoursville Borough, Lycoming County, Pennsylvania.

Common Area: Space within a multi-family dwelling structure or retirement housing complex designed for communal use by all residents of the structure or complex, i.e. community rooms, solariums, or common areas for social activities.

Common Open Space: A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Antenna: Any device 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 omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communication Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, data and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, stealth or camouflaged towers and the like. The term includes the structure and any support thereto.

A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

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.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Borough. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Borough Council after recommendation by the Planning Commission.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.

Construction, Start of: The first placement of permanent construction on a site, such as excavation or the pouring of slabs or footings. For a structure without a basement of poured footings, the start of construction includes the excavating or the first permanent framing or assembly of a structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site.

Contractor Yard: A location for the storage of machinery, including commercial motor vehicles, used in a business enterprise or trade.

Convenience Market: A small retail store, which may be franchised, offering a limited selection of food and household products and staying open for longer hours at a convenient location. This use may also include the sale of motor vehicle fuels but does not offer motor vehicle repairs.

County Comprehensive Plan: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

Crane Test: Means the use of a crane or similar mechanism to elevate a broadcast antenna for the purposes of collecting data or information regarding the propagation characteristics of a particular proposed facility.

Cultivation of Crops: The use of land for the raising of crops and excluding the keeping of animals.

Day Care Center: A facility which provides daytime care and/or instruction to two or more persons and operates on a regular basis. Day Care Centers include, but are not limited to, nursery schools, preschools, and adult day care centers. Day Care Centers do not include facilities (1) in which medical services are provided by a licensed physician or nurse; (2) that provide education for persons age six or higher, or (3) that qualify as Family Day Care Homes, Family Based Group Homes, Group Care Facilities, Nursing Homes or Retirement Villages as defined in this Ordinance.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the 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.

Density: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density, Net Residential: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

Designated growth area: A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications there under, except the following:

- (1) the governing body.
- (2) the zoning hearing board.
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: 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 manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Development of regional significance and impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

District or Zone: A portion of the area of Montoursville Borough, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Drive Test: Means the collection of radio signals broadcast from a proposed location. A drive test can be performed by the use of a Crane Test or by the use of a broadcast antenna placed upon or above an existing structure.

Drug Dependent Person: A person who is using, or is attempting to recover from the use of, a drug, controlled substance, or alcohol, and who is or was in a state of psychic or physical dependence, or both, arising from administration of that drug, controlled substance, or alcohol, on a continuing basis.

Dwelling: “Dwelling” means any building or portion thereof which is designed or used for residential purposes. The term “dwelling” shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.

Dwelling, Manufactured (Mobile) Home: A single-family detached factory manufactured dwelling build on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Dwelling, Modular Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation. The placement of such dwelling unit (s) on a site shall meet all the requirements herein addressed to a conventionally-built dwelling.

Dwelling, Multi-Family: A dwelling structure containing three (3) or more dwelling units, with or without independent outside access, excluding single-family attached dwelling structures (townhouses) as defined herein.

Dwelling, Seasonal: A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.

Dwelling, Single Family Detached: "Single-family detached dwelling" means a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access.

Dwelling, Two-Family: "Two-family dwelling" means two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Engineer or Borough Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough Council as the engineer for the Borough.

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.

Essential Services: Public utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

FAA: Means the Federal Aviation Administration.

Family: For purposes of this Ordinance, “family” and “single family” shall mean any of the following:

- (1) an individual residing alone in a dwelling; or
- (2) two or more persons related, by blood or marriage, or adoption (being hereinafter called “related persons”); or
- (3) no more than three unrelated persons.
- (4) In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a “family” for purposes of this Ordinance.

Any other combination of persons shall not be a “family” or “single family” for purposes hereof.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

Family Day Care Home: A residence offering baby-sitting services and childcare services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation in a residential dwelling.

FCC: Means the Federal Communications Commission.

Flags: An often rectangular piece of fabric attached to a staff or pole used as a symbol, signal, etc.

Flood: A temporary inundation of normally dry land areas.

Floodplain Area - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation.

Identified Floodplain Area: Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway and Flood Fringe.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The area or portion of the 100 year floodplain which serves as a flood channel to pass the deeper, faster moving flood waters.

Flood Fringe: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Borough's Flood Boundary and Floodway Maps.

Floor Area or Gross Floor Area: The sum of the areas of the several floors or a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor area in accessory buildings or in the principal building intended and designed for the parking of motor vehicles to meet the requirements of the Ordinance, and any floor area intended and designed for accessory heating and ventilating equipment.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Future growth area: An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

Garage, Private: Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

Garage, Public Parking: Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

General consistency, generally consistent: That which exhibits consistency.

Governing Body: The Borough Council of Montoursville, County of Lycoming, Commonwealth of Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services for 4 to 10 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family based group homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or Family Based Group Home.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.

Hedge: A row of closely planted shrubs or bushes used to form a boundary or fence.

Historic Structure: Any structure that is:

(i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) 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 of the Interior to qualify as a registered historic district;

(iii) 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; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or
- (2) Directly by the Secretary of the Interior in states without approved programs.

Hobby Vehicle: Frequently called a classic or antique motor vehicle, such vehicles are primarily maintained and used by the owner for personal enjoyment and not for everyday transportation.

Home Based Business, No Impact: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 17.17.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Occupation: Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include: Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hotel or Motel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

Industrial Park: A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

Institution: A public or quasi-public facility providing for extended care of inmates or residents.

Junk: Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, wood, industrial waste and other salvageable materials, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. Materials at a properly maintained recycling drop off site or center may not be considered junk.

Junk Yard Or Salvage Yard: Any place where any junk as hereinafter defined is stored or disposed of.

Kennel: see Animal Kennel.

Land Development: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
- (ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) a subdivision of land.

Except that the following shall be excluded from this definition:

- (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (iii) the addition or conversion of buildings or rides within the confines of an enterprise, which would be, considered an amusement park. For the purpose 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 initial plans for the expanded area have been approved by proper authorities.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Light Manufacturing: A manufacturing operation that produces a negligible amount of noise, smoke, odor, dust, vibration, or glare as a result of operation of the activity. All manufacturing activity shall be carried on below the EPA and Department of Environmental Protection permitting standards. However in all events any Light Manufacturing use that creates any radioactive material or by-product in any form or state shall not be permitted.

Lodge: The meeting place of a local chapter, as of a fraternal organization.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways.

Lot, Corner: A lot abutting the intersection of two streets.

Lot-Depth: The mean horizontal distance between the front and rear lot lines.

Lot Lines: The property lines bounding the lot.

Lot Lines-Front: The lot line separating the lot from the street right-of-way line.

Front Lot Line of a Corner Lot: In the case of a corner lot the front lot line shall be defined by the street address of the lot.

Lot Line-Rear: The lot line opposite and most distant from the front lot line.

Lot Line-Side: Any lot line other than a front or rear lot line.

Lot, Through: A lot other than a corner lot, with frontage on more than one street other than an alley.

Lot Width: The width of the lot between side lot lines at the front building lines as prescribed by the front yard regulations.

Lowest Floor: The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Housing: see definition under “Dwelling, Manufactured”.

Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its 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 minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile Home: See definition under “Dwelling”.

Mobile Home Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected or placed on the lot.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. 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 a period of time exceeding 180 consecutive days.

Motel or Hotel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Multi-Family Housing Development: For the purposes of this Ordinance, a multi-family housing development shall be defined as a development consisting of the more than one (1) multi-family dwelling structure.

Multimunicipal plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Multimunicipal planning agency: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

Municipal engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality: Shall mean the municipal corporation known as the Borough of Montoursville, Lycoming County, Pennsylvania.

Municipal Waste Landfill: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

Neighborhood Retail: A commercial use (including retail and incidental food service) which is limited in scale, primarily serving a local neighborhood and oriented to pedestrian or limited vehicular traffic.

New Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For

floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after February 7, 1977 and includes any subsequent improvements thereto.

No Impact Home Based Business: see **Home Based Business, No Impact.**

Non-agricultural Development: Land area converted from an agricultural operation to a development use including any lots, driveways, roadways, rights-of-way or easements that serve the development activity.

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 provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, nonconforming signs.

Non-conforming Use: A use, whether of land or 'of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-profit: Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

Nursing or Retirement Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long- term nursing care.

Nutrient Management Act: Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

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 down-stream to the damage of life or property.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Office Park: A Land Development, which consists of two or more office buildings.

Official Map: A map established by the Borough Council pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

Parking Area – Private: An open area for the same use as “private garage”.

Parking Area – Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Patio: A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

Pennants: A small long narrow flag.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit. A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use, which does not require special action by the Zoning Hearing Board or by the Borough Council before the Zoning Officer grants a zoning permit.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal Care Home: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential, district created, from time to time, under the provisions of this Ordinance.

Planning Commission: The Planning Commission of Montoursville Borough, Lycoming County, Pennsylvania.

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

Pre-existing Wireless Communication Towers, Facilities, Equipment and Antennas: Means any wireless communications towers, facilities, equipment and antennas for which a building permit and zoning approval has been properly issued prior to the effective date of this Ordinance, including permitted wireless communications towers, facilities, equipment and antennas that have not yet been constructed so long as such approval is current and has not expired.

Prime agricultural land: Land used for agricultural purposes that contains soils or the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

Principal Structure: See Building – Principal.

Principal Use: The main use on a lot.

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Professional Office: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

Propagation Modeling: Means a computer-generated prediction of the expected coverage of a particular site's coverage or level of service based upon accepted mathematical calculations.

Propagation Testing: Means the actual collection and analysis of radio signal broadcasts, via a Drive Test or similar method, which provides an indication of a particular site's coverage or level of service to the surrounding area based upon actual field measurements.

Public: Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

Public grounds: Includes:

- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas
- (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
- (3) publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public infrastructure area: A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

Public infrastructure services: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

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: Public notice shall, at all times, be consistent with the requirements of the Municipalities Planning Code or other applicable law such as the Pennsylvania Borough Code, and shall be dependent upon the type of public notice being published such as an ordinance or a zoning hearing or a public meeting.

Public or Quasi – Public Uses: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Cemeteries, Churches, Community Centers, Community Sewer and Water Treatment Facilities, Fire Halls, Municipal Building, Post Offices, Schools, and other uses of the same general character.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure – time activities.

Recreation Facility, Commercial: A profit or non-profit business in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Commercial Recreation shall include but not be limited to theaters, go cart track, farm vacation homes, exercise centers, and/or recreation facilities operated as a profit or non-profit and open to the public for a fee.

Recreation Facility, Personal: A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Public: A recreation facility open to the general public, and operated by a local government agency.

Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-truck; (iv) not designed for use as a

permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

Regulatory Flood Elevation: The one hundred (100) year flood elevation.

Repair: Any construction which replaces materials but does not change the height, number of stories, size, habitable floor area or location of a building or other structure.

Repetitive loss: flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Treatment Facility: A nonhospital inpatient facility for drug dependent persons following physiological detoxification. The facility provides a full range of treatment and supportive services carried out specifically to alleviate the dysfunction of the resident. This includes the systematic application of social, psychological or medical service methods to assist individuals to deal with the causative effects or consequences of drug or alcohol abuse. These facilities are also commonly referred to as a “halfway houses.”

Retirement Housing Complex: For the purposes of this Ordinance, a retirement housing complex shall be defined as a public, not-for-profit, or private residential facility, building, or development designed to meet the needs of, and be constructed exclusively for, senior citizens. Such complexes shall not include nursing homes, personal care facilities, or similar institutional residences, although shared use of dining or entertainment spaces within individual buildings in the complex may be permitted. Retirement complexes may be designed as multi-family dwelling structures (apartment buildings) or as single-family attached dwelling structure (townhouse units).

Resort: A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or nonlodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or nonlodgers.

Retail Business: A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods. For the purposes of this ordinance a dry cleaner and laundry shall be considered retail businesses.

Riding Stable, Commercial: A building in which horses are kept for hire, remuneration or sale.

Riding Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Right-Of-Way: That portion of land dedicated to the public for use as an alley, street, drain, ditch, stream, utility easement or cross walk.

Rural resource area: An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Service: The installation, maintenance, repair etc. provided by a dealer or manufacturer to purchasers of equipment.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Shopping Center: A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free – standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Gross Surface Area: The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Portable: Any sign or structure, which is not securely attached to the ground or any other structure.

Solid Waste Transfer Facility: A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Stormwater - The total amount of precipitation reaching the ground surface.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story Above Grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet above grade plane.
2. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet above the finished ground level at any point.

Story – First. The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

Story – Half. A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Arterial Street: A street serving a large volume of comparatively high speed and long distance traffic, including all streets classified as arterial streets in the Montoursville Borough Comprehensive Plan.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Comprehensive Plan for the Montoursville – Muncy Planning Area.

Minor Street: A street designed to afford primary access to abutting property.

Street Right – of – Way Line: The closest edge of the right – of – way as required by the municipal subdivision ordinance. (See also Lot lines – front).

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, fences, communications towers, swimming pools, and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. (See also **Land Development.**)

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure either a) before

the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration or any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (i) Any project for improvement of 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
- (ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or bands by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. “Surface mining” shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non – commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

Swimming Pool: Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools, inflatable pools, storable pools; hot tubs, spas and fixed in place wading pools.

Temporary Use: The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

Tent: A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

Townhouse: A “single – family attached dwelling” of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access.

Townhouse Development: For the purposes of this Ordinance, a townhouse development shall be defined as a development consisting of the more than one (1) single-family attached or townhouse dwelling structure.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Traditional neighborhood development: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Trailer Storage: Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

Transferable development rights: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Transitional Living Facility: A structure wherein supportive services are provided in a semiprotected home-like environment to assist a drug dependent person in his gradual reentry into the community. No formal treatment, i.e. counseling/psychotherapy, takes place at the facility. This is a live-in/work-out facility.

Transitional Professional Office: A Professional Office which may be deemed suitable in a perimeter area of a residential district in close proximity to a commercial district or otherwise in a transitional area subject to the Conditional Use hearing procedure and in accordance with the criteria of Section 17.18.

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation, having a width of less than ten feet, but not to be construed as a mobile home for permanent residence.

Uniform Construction Code (UCC): The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

Utility Attachment: Means the use of an existing utility structure, including wood poles as a structure to mount or utilize for a wireless communication facility, equipment or antennas.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Village: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

Yard: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

Yard – Buffer: See Buffer Yard.

Yard – Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.

Yard – Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

Yard – Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.

Yard – Minimum: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

Yard Sale or Garage Sale: The sale by a resident conducted on the premises of tangible personal property, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.

Zoning: The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for Montoursville Borough, Lycoming County, Pennsylvania.

Zoning Map: The officially adopted Zoning Map of Montoursville Borough, Lycoming County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Ordinance: The Zoning Ordinance of Montoursville Borough, Lycoming County, Pennsylvania, as amended.

Zoning Permit: See **Permit**.

ARTICLE 3

Establishment of Zoning Districts and Zoning Map

3.1 Names and Purposes of Zoning Districts

Montoursville Borough is hereby divided into the following districts:

R Recreation District

The Recreation District is comprised primarily of lands in the Borough that are subject to periodic and in some cases severe flooding from Loyalsock Creek and the Susquehanna River. Recreation is a suitable land use activity for these areas resulting in abundant and convenient facilities for Borough residents. The use regulations for this district are intended to minimize or prevent future loss of life or property from floods or flooding conditions. Structures associated with recreation uses shall be developed consistent with the municipal floodplain regulations (see Article 18).

RS – Residential Suburban District

The Residential Suburban District is primarily comprised of low density residential areas of the community, plus certain open areas where similar residential development appears likely to occur. The regulation for this district are designed to protect the essential character of the district; to protect the amenities of certain areas of the community where the primary pattern has already been established with single family development; to promote and encourage a suitable living environment, and to prohibit activities of a commercial nature which are not generally compatible with residential uses. To these ends, development is limited to a gross density of approximately 3 units per acre and permitted uses are limited basically to single family dwellings, schools, parks, churches, and public facilities which serve the residents of the district and home occupations.

RT – Residential Town District

The Residential Town District is primarily comprised of medium density residential areas of the community. The regulations for this district are designed to protect the essential character of the district; to promote and encourage a suitable living environment, and to prohibit activities of a commercial nature which are not generally compatible with residential uses. Appropriate uses include single, two family and multi-family dwellings, townhouses, schools, parks, churches, day care, and public facilities which serve the residents of the district and home occupations.

RD – Residential Development District

The Residential Development District was created to provide space within the municipality to accommodate new residential growth, primarily medium to high density in nature. To this end, multi-family housing developments, residential cluster developments, and retirement housing complexes are included in this district, as are a few compatible non-residential uses, such as parks and playgrounds, and day care centers or nursery schools. In order to primarily promote residential development of the area however, other institutional and retail uses have been limited. The location of the fringe portion of the 100 year floodplain in parts of this district requires a project design that is consistent with the municipal floodplain regulations (see Article 18).

LSC – Large Scale Commercial District

The purpose of the Large Scale Commercial District is to provide a land area within the Borough for large scale commercial ventures with on-lot parking facilities including box stores, regional shopping centers and planned commercial development projects. Large scale commercial areas shall be distinct and separate from residential neighborhoods. Land development plans for new or updated sites will be required showing contour and grading plans, utility plans, stormwater controls, pedestrian and vehicular traffic circulation, parking and loading areas, landscaping and lighting plans.

DTC – Downtown Commercial District

The purpose of the Downtown Commercial District is to maintain and enhance the central business district as the core of the Borough for community services and commercial enterprises. Preferred land uses include retail stores, banks, service enterprises, business and professional offices, churches and public or quasi-public uses. Residential uses, although not preferred, are appropriate for existing residential structures and the upper stories of existing commercial buildings. Safe highway and pedestrian access are a vital for this district.

BSC – Broad Street Commercial District

The purpose of the Broad Street Commercial District is to provide an area where community service and small scale commercial uses are located for the convenience of Borough residents. The district is deemed uniquely suitable as a neighbourhood commercial area due to limited land area, small lot sizes, the close proximity of existing residential uses, and the prevalence of existing neighborhood businesses. It will serve as a transitional area along Broad Street between existing industrial and residential areas. It is inappropriate in this district to encourage residential, large scale, high traffic, or heavy commercial and industrial uses; to encourage any other use which would substantially interfere

with the development or continuation of the neighborhood commercial uses and structures in the district; and to encourage any use which because of its character and size would interfere with adjoining residential districts or the use of land in the district as a shopping and service center for the surrounding residential and industrial districts.

NB - Neighborhood Business District

The purpose of the Neighborhood Business District is to recognize a unique area in the Borough which has historically been occupied by neighborhood business uses. This area is in close proximity to an established residential area and shall provide commercial services primarily to the residential area rather than to a larger regional area. Appropriate commercial uses will not generate excessive noise or heavy traffic, and shall maintain hours which do not disrupt the residential character of the adjoining neighborhood. The principal traffic access to a business use shall be from Loyalsock Avenue or from the first block of Pine Street or Claire Road east of Loyalsock Avenue.

I – Industrial District

The purpose of the Industrial District is to permit and encourage manufacturing uses that will be located and developed as harmonious and appropriate parts of the Borough, capitalizing on rail access, contributing to the soundness of its economic base, providing local employment opportunities convenient to residences, thus reducing traffic and travel to and from work, and otherwise to further the purposes of this ordinance. Residential and general commercial uses may be appropriate for this district depending on proximity to similar uses, compatibility with adjoining uses, the availability of utilities and the road network available to serve the site.

AB – Airport Business District

The purpose of the Airport Business District is to protect and enhance the viability of the Williamsport Regional Airport. All airport related uses are therefore appropriate permitted uses, as are manufacturing and business uses that will benefit from a close interface with this transportation resource. The Airport must also be protected from incompatible uses including all residential types and from incompatible buildings and structures due to height and clearance concerns. There are floodplain concerns in the Airport vicinity, therefore compliance with the municipal floodplain regulations must be maintained.

3.2 Zoning District Maps

3.2.1 Adoption of Official Zoning Map

The areas within the Borough limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map for the Borough, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept at the Borough office. If, and whenever, changes are made in boundaries or other matter included on an Official Zoning Map, such changes in the map shall be made after the amendment has been approved by the Montoursville Borough Council.

3.2.2 Copies of Zoning Map

Regardless of the existence of copies of the Zoning Maps which may from time to time be made, an Official Zoning Map shall be that map which is on file at the Borough office. An Official Zoning Map shall govern in all cases where conflicting map information is identified.

3.2.3 Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on an Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of roadways and streams, the corporate boundary of the Borough or as identified on the Map.

3.2.4 Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. The Zoning Hearing Board may request a recommendation from the Planning Commission prior to making such decision.

ARTICLE 4

Recreation District

4.1 Purpose of the Recreation District

The Recreation District is comprised primarily of lands in the Borough that are subject to periodic and in some cases severe flooding from Loyalsock Creek and the Susquehanna River. Recreation is a suitable land use activity for these areas resulting in abundant and convenient facilities for Borough residents. The use regulations for this district are intended to minimize or prevent future loss of life or property from floods or flooding conditions. Structures associated with recreation uses shall be developed consistent with the municipal floodplain regulations (see Article 18).

4.2 Use Regulations for the Recreation District

4.2.1 Permitted Uses

- 4.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 4.2.1.2** Communication Antenna, Equipment Buildings (see Article 20);
- 4.2.1.3** Cultivation of Crops (no permit required);
- 4.2.1.4** Essential Services (no zoning permit required);
- 4.2.1.5** Forestry Activities (no zoning permit required);
- 4.2.1.6** Outdoor Commercial Recreation; and
- 4.2.1.7** Public Park.

4.2.2 Conditional Uses (criteria found in Article 17)

- 4.2.2.1** Bulk Storage, Mulch;
- 4.2.2.2** Communications Tower – Government Use Only (criteria found in Article 20);
- 4.2.2.3** Communication Tower – Private Use (criteria found in Article 20);
- 4.2.2.4** Public or Quasi-Public Use, Public Service Facility;
- 4.2.2.5** Riding Stable; and

4.2.2.6 Uses Not Provided For (see Section 17.19).

4.3 Height and Coverage Requirements – All Uses

4.3.1 Maximum Impervious Surface: 10 % of lot area

4.3.2 Maximum Building Height: 15 ft.

4.4 Minimum Areas and Dimensions – All Uses

4.4.1 Minimum Lot Area: 2 acres

4.4.2 Minimum Lot Width: 100 feet

4.4.3 Minimum Yards

front:	30 ft.
side:	20 ft.
side adjoining a street (see Section 16.14.2):	30 ft.
rear:	20 ft.

ARTICLE 5

Residential Suburban District

5.1 Purpose of the Residential Suburban District

The Residential Suburban District is primarily comprised of low density residential areas of the community, plus certain open areas where similar residential development appears likely to occur. The regulation for this district are designed to protect the essential character of the district; to protect the amenities of certain areas of the community where the primary pattern has already been established with single family development; to promote and encourage a suitable living environment, and to prohibit activities of a commercial nature which are not generally compatible with residential uses. To these ends, development is limited to a gross density of approximately 3 units per acre and permitted uses are limited basically to single family dwellings, schools, parks, churches, and public facilities which serve the residents of the district and home occupations.

5.2 Use Regulations for the Residential Suburban District

5.2.1 Permitted Uses

- 5.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 5.2.1.2** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 5.2.1.3** Dwelling, Single Family Detached;
- 5.2.1.4** Essential Services (no zoning permit required);
- 5.2.1.5** Family Day Care Home (see supplemental regulations under Home Occupation in Article 17); and
- 5.2.1.6** No Impact Home Based Business (see supplemental regulations in Article 17).

5.2.2 Conditional Uses (criteria found in Article 17)

- 5.2.2.1** Bed and Breakfast;
- 5.2.2.2** Communications Tower – Government Use Only (criteria found in Article 20);
- 5.2.2.3** Day Care Center;

- 5.2.2.4 Home Occupation;
- 5.2.2.5 Public Park;
- 5.2.2.6 Public or Quasi-Public Use, Public Service Facility;
- 5.2.2.7 Transitional Professional Office; and
- 5.2.2.8 Uses Not Provided For (See Section 17.19).

5.3 Height and Coverage Requirements – All Uses

- 5.3.1 **Maximum Building Coverage:** 25% of lot area
- 5.3.2 **Maximum Impervious Surface:** 35% of lot area
- 5.3.3 **Maximum Building Height:**
 - principal building: 35 ft.
 - accessory structures: 20 ft. or the height of the on site principal building, whichever is less

5.4 Minimum Areas and Dimensions – All Uses

- 5.4.1 **Minimum Lot Area:** 9,800 ft²
- 5.4.2 **Minimum Lot Width:**
 - front on interior lot: 70 ft.
 - front on corner lot: 125 ft.
- 5.4.3 **Minimum Yards**
 - principal building:
 - front: 30 ft.
 - side – principal building: 10 ft.
 - side – accessory structure: 10 ft.
 - side adjoining a street (see Section 16.14.2): 30 ft.
 - rear – principal building: 40 ft.
 - rear - accessory structure: 5 ft.

5.5 Design Criteria for New and Renovated Structures

Applicants are encouraged to employ building design that is compatible with the existing structures on the lot and with the surrounding neighborhood through the use of:

- 5.5.1** Building Height and Massing: take design cues from the surrounding buildings and environment, rather than creating a stand-alone structure.
- 5.5.2** Roof Lines: Sloping roof designs are preferred.
- 5.5.3** Building Scale: Generally use smaller scale rather than larger scale building features and materials.
- 5.5.4** Building Proportion: Keep the relative shape of the building and its parts in proportion with the existing or neighboring structures.
- 5.5.5** Building Materials: Building materials commonly found in adjacent structures are suitable in the new construction.

ARTICLE 6

Residential Town District

6.1 Purpose of the Residential Town District

The Residential Town District is primarily comprised of medium density residential areas of the community. The regulations for this district are designed to protect the essential character of the district; to promote and encourage a suitable living environment, and to prohibit activities of a commercial nature which are not generally compatible with residential uses. Appropriate uses include single, two family and multi-family dwellings, townhouses, schools, parks, churches, day care, and public facilities which serve the residents of the district and home occupations.

6.2 Use Regulations for the Residential Town District

6.2.1 Permitted Uses

- 6.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 6.2.1.2** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 6.2.1.3** Cultivation of Crops (no permit required);
- 6.2.1.4** Dwelling, Single Family Detached;
- 6.2.1.5** Dwelling, Two Family;
- 6.2.1.6** Essential Services (no zoning permit required);
- 6.2.1.7** Family Based Group Home (see supplemental regulations in Article 17);
- 6.2.1.8** Family Day Care Home (see supplemental regulations under Home Occupation in Article 17); and
- 6.2.1.9** No Impact Home Based Business (see supplemental regulations in Article 17).

6.2.2 Conditional Uses (criteria found in Article 17)

- 6.2.2.1** Bed and Breakfast;
- 6.2.2.2** Communications Tower – Government Use Only (criteria found in Article 20);

- 6.2.2.3 Day Care Center;
- 6.2.2.4 Dwelling, Multiple Family;
- 6.2.2.5 Dwelling, Townhouse;
- 6.2.2.6 Home Occupation;
- 6.2.2.7 Public Park; and
- 6.2.2.8 Public or Quasi-Public Use, Public Service Facility;
- 6.2.2.9 Transitional Professional Office; and
- 6.2.2.10 Uses Not Provided For (See Section 17.19).

6.3 Height and Coverage Requirements – All Uses

- 6.3.1 **Maximum Building Coverage:** 30% of lot area
- 6.3.2 **Maximum Impervious Surface:** 40% of lot area
- 6.3.3 **Maximum Building Height:**
 - principal building: 35 ft.
 - accessory structures: 20 ft. or the height of the on site principal building, whichever is less

6.4 Minimum Areas and Dimensions

6.4.1 Family Based Group Home, Single Family Dwelling

- 6.4.1.1 **Minimum Lot Area:** 9,800 ft²
- 6.4.1.2 **Minimum Lot Width:** 55 ft.
- 6.4.1.3 **Minimum Yards**
 - front: average of the existing front yards in the block
 - side – principal structure: 8 ft.
 - side – accessory structure: 5 ft.
 - side adjoining a street (see Section 16.14.2): average of the existing front yards in the block
 - rear – principal structure: 40 ft.
 - rear – accessory structure: 5 ft.

6.4.2 Two Family Dwelling; Bed & Breakfast

6.4.2.1 Minimum Lot Area: 13,000 ft²

6.4.2.2 Minimum Lot Width: 100 ft.

6.4.2.3 Minimum Yards

front: average of the existing front yards in the block

side – principal structure: 8 ft.

side – accessory structure: 5 ft.

side adjoining a street (see Section 16.14.2): average of the existing front yards in the block

rear – principal structure: 40 ft.

rear – accessory structure: 5 ft.

6.4.3 Townhouse Dwelling; Multi Family Dwelling

6.4.3.1 Minimum Lot Area: 9,800 ft² + 3,500 ft² per dwelling unit

6.4.3.2 Minimum Lot Width: 100 ft.

6.4.3.3 Minimum Yards:

front: 30 ft.

side – principal structure: 20 ft.

side – between units: 0 ft.

side – accessory structure: 5 ft.

side adjoining a street (see Section 16.14.2): 30 ft.

rear – principal structure: 40 ft.

rear – accessory structure: 15 ft.

6.4.3.4 Maximum Number of Units Per Building: 4 units

6.4.3.5 Minimum Townhouse Unit Width: 20 ft.

6.4.3.6 Minimum Landscaped Buffer Yard (see Section 16.12): 25 ft.

6.4.4 Day Care Center; Public Park; Public/Semi Public Uses, Public Service Facility

6.4.4.1 Minimum Lot Area: 30,000 ft²

6.4.4.2 Minimum Lot Width: 120 ft.

6.4.4.3 Minimum Yards

front:	30 ft.
side – principal structure:	20 ft.
side – accessory structure	5 ft.
side adjoining a street (see Section 16.14.2):	30 ft.
rear – principal structure:	40 ft.
rear – accessory structure:	5 ft.

6.4.4.4 Minimum Landscaped Buffer Yard: see Section 16.12

6.5 Design Criteria for New and Renovated Structures

Applicants are encouraged to employ building design that is compatible with the existing structures on the lot and with the surrounding neighborhood through the use of:

- 6.5.1 Building Height and Massing:** take design cues from the surrounding buildings and environment, rather than creating a stand-alone structure.
- 6.5.2 Roof Lines:** Sloping roof designs are preferred.
- 6.5.3 Building Scale:** Generally use smaller scale rather than larger scale building features and materials.
- 6.5.4 Building Proportion:** Keep the relative shape of the building and its parts in proportion with the existing or neighboring structures.
- 6.5.5 Building Materials:** Building materials commonly found in adjacent structures are suitable in the new construction.

ARTICLE 7

Residential Development District

7.1 Purpose of the Residential Development District

The Residential Development District was created to provide space within the municipality to accommodate new residential growth, primarily medium to high density in nature. To this end, multi-family housing developments, residential cluster developments, and retirement housing complexes are included in this district, as are a few compatible non-residential uses, such as parks and playgrounds, and day care centers or nursery schools. In order to primarily promote residential development of the area however, other institutional and retail uses have been limited. The location of the fringe portion of the 100 year floodplain in parts of this district requires a project design that is consistent with the municipal floodplain regulations (see Article 18).

7.2 Use Regulations for the Residential Development District

7.2.1 Permitted Uses

- 7.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 7.2.1.2** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 7.2.1.3** Cultivation of Crops (no permit required);
- 7.2.1.4** Dwelling, Multiple Family (see supplemental regulations in Article 17);
- 7.2.1.5** Dwelling, Single Family Detached;
- 7.2.1.6** Dwelling, Two Family;
- 7.2.1.7** Essential Services (no zoning permit required);
- 7.2.1.8** Family Based Group Home (see supplemental regulations in Article 17);
- 7.2.1.9** Family Day Care Home (see supplemental regulations under Home Occupation in Article 17); and
- 7.2.1.10** No Impact Home Based Business (see supplemental regulations in Article 17).

7.2.2 Conditional Uses (criteria found in Article 17)

- 7.2.2.1 Bed and Breakfast;
- 7.2.2.2 Cluster Subdivision
- 7.2.2.3 Communications Tower – Government Use Only (criteria found in Article 20);
- 7.2.2.4 Day Care Center;
- 7.2.2.5 Dwelling, Townhouse;
- 7.2.2.6 Home Occupation;
- 7.2.2.7 Multiple Family Housing Development, Retirement Housing Complex or Townhouse Development;
- 7.2.2.8 Nursing or Retirement Home, Assisted Living Facility;
- 7.2.2.9 Public Park;
- 7.2.2.10 Public or Quasi-Public Use, Public Service Facility; and
- 7.2.2.11 Uses Not Provided For (See Section 17.19).

7.3 Height and Coverage Requirements – All Uses

- 7.3.1 **Maximum Building Coverage:** 40% of lot area
- 7.3.2 **Maximum Impervious Surface:** 50% of lot area
- 7.3.3 **Maximum Building Height:**
 - principal building: 35 ft.
 - accessory structures: 20 ft. or the height of the on site principal building, whichever is less

7.4 Minimum Areas and Dimensions

7.4.1 Single Family Dwelling

- 7.4.1.1 **Minimum Lot Area:** 9,800 ft²
- 7.4.1.2 **Minimum Lot Width:** 55 ft.

7.4.1.3 Minimum Yards

front:	average of the existing front yards in the block
side – principal structure:	8 ft.
side – accessory structure:	5 ft.
side adjoining a street (see Section 16.14.2):	average of the existing front yards in the block
rear – principal structure:	40 ft.
rear – accessory structure:	5 ft.

7.4.2 Two Family Dwelling; Bed & Breakfast Inn

7.4.2.1 Minimum Lot Area: 13,000 ft²

7.4.2.2 Minimum Lot Width: 100 ft.

7.4.2.3 Minimum Yards

front:	average of the existing front yards in the block
side – principal structure:	8 ft.
side – accessory structure:	5 ft.
side adjoining a street (see Section 16.14.2):	average of the existing front yards in the block
rear – principal structure:	40 ft.
rear – accessory structure:	5 ft.

7.4.3 Townhouse Dwelling; Multi Family Dwelling

7.4.3.1 Minimum Lot Area: 9,800 ft² + 3,500 ft² per dwelling unit

7.4.3.2 Minimum Lot Width: 100 ft.

7.4.3.3 Minimum Yards

front:	30 ft.
side – principal structure:	20 ft.
side – between units:	0 ft.
side – accessory structure:	5 ft.
side adjoining a street (see Section 16.14.2):	30 ft.
rear – principal structure:	40 ft.

rear – accessory structure:	15 ft.
7.4.3.4 Maximum Number of Units Per Building:	6 units
7.4.3.5 Minimum Townhouse Unit Width:	20 ft.
7.4.4 Day Care Center; Public Park; Public/Semi Public Uses, Public Service Facility	
7.4.4.1 Minimum Lot Area:	30,000 ft ²
7.4.4.2 Minimum Lot Width:	120 ft.
7.4.4.3 Minimum Yards	
front:	30 ft.
side – principal structure:	15 ft.
side – accessory structure	5 ft.
side adjoining a street (see Section 16.14.2):	30 ft.
rear – principal structure:	40 ft.
rear – accessory structure:	15 ft.
7.4.5 Multi-Family Housing Development, Retirement Housing Complex, Townhouse Development; Nursing or Retirement Home, Assisted Living Facility	
7.4.5.1 Minimum Lot Area:	2 acres
7.4.5.2 Maximum Density:	10 units/acre
7.4.5.3 Minimum Lot Width:	200 ft.
7.4.5.4 Minimum Yards	
front:	30 ft.
side – principal structure:	15 ft.
side – accessory structure	5 ft.
side adjoining a street (see Section 16.14.2):	30 ft.
rear – principal structure:	40 ft.
rear – accessory structure:	15 ft.
7.4.5.5 Maximum Number of Townhouse Units Per Building:	8 units

7.4.5.6 Minimum Separation Between Buildings: 40 ft.

7.4.5.7 Minimum Separation Building to Driveways and Parking Areas: 15 ft.
(does not apply to garages incorporated within the building structure)

7.4.6 Cluster Subdivision

7.4.6.1 Minimum Lot Area for Cluster Subdivision Project: 10 acres

7.4.6.2 Minimum Areas and Dimensions:

See the Cluster Development regulations in Article 17 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

ARTICLE 8

Large Scale Commercial District

8.1 Purpose of the Large Scale Commercial District

The purpose of the Large Scale Commercial District is to provide a land area within the Borough for large scale commercial ventures with on-lot parking facilities including box stores, shopping centers and planned commercial development projects. Large scale commercial areas shall be distinct and separate from residential neighborhoods. Land development plans for new or updated sites will be required showing contour and grading plans, utility plans, stormwater controls, pedestrian and vehicular traffic circulation, parking and loading areas, landscaping and lighting plans.

8.2 Use Regulations for the Large Scale Commercial District

8.2.1 Permitted Uses

- 8.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 8.2.1.2** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 8.2.1.3** Essential Services (no zoning permit required);
- 8.2.1.4** Indoor Recreation/Entertainment Facility;
- 8.2.1.5** Medical Services Building;
- 8.2.1.6** No Impact Home Based Business(see supplemental regulations in Article 17);
- 8.2.1.7** Outdoor Commercial Recreation;
- 8.2.1.8** Professional Office;
- 8.2.1.9** Public Park;
- 8.2.1.10** Restaurant; and
- 8.2.1.11** Retail, Wholesale, Office, Service, or Repair Business.

8.2.2 Conditional Uses (criteria found in Article 17)

- 8.2.2.1** Automotive Repair, Sales, Service;
- 8.2.2.2** Communications Tower – Government Use Only (criteria found in Article 20);
- 8.2.2.3** Convenience Market;
- 8.2.2.4** Parking Lot/Parking Garage (as principal use);
- 8.2.2.5** Public or Quasi-Public Use, Public Service Facility;
- 8.2.2.6** Shopping Center; and
- 8.2.2.7** Uses Not Provided For (See Section 17.19).

8.3 Height and Coverage Requirements – All Uses

- 8.3.1 Maximum Building Coverage:** 40% of lot area
- 8.3.2 Maximum Impervious Surface:** 60% of lot area
- 8.3.3 Maximum Building Height:** 35 ft.

8.4 Minimum Areas and Dimensions – All Uses

- 8.4.1 Minimum Lot Area:** 1 acre
- 8.4.2 Minimum Lot Width:** 200 ft.
- 8.4.3 Minimum Yards**
 - front: 75 ft.
 - side: 25 ft.
 - side adjoining a street (see Section 16.14.2): 75 ft.
 - rear: 25 ft.
- 8.4.4 Minimum Landscaped Buffer Yard (see Section 16.12):** 25 ft.

ARTICLE 9

Downtown Commercial District

9.1 Purpose of the Downtown Commercial District

The purpose of the Downtown Commercial District is to maintain and enhance the central business district as the core of the Borough for community services and commercial enterprises. Preferred land uses include retail stores, banks, service enterprises, business and professional offices, churches and public or quasi-public uses. Residential uses, although not preferred, are appropriate for existing residential structures and the upper stories of existing commercial buildings. Safe highway and pedestrian access are vital for this district.

9.2 Use Regulations for the Downtown Commercial District

9.2.1 Permitted Uses

- 9.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 9.2.1.2** Animal Hospital (see supplemental regulations in Article 17);
- 9.2.1.3** Clubs and Lodges;
- 9.2.1.4** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 9.2.1.5** Essential Services (no zoning permit required);
- 9.2.1.6** Family Based Group Home (see supplemental regulations in Article 17);
- 9.2.1.7** Family Day Care Home (see supplemental regulations under Home Occupation in Article 17);
- 9.2.1.8** Home Occupation (see supplemental regulations in Article 17);
- 9.2.1.9** Indoor Recreation/Entertainment Facility;
- 9.2.1.10** No Impact Home Based Business (see supplemental regulations in Article 17);
- 9.2.1.11** Professional Office;

- 9.2.1.12 Public Park;
- 9.2.1.13 Restaurant; and
- 9.2.1.14 Retail, Wholesale, Office, Service, or Repair Business.

9.2.2 Conditional Uses (criteria found in Article 17)

- 9.2.2.1 Bed and Breakfast;
- 9.2.2.2 Communications Tower – Government Use Only (criteria found in Article 20);
- 9.2.2.3 Day Care Center;
- 9.2.2.4 Dwelling, Accessory to Commercial (See Section 16.5);
- 9.2.2.5 Medical Services Building;
- 9.2.2.6 Public or Quasi-Public Use, Public Service Facility; and
- 9.2.2.7 Uses Not Provided For (See Section 17.19).

9.3 Height and Coverage Requirements – All Uses

- 9.3.1 **Maximum Impervious Surface:** 100% of lot area
- 9.3.2 **Maximum Building Height:** 45 ft.

9.4 Minimum Areas and Dimensions – All Uses

- 9.4.1 **Minimum Lot Area:** 9,000 ft²
- 9.4.2 **Minimum Lot Width:** 50 ft.
- 9.4.3 **Minimum Yards**

front:	all principal buildings shall be set on the front lot line
side:	0 ft.
side adjacent to residential district:	25 ft.
side adjoining a street (see Section 16.14.2):	all principal buildings shall be set on the front lot line
rear:	0 ft.
rear adjacent to residential district:	25 ft.

ARTICLE 10

Broad Street Commercial District

10.1 Purpose of the Broad Street Commercial District

The purpose of the Broad Street Commercial District is to provide an area where community service and small scale commercial uses are located for the convenience of Borough residents. The district is deemed uniquely suitable as a neighbourhood commercial area due to limited land area, small lot sizes, the close proximity of existing residential uses, and the prevalence of existing neighbourhood businesses. It will serve as a transitional area along Broad Street between existing industrial and residential areas. It is inappropriate in this district to encourage residential, large scale, high traffic, or heavy commercial and industrial uses; to encourage any other use which would substantially interfere with the development or continuation of the neighborhood commercial uses and structures in the district; and to encourage any use which because of its character and size would interfere with adjoining residential districts or the use of land in the district as a shopping and service center for the surrounding residential and industrial districts.

10.2 Use Regulations for the Broad Street Commercial District

10.2.1 Permitted Uses

- 10.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 10.2.1.2** Animal Hospital (see supplemental regulations in Article 17);
- 10.2.1.3** Automotive Repair, Sales, Service (see supplemental regulations in Article 17);
- 10.2.1.4** Bed & Breakfast (see supplemental regulation in Article 17);
- 10.2.1.5** Clubs and Lodges;
- 10.2.1.6** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 10.2.1.7** Convenience Market;
- 10.2.1.8** Day Care Center (see supplemental regulations in Article 17);
- 10.2.1.9** Essential Services (no zoning permit required);
- 10.2.1.10** Family Based Group Home (see supplemental regulations in Article 17);

- 10.2.1.11** Family Day Care Home (see supplemental regulations under Home Occupation in Article 17);
- 10.2.1.12** Home Occupation (see supplemental regulations in Article 17);
- 10.2.1.13** Indoor Recreation/Entertainment Facility;
- 10.2.1.14** Medical Services Building;
- 10.2.1.15** No Impact Home Based Business (see supplemental regulations in Article 17);
- 10.2.1.16** Outdoor Commercial Recreation;
- 10.2.1.17** Parking Lot/Parking Garage (as a principal use);
- 10.2.1.18** Professional Office;
- 10.2.1.19** Public Park;
- 10.2.1.20** Restaurant; and
- 10.2.1.21** Retail, Wholesale, Office, Service, or Repair Business.

10.2.2 Conditional Uses (criteria found in Article 17)

- 10.2.2.1** Communications Tower – Government Use Only (criteria found in Article 20);
- 10.2.2.2** Dwelling, Accessory to Commercial (See Section 16.5);
- 10.2.2.3** Dwelling, Multiple Family;
- 10.2.2.4** Funeral Home;
- 10.2.2.5** Motel/Hotel;
- 10.2.2.6** Multiple Family Housing Development, Retirement Housing Complex, or Townhouse Development;
- 10.2.2.7** Public or Quasi-Public Use, Public Service Facility;
- 10.2.2.8** Shopping Center; and
- 10.2.2.9** Uses Not Provided For (See Section 17.19).

10.3 Height and Coverage Requirements

10.3.1 Maximum Building Coverage: 50% of lot area

10.3.2 Maximum Impervious Surface: 75% of lot area

10.3.3 Maximum Building Height: 35 ft.

10.4 Minimum Areas and Dimensions

10.4.1 Motel/Hotel; Shopping Center

10.4.1.1 Minimum Lot Area: 1.5 acres

10.4.1.2 Minimum Lot Width: 200 ft.

10.4.1.3 Minimum Yards

front: 35 ft.

side: 20 ft.

side adjoining a street (see Section 16.14.2): 35 ft.

rear: 20 ft.

10.4.2 Automotive Repair, Sales, Service; Convenience Market; Funeral Home; Indoor Recreation/Entertainment Facility; Outdoor Commercial Recreation; and Restaurant

10.4.2.1 Minimum Lot Area: 20,000 ft²

10.4.2.2 Minimum Lot Width: 100 ft.

10.4.2.3 Minimum Yards

front: 35 ft.

side: 20 ft.

side adjoining a street (see Section 16.14.2): 35 ft.

rear: 20 ft.

10.4.3 Townhouse Dwelling; Multi Family Dwelling

10.4.3.1 Minimum Lot Area: 9,800 ft² + 3,500 ft² per dwelling unit

10.4.3.2	Minimum Lot Width:	100 ft.
10.4.3.3	Minimum Yards	
	front:	30 ft.
	side – principal structure:	20 ft.
	side – between units:	0 ft.
	side – accessory structure	5 ft.
	side adjoining a street (see Section 16.14.2):	30 ft.
	rear – principal structure:	40 ft.
	rear – accessory structure:	15 ft.
10.4.3.4	Maximum Number of Units Per Building:	6 units
10.4.3.5	Minimum Townhouse Unit Width:	20 ft.
10.4.4	Multi-Family Housing Development, Retirement Housing Complex or Townhouse Development; Nursing or Retirement Home, Assisted Living Facility	
10.4.4.1	Minimum Lot Area:	2 acres
10.4.4.2	Maximum Density:	10 units/acre
10.4.4.3	Minimum Lot Width:	200 ft.
10.4.4.4	Minimum Yards	
	front:	30 ft.
	side – principal structure:	15 ft.
	side – accessory structure	5 ft.
	side adjoining a street (see Section 16.14.2):	30 ft.
	rear – principal structure:	40 ft.
	rear – accessory structure:	15 ft.
10.4.4.5	Maximum Number of Townhouse Units Per Building:	8 units
10.4.4.6	Minimum Separation Between Buildings:	40 ft.
10.4.4.7	Minimum Separation Building to Driveways and Parking Areas:	15 ft.
	(does not apply to garages incorporated within the building structure)	

10.4.5 All Other Uses

10.4.5.1	Minimum Lot Area:	9,800 ft ²
10.4.5.2	Minimum Lot Width:	70 ft.
10.4.5.3	Minimum Yards	
	front:	35 ft.
	side:	8 ft.
	side adjoining a street (see Section 16.14.2):	35 ft.
	rear:	20 ft.

ARTICLE 11

Industrial District

11.1 Purpose of the Industrial District

The purpose of the Industrial District is to permit and encourage manufacturing uses that will be located and developed as harmonious and appropriate parts of the Borough, capitalizing on rail access, contributing to the soundness of its economic base, providing local employment opportunities convenient to residences, thus reducing traffic and travel to and from work, and otherwise to further the purposes of this ordinance. Residential and general commercial uses may be appropriate for this district depending on proximity to similar uses, compatibility with adjoining uses, the availability of utilities and the road network available to serve the site.

11.2 Use Regulations for the Industrial District

11.2.1 Permitted Uses

- 11.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 11.2.1.2** Automotive Repair, Sales, Service (see supplemental regulations in Article 17);
- 11.2.1.3** Bulk Storage;
- 11.2.1.4** Bulk Storage, Mulch;
- 11.2.1.5** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 11.2.1.6** Contractor Yards;
- 11.2.1.7** Cultivation of Crops (no permit required);
- 11.2.1.8** Essential Services (no zoning permit required);
- 11.2.1.9** Manufacturing, Warehousing, Laboratory, Feed Mill (see supplemental regulations in Article 17);
- 11.2.1.10** Motor Truck & Equipment Maintenance Facility;
- 11.2.1.11** No Impact Home Based Business (see supplemental regulations in Article

17);

11.2.1.12 Parking Lot/Parking Garage (as a principal use);

11.2.1.13 Professional Office;

11.2.1.14 Self Storage Units; and

11.2.1.15 Trucking Terminal.

11.2.2 Conditional Uses (criteria found in Article 17)

11.2.2.1 Animal Hospital (see supplemental regulations in Article 17);

11.2.2.2 Commercial Kennel;

11.2.2.3 Communications Tower – Government Use Only (criteria found in Article 20);

11.2.2.4 Communications Tower – Private Use (criteria found in Article 20);

11.2.2.5 Day Care Center;

11.2.2.6 Group Care Facility;

11.2.2.7 Indoor Recreation/Entertainment Facility;

11.2.2.8 Medical Services Building;

11.2.2.9 Motel/Hotel;

11.2.2.10 Multiple Family Housing Development, Retirement Housing Complex, or Townhouse Development;

11.2.2.11 Nursing or Retirement Home, Assisted Living Facility;

11.2.2.12 Public or Quasi-Public Use, Public Service Facility;

11.2.2.13 Restaurant;

11.2.2.14 Retail, Wholesale, Office, Service or Repair Business; and

11.2.2.15 Uses Not Provided For (See Section 17.19).

11.3 Height and Coverage Requirements – All Uses

- 11.3.1 Maximum Building Coverage:** 40% of lot area
- 11.3.2 Maximum Impervious Surface:** 60% of lot area
- 11.3.3 Maximum Building Height:** 45 ft.

11.4 Minimum Areas and Dimensions

11.4.1 Multi-Family Housing Development, Retirement Housing Complex or Townhouse Development; Nursing or Retirement Home, Assisted Living Facility

- 11.4.1.1 Minimum Lot Area:** 2 acres
- 11.4.1.2 Maximum Density:** 10 units/acre
- 11.4.1.3 Minimum Lot Width:** 200 ft.
- 11.4.1.4 Minimum Yards**
 - front: 30 ft.
 - side – principal structure: 15 ft.
 - side – accessory structure: 5 ft.
 - side adjoining a street (see Section 16.14.2): 30 ft.
 - rear – principal structure: 40 ft.
 - rear – accessory structure: 15 ft.
- 11.4.1.5 Maximum Number of Townhouse Units Per Building:** 8 units
- 11.4.1.6 Minimum Separation Between Buildings:** 40 ft.
- 11.4.1.7 Minimum Separation Building to Driveways and Parking Areas:** 15 ft.
(does not apply to garages incorporated within the building structure)

11.4.2 All Other Uses

- 11.4.2.1 Minimum Lot Area:** 1 acre
- 11.4.2.2 Minimum Lot Width:** 200 ft.
- 11.4.2.3 Minimum Yards**

front:	75 ft.
side:	25 ft.
side adjoining a street (see Section 16.14.2):	75 ft.
rear:	25 ft.

ARTICLE 12

Airport Business District

12.1 Purpose of the Airport Business District

The purpose of the Airport Business District is to protect and enhance the viability of the Williamsport Regional Airport. All airport related uses are therefore appropriate permitted uses, as are manufacturing and business uses that will benefit from a close interface with this transportation resource. The Airport must also be protected from incompatible uses including all residential types and from incompatible buildings and structures due to height and clearance concerns. There are floodplain concerns in the Airport vicinity, therefore compliance with the municipal floodplain regulations must be maintained.

12.2 Use Regulations for the Airport Business District

12.2.1 Permitted Uses

- 12.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 12.2.1.2** Airport;
- 12.2.1.3** Automotive Repair, Sales, Service (see supplemental regulations in Article 17);
- 12.2.1.4** Bulk Storage;
- 12.2.1.5** Clubs and Lodges;
- 12.2.1.6** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 12.2.1.7** Convenience Market;
- 12.2.1.8** Cultivation of Crops (no permit required);
- 12.2.1.9** Essential Services (no zoning permit required);
- 12.2.1.10** Indoor Recreation/Entertainment Facility;
- 12.2.1.11** Manufacturing, Warehousing, Laboratory, Feed Mill (see supplemental regulations in Article 17);
- 12.2.1.12** Motel/Hotel;

- 12.2.1.13 No Impact Home Based Business (see supplemental regulations in Article 17);
- 12.2.1.14 Outdoor Commercial Recreation;
- 12.2.1.15 Parking Lot/Parking Garage (as a principal use);
- 12.2.1.16 Professional Office;
- 12.2.1.17 Public Park;
- 12.2.1.18 Restaurant;
- 12.2.1.19 Retail, Wholesale, Office, Service or Repair Business;
- 12.2.1.20 Self Storage Units; and
- 12.2.1.21 Trucking Terminal.

12.2.2 Conditional Uses (criteria found in Article 17)

- 12.2.2.1 Adult Entertainment;
- 12.2.2.2 Communications Tower – Government Use Only (criteria found in Article 20);
- 12.2.2.3 Junkyard or Salvage Yard;
- 12.2.2.4 Manufactured or Mobile Home Park;
- 12.2.2.5 Public or Quasi-Public Use, Public Service Facility; and
- 12.2.2.6 Uses Not Provided For (See Section 17.19).

12.3 Height and Coverage Requirements – All Uses

12.3.1 Maximum Building Coverage:

Mobile Home Park	25% of lot area
All Other Uses	40% of lot area

12.3.2 Maximum Impervious Surface:

Mobile Home Park	35% of lot area
All Other Uses	60% of lot area

12.3.3 Maximum Building Height:

Mobile Home Park	35 ft.
All Other Uses	45 ft.

12.4 Mobile Home Park

12.4.1 Minimum Park Area: 2 acres

12.4.2 Minimum Lot Width: 200 ft.

12.4.3 Maximum Gross Site Density: 5 dwelling units per acre

12.4.4 Minimum Building Separation:

All mobile homes shall be separated a minimum of 50 ft. from auxiliary park buildings.

12.4.5 Minimum Yards for Site Perimeter:

front:	25 ft., but not less than 50 ft. from road centerline
side:	50 ft.
rear:	50 ft.

12.4.6 Mobile Home Park – Individual Lots

12.4.6.1 Minimum Lot Area: 6,000 sq. ft.

12.4.6.2 Minimum Lot Width: 50 ft.

12.4.6.3 Minimum Yards:

front:	20 ft.
side:	10 ft.
rear:	10 ft.

12.4.7 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

12.4.8 Recreation Space Requirements: A minimum of ten (10) percent of the gross park area or 10,000 square feet per unit, whichever is larger, shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be readily accessible to all mobile home lots. The plans and application for a mobile home park shall show the proposed recreational facilities to be provided and explain the maintenance of such recreation space.

12.4.9 Screening and Landscaping: Screening, landscaping and buffer yards shall be required in accord with Section 16.12.

12.5 Minimum Areas and Dimensions – All Other Uses

12.5.1 Minimum Lot Area: 2 acres

12.5.2 Minimum Lot Width: 200 ft.

12.5.3 Minimum Yards

front:	75 ft.
side:	50 ft.
side adjoining a street (see Section 16.14.2):	75 ft.
rear:	75 ft.

ARTICLE 13

Neighborhood Business District

13.1 Purpose of the Neighborhood Business District

The purpose of the Neighborhood Business District is to recognize a unique area in the Borough which has historically been occupied by neighborhood commercial uses. This area is in close proximity to an established residential area and shall provide commercial services primarily to the residential area rather than to a larger regional area. Appropriate commercial uses will not generate excessive noise or heavy traffic, and shall maintain hours which do not disrupt the residential character of the adjoining neighborhood. The principal traffic access to a business use shall be from Loyalsock Avenue or from the first block of Pine Street or Claire Road east of Loyalsock Avenue.

13.2 Use Regulations for the Neighborhood Business District

13.2.1 Permitted Uses

- 13.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 16);
- 13.2.1.2** Bed & Breakfast (see supplemental regulation in Article 17);
- 13.2.1.3** Communication Antenna, Equipment Buildings (see supplemental regulations in Article 20);
- 13.2.1.4** Essential Services (no zoning permit required);
- 13.2.1.5** Indoor Recreation/Entertainment Facility;
- 13.2.1.6** No Impact Home Based Business (see supplemental regulations in Article 17);
- 13.2.1.7** Parking Lot/Parking Garage (as a principal use);
- 13.2.1.8** Professional Office; and
- 13.2.1.9** Retail, Wholesale, Office, Service or Repair Business.

13.2.2 Conditional Uses (criteria found in Article 17)

- 13.2.2.1** Communications Tower – Government Use Only (criteria found in Article 20);
- 13.2.2.2** Day Care Center;

13.2.2.3 Public or Quasi-Public Use, Public Service Facility; and

13.2.2.4 Uses Not Provided For (See Section 17.19).

13.3 Height and Coverage Requirements

13.3.1 Maximum Building Coverage: 50% of lot area

13.3.2 Maximum Impervious Surface: 75% of lot area

13.3.3 Maximum Building Height: 35 ft.

13.4 Minimum Areas and Dimensions

13.4.1 Minimum Lot Area: 9,800 ft²

13.4.2 Minimum Lot Width: 70 ft.

13.4.3 Minimum Yards

front: 35 ft.

side: 8 ft.

side adjoining residential use or district see §16.12.4.

side adjoining a street (see Section 16.14.2): 35 ft.

rear: 8 ft.

rear adjoining residential use or district: see §16.12.4.

13.5 Performance Standards for Non-Residential Uses in the Neighborhood Business District

13.5.1 The normal hours of operation involving customer traffic shall be restricted between 7 am and 9 pm. The hours of operation may be extended for special events or seasonal business to 11 pm for no more than 14 days in any six (6) month period.

13.5.2 Businesses or uses that routinely generate noise that can be detected outside of the building are not authorized.

13.5.3 Access to the proposed use shall be from Loyalsock Avenue or from the first two hundred (200) feet of Claire Road or Pine Street east of Loyalsock Avenue.

ARTICLE 14 - Reserved for Future Use

ARTICLE 15 - Reserved for Future Use

ARTICLE 16

Supplemental Lot Regulations

Access To Structures

- 16.1.1** Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 16.1.2** Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.
- 16.1.3** Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.
- 16.1.4** No lot shall be created, nor building erected, upon a lot which does not abut a street with a right-of-way of at least twenty (20) feet.

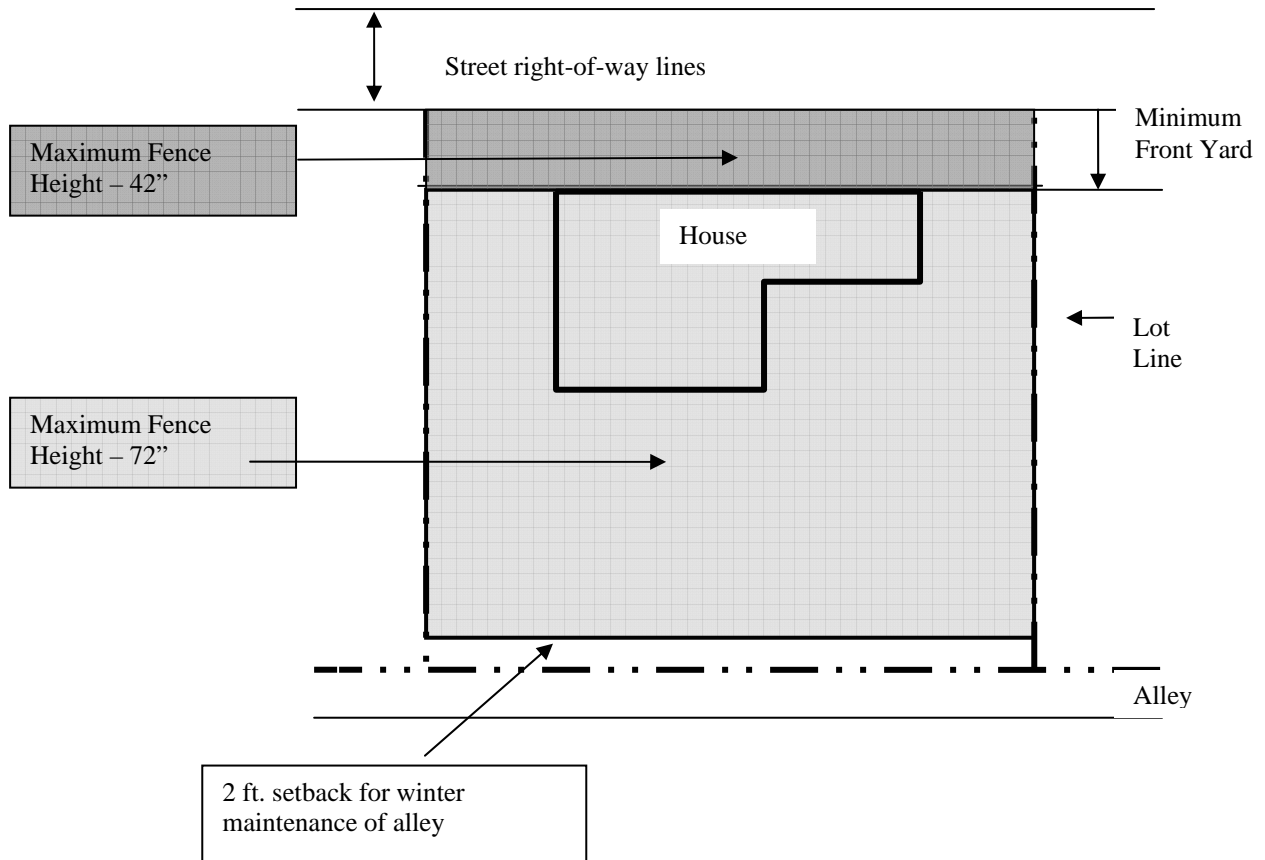
16.2 Accessory Uses and Structures

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

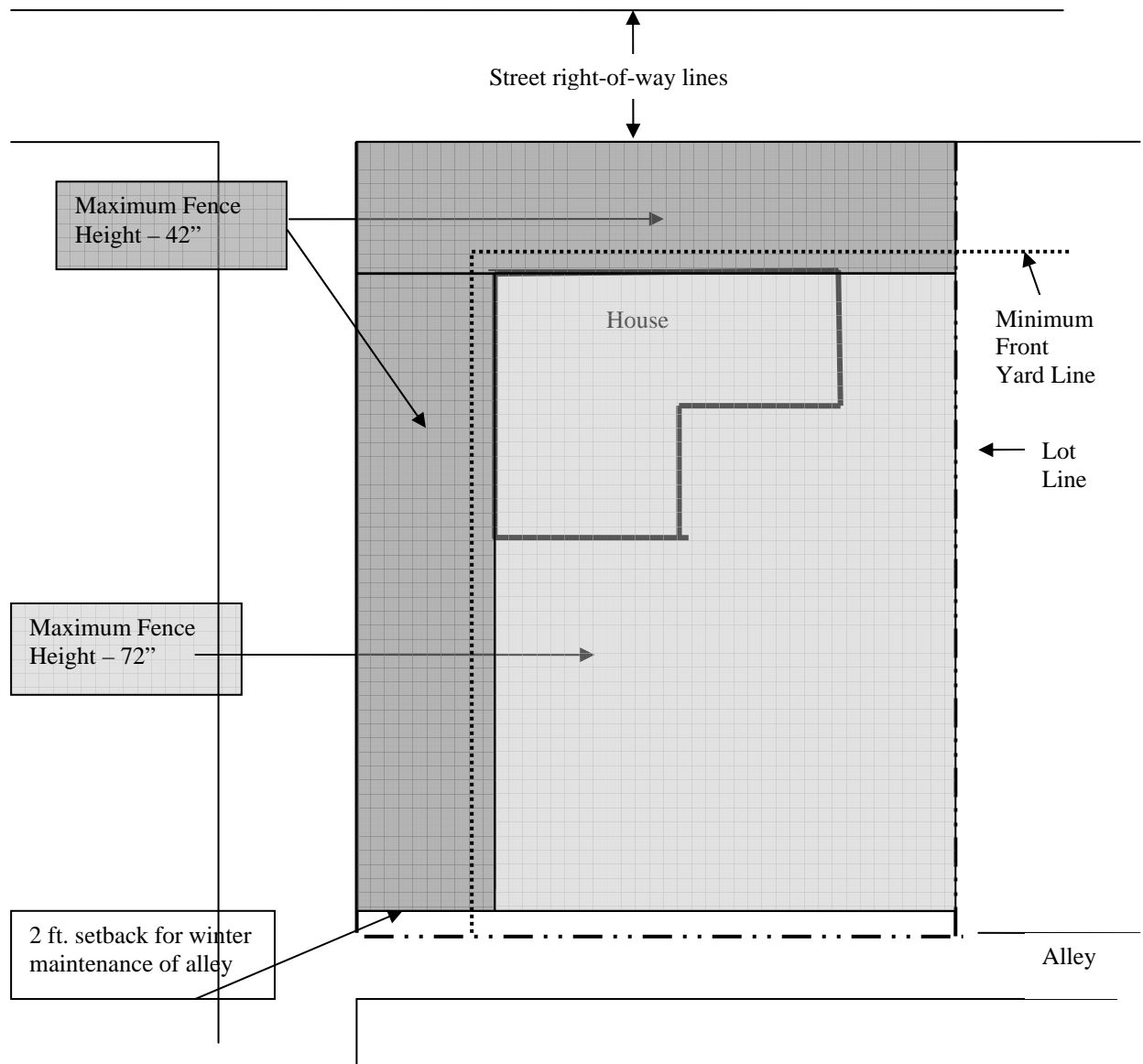
- 16.2.1 Fences, Walls, Hedges, and Vegetative Plantings (see Fence Diagrams)**
- 16.2.1.1** In any residential district fences, hedges and walls not exceeding three and one-half (3½) feet in height may be erected, altered and maintained in the front yard of the principal structure. This height restriction shall also apply on the side of a principal structure where adjoining a street, but not an alley, as in the case of a corner lot (see Fence Diagram for Corner Lot).
- 16.2.1.2** In no case shall a fence exceeding three and one-half (3½) feet in height be permitted in the minimum front yard as defined by this ordinance.
- 16.2.1.3** In any residential district fences, hedges or walls not exceeding six (6) feet in height may be erected, altered and maintained in the side

or rear yard of the principal structure except as noted in Section 16.2.1.1 above.

- 16.2.1.4** Fences shall be setback a minimum of two (2) feet from any alley to facilitate winter maintenance of the alley. The finished side of a fence shall face to the lot exterior. Hedges shall be setback a minimum of five (5) feet to insure room for winter maintenance based on their mature form and shall be trimmed to a two (2) foot setback.



Fence Diagram – Interior Lot



Fence Diagram – Corner Lot

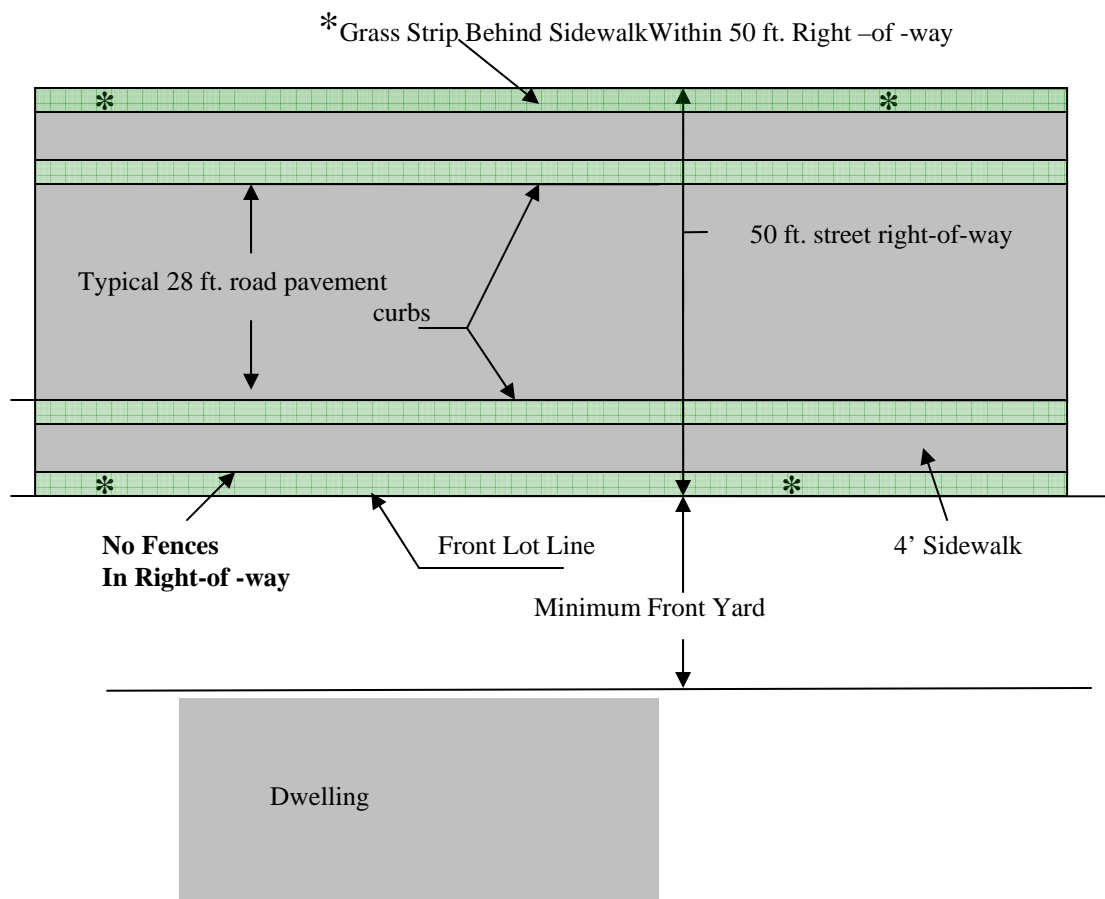


Diagram Showing Location of Front Lot Line

- 16.2.1.5** The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 16.6.
- 16.2.1.6** All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a six (6) ft. minimum height solid wall, uniformly painted wood or metal fence, screen planting, or a combination of materials, on all sides which face upon a street or face a lot in a residential district. Slats used in conjunction with chain link fencing are not considered as a suitable enclosure for storage yards.
- 16.2.1.7** Walls, fences, signs or other structures shall not be erected or altered and hedges, trees or other vegetative material shall not be

planted or maintained, which project or may project onto an adjacent property in different ownership.

16.2.1.8 If applicable, compliance with the Borough floodplain regulations (see Article 18) shall be maintained.

16.2.2 Attached Accessory Structures

Accessory structures attached to a principal building shall comply with the minimum yard requirements for the principal building.

16.2.3 Detached Accessory Buildings or Structures in Residential Districts

Detached accessory buildings or structures, including playground and recreational equipment including trampolines, shall comply with the following:

16.2.3.1 Shall not be located in front of the principal structure.

16.2.3.2 Shall not exceed two per lot (does not apply to playground and recreational equipment and trampolines).

16.2.3.3 Shall comply with the minimum side and rear yard setbacks for accessory structures as specified for the zoning district in which the property is located (see Articles 5 through 7).

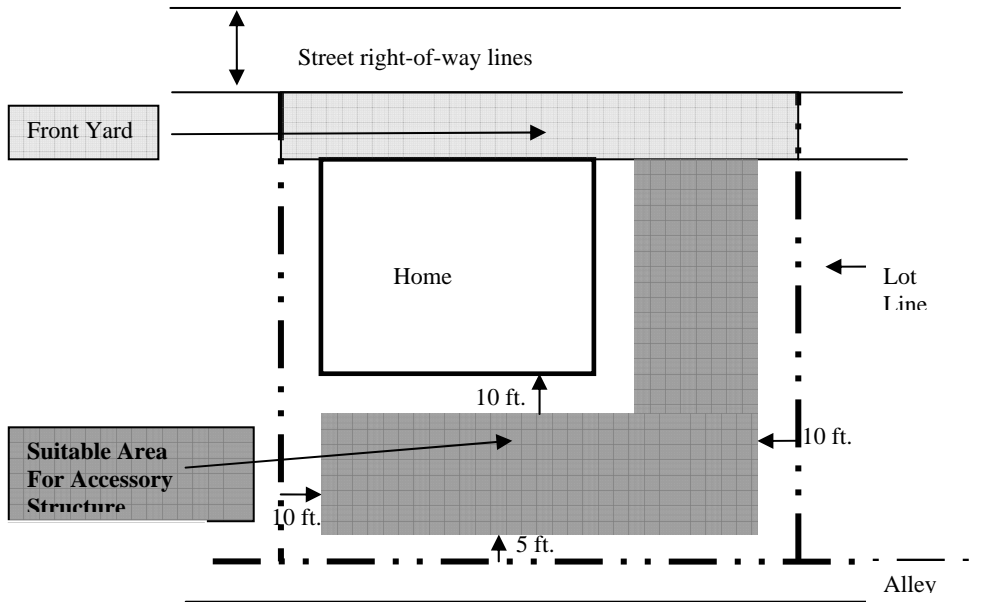
16.2.3.4 Shall be a minimum of ten (10) feet from the principal building (does not apply to open form playground and recreational equipment, e.g. swing sets, climbing gyms, slides, and trampolines).

16.2.3.5 Shall occupy no more than forty percent (40 %) of the lot to the rear of the principal structure lot (does not apply to playground and recreational equipment and trampolines).

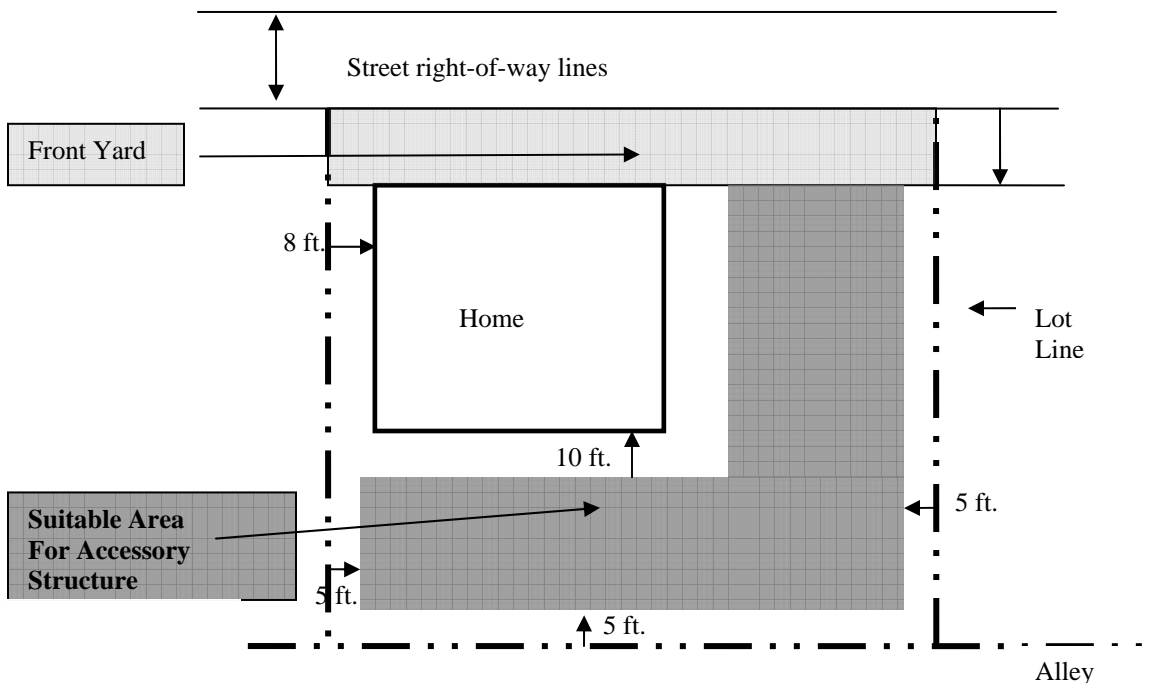
16.2.3.6 Shall not exceed twenty (20) feet in height or the height of the on site principal building, whichever is less.

16.2.3.7 Lamp posts, flagpoles, mailboxes, exterior lighting fixtures, flower boxes, lawn ornaments, signs for home occupations permitted in accordance with this ordinance, basketball hoops, and *access* structures to aid the handicapped shall be exempt from Sections 16.2.3.1 through 16.2.3.6 above. However, handicapped access structures shall be removed within six (6) months of discontinuance of use.

16.2.3.8 A mobile home, travel trailer or other previously mobile structure shall not be utilized for an accessory structure.



Detached Accessory Structure Setbacks – RS District

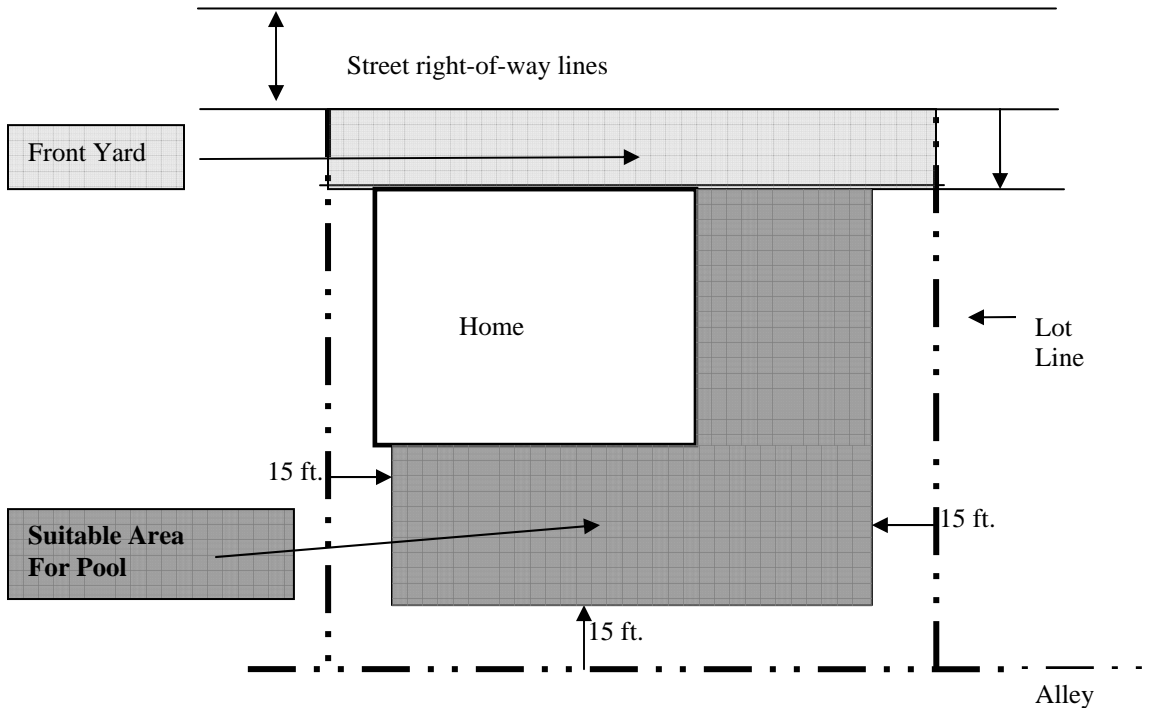


Detached Accessory Structure Setbacks – RT District

16.2.4 Swimming Pools:

16.2.4.1 Locations: The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to a side or rear lot line, and no closer than twenty-five (25) feet to the front lot line.

16.2.4.2 Enclosure and Access Considerations: Outdoor swimming pool installations including in-ground, aboveground, on-ground, inflatable or storable pools, hot tub or spa shall have barriers to provide protection against potential drowning and near-drowning in accord with the International Building Code. See the International Residential Code for One- and Two-Family Dwellings as amended.



Swimming Pools In Side or Rear Yards Only

16.2.5 Private tennis courts shall be permitted within minimum side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.

16.2.6 Sidewalks and driveways may be located within any front, rear, and side yards and do not require zoning permits.

16.2.7 Canopies used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed 24 ft.

16.2.8 On-Lot Storage of Recreational Vehicles in Residential Districts

Motor homes, travel trailers, boats or other recreational vehicles or trailers or similar units may be stored or parked in a Residential District in accordance with the following requirements.

16.2.8.1 No recreational vehicles shall be parked or stored on the street, except as may be permitted by Borough Ordinance #407.

16.2.8.2 There shall be no residential occupancy of any recreational vehicles while it is being stored.

16.2.8.3 All such vehicles shall bear a current license, registration, and/or inspection.

16.2.8.4 No recreational vehicle shall be used as a permanent storage facility or accessory structure.

16.2.9 Outside Storage for Commercial and Industrial Uses

For the purposes of this Ordinance, the outside storage of goods, materials, or merchandise may only be authorized as accessory to an approved principal commercial or industrial use and shall be subject to the following standards.

16.2.9.1 Such storage shall not constitute a nuisance.

16.2.9.2 No storage shall be permitted in any front yard area and shall be situated so as to meet the applicable side or rear yard setback requirements of the district in which it is located.

16.2.9.3 No part of a street right-of-way, sidewalk or other area intended or designed for pedestrian use, and no required parking area shall be used for such storage.

16.2.9.4 All such storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances or exits and to avoid obstructing a clear sight triangle. See Section 16.12 for screening criteria.

16.2.9.5 In no case shall the storage cause the lot to become a junk yard nor shall such accumulation become an independent commercial operation.

16.3 Conversion or Replacement of Buildings

16.3.1 The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

16.4 Exceptions to Height Regulations

16.4.1 The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and mechanical penthouses, nor to chimneys, ventilators, skylights, utility poles, standards, and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennae, Communication Towers.

16.4.2 Notwithstanding any of the exceptions outlined above, or the standards of Articles 4 through 13, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

16.5 Habitable Floor Area Requirements

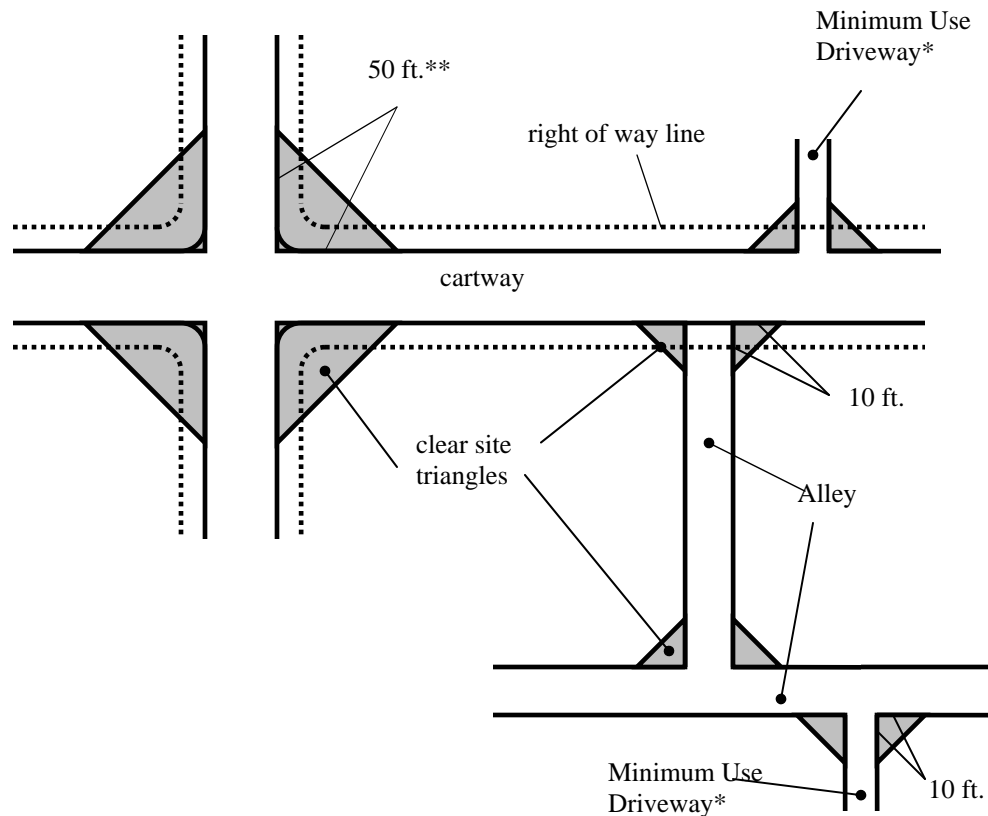
16.5.1 No dwelling or other structure shall be constructed or converted to provide living accommodations unless each unit contains a minimum of 750 square feet of habitable floor areas and the site conforms to the minimum area and yard requirements set forth in Articles 4 through 12, except as provided in Section 16.5.2 below.

16.5.2 A minimum of 750 square feet of habitable floor area shall be provided for each dwelling unit within a retirement housing complex. Space set aside within the housing structure for the common use of all residents may be

divided among the total number of units in that structure to help achieve the required minimum area. No individual dwelling unit may however contain less than 600 square feet of habitable floor area.

16.6 Intersection Visibility

- 16.6.1** No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding thirty (30) inches in height shall be erected, planted or maintained on any lot within a clear sight triangle within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two street lines (i.e. cartway) and a straight line drawn between points on each such line fifty (50) feet from the intersection of said lines or extension thereof. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.
- 16.6.2** At each point where an alley or a private driveway intersects a public street, or where two alleys intersect, or where a driveway and alley intersect, a clear sight triangle of ten (10) feet measured from their point of intersection shall be maintained within which vegetation and other visual obstructions shall be limited to height of not more than thirty (30) inches above the street grade.



Location of Clear Sight Triangles

*Minimum Use Driveways serve single family dwellings, apartments w/ 5 or fewer units, etc.

**The 50 foot clear sight triangle standard shall also apply to commercial and higher volume residential driveways (e.g. Multiple Family Housing Development, Retirement Housing Complex, Townhouse Developments)

16.7 Mobile Home Placement

The erection or replacement of mobile homes shall be governed by any applicable building code (see International Residential Code for One- and Two-Family Dwellings, 2003, as amended). In the event that no building code applies the following criteria shall be used in order to protect the health, safety, and welfare of Borough residents. The criteria shall apply both to mobile homes placed in mobile home parks and to individual lot installations.

16.7.1 Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized.

- 16.7.1.1** Permanent Foundation: Shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing. The mobile home shall be securely attached to such a foundation.
- 16.7.1.2** Stand or pad: Shall consist of a properly graded, placed and compacted material equal to the length and width of the mobile home. The pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer at least 16 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.
- 16.7.2** The mobile home shall be anchored to prevent floatation, collapse, or lateral movement in accordance with the manufacturer's instructions. In the event manufacturer's instruction are not available, anchoring shall consist of the following:
- 16.7.2.1** over-the-top ties, if not built in, shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long requiring one additional tie per side, all over-the-top ties shall be attached to ground anchors;
- 16.7.2.2** frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;
- 16.7.2.3** the components of the anchoring system shall each be capable of carrying a force of 4,800 pounds;
- 16.7.2.4** any additions to the mobile home shall be similarly anchored.
- 16.7.3** Each mobile home shall have a continuous wall around its entire perimeter. The continuous wall may be of concrete or masonry constructed to below the frost line (e.g. permanent foundation) or skirting. Skirting shall be designed to compliment the appearance of the mobile home including material which has been fabricated for the specific purpose of providing a pervious moisture resistant skirting material, and

shall not include bales of straw, hay, interior plywood, unfinished wood, or like material.

- 16.7.4** Access to a crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.

16.8 Nuisance Standards

16.8.1 Noise

16.8.1.1 Terminology – All technical terminology not defined below shall be defined in accordance with applicable publications of the American National Standard Institute (Acoustical Terminology, ANSI, [S1.1-1960](R1976) with its latest approved revisions.

(1) Ambient Sound: The all encompassing noise associated with a given environment being a composite of sound from many sources near and far, excluding the sound source.

(2) Continuous Sound: Any sound which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one hour interval.

(3) Impulsive Sound: Sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any one hour interval.

(4) Land Use: The actual real use of land and buildings regardless of the zoning or other classification attributed to such land and buildings.

(5) Normal Residential Activities: Any sound which is generated as a result of an owner or occupier of a residence exercising his normal and usual right to enjoy, maintain, repair or improve said residence or the real property upon which the residence is located.

(6) Sound Source: The noise source which is being evaluated to determine its conformance with permissible sound levels.

16.8.1.2 Standards – For the purpose of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the standards as published by the American National Standard Institute (ANSI, Standard Specification for Sound Level Meters, S1.4-1983 and ANSI S1.13-1971, “Standard Methods for the Measurement of

Sound Pressure Levels”) with its latest revisions or may be done manually as follows:

- (1) Observe the ambient sound on a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
- (2) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.
- (3) Calculate the mathematical average of the observed central tendency indications. This value is the ambient sound level.
- (4) Observe a sound level meter for five seconds with the sound source operating and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
- (5) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.
- (6) Calculate the arithmetical average of the observed central tendency indications. This is the sound level of the ambient sound plus the sound source (Total Sound Level).
- (7) If the difference between the ambient sound and the sound source is 10dBA or greater, the measured sound level is an accurate measurement of the sound source. This value should be compared to the permitted sound levels in Section 16.8.1.3.

(8) Due to the logarithmic nature of sound, if the difference between the ambient sound level and the Total Sound Level is less than 10dBA a correction factor shall be applied. The corrections factors are noted in the table below.

<u>Total Sound Level minus ambient sound level</u>	<u>Correction factor to be subtracted from Total Sound Level</u>
10	0
9	1
8	1
7	1
6	1
5	2
4	2
3	3
2	4
1	7

(9) The Total Sound Level less the correction factor is compared to the permitted sound levels in Section 16.8.1.3.

16.8.1.3 Sound Levels by Receiving Land Use – No person shall operate or cause to be operated within the Borough any source of continuous sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use when measured at or beyond the property boundary of the receiving land use, during the times specified below.

Continuous Sound Levels by Receiving Land Use		
Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, Public Space, Open Space, Agricultural, Institutional	7 a.m. – 10 p.m.	55
	10 p.m. – 7 a.m. plus Sundays & Legal Holidays	50
Office, Commercial, Business	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m. plus Sundays & Legal Holidays	60
Industrial	All Times	70

For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the maximum sound level limits wet forth above, provided that in

no case shall they exceed 80 dBA, regardless of time of day or night or receiving land use, using the “fast” meter characteristic of a Type II meter, meeting the American National Standard Institute specifications S1.4-1983.

16.8.1.4 Specific Prohibitions – The following acts and the causes thereof are declared to be in violation of this Ordinance.

- (1) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, sound amplifier, musical instrument, or other such device between the hours of 10 p.m. and 10 a.m. in such a manner as to create a noise disturbance across a real property line.
- (3) Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 7 p.m. and 7 a.m. or at any time on Sundays if such operation creates a noise disturbance across a real property boundary line. This section does not apply to domestic power tools or to vehicles which are duly licensed, registered and inspected for operation on public highways.
- (4) Repairing, rebuilding, modifying, testing or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause a noise disturbance across a real property boundary.
- (5) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device (used outdoors) between the hours of 9 p.m. and 7 a.m. so as to cause a noise disturbance across a real property boundary.

16.8.1.5 Exceptions – The maximum permissible sound levels by receiving land use established in Section 16.8.1.3 shall not apply to any of the following noise sources.

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (2) Work to provide electricity, water, or other public utilities when public health or safety are involved.
- (3) Licensed game hunting activities on property where such activities are authorized.

(4) Agriculture.

(5) Motor vehicle operations on public streets (covered in Pennsylvania Department of Transportation Regulations, Title 67, Chapter 450 governing established sound levels, effective August 27, 1977).

(6) Public celebrations, specifically authorized by the Borough.

16.8.2 Smoke, Ash, Dust, Fumes, Vapors and Gases

16.8.2.1 No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines.

16.8.2.2 Section 16.8.2.1 above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

16.8.3 Glare – No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond light beyond its lot lines.

16.8.4 Vibrations – No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines, with the exception of vibration produced as a result of temporary construction activity.

16.8.5 Storage and Waste Disposal

16.8.5.1 No storage of flammable or combustible liquids in excess of thirty (30) gallons shall be permitted unless written approval has been obtained from the Director of the Pennsylvania State Police, Fire Marshall Division. This requirement shall not apply to domestic heating systems.

16.8.5.2 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse. Disposal of sewage, septage or sludge must meet the requirements of the Pennsylvania Department of Environmental Protection.

16.8.5.3 All materials or waste which might cause fumes, or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

16.8.6 Radioactivity and Electrical Disturbance

16.8.6.1 Any use which emits dangerous or harmful radioactivity shall be prohibited. If any use is proposed which incorporates the use of radioactive material, equipment, or supplies, such use shall be in strict conformity with Title 25 of the Pennsylvania Department of Environmental Protection Rules and Regulations.

16.8.6.2 No use shall produce an electrical disturbance which adversely affects the operation of any equipment beyond its property line. This requirement shall not apply to electronic and electrical equipment which meets the applicable standards of the Federal Communications Commission (FCC), the Underwriters Laboratories (UL), and the Electronics Industries Association (EIA).

16.9 Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets

16.10 Projections Into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

16.10.1 Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than four (4) feet into any required yard nor closer than five(5) feet to any adjacent property line.

16.10.2 Uncovered patios, decks, driveways, walks, parking areas, stairs and other such structures providing they are no higher than twelve (12) inches above yard grade.

16.10.3 Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

16.10.4 Covered porches shall be considered part of the main building and shall not project into any required yard.

16.11 Public Utilities Exempt

This Ordinance shall not apply to any existing or proposed building, or extension thereof, 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. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of party to the proceedings.

16.12 Screening and Landscaping

16.12.1 General

16.12.1.1 Suitable and attractive landscaping shall be required:

- Around buildings;
- Within and around the perimeter of parking areas;
- As a buffer between adjacent roads;
- Between land uses of different intensities;
- As a buffer between a proposed use and adjacent land.

16.12.1.2 Applicants shall submit a landscape plan that includes the botanical names, common names, size, quantity, and general remarks for each plant proposed.

16.12.1.3 All landscaping and buffer yards shall be installed on the subject tract at the time of its development. Existing plant material to be preserved may be counted as contributing to the requirements contained herein.

16.12.1.4 Open storage areas, exposed machinery, service loading and trash disposal areas (such as dumpster or compactor sites) shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened with architectural masonry, fencing, or landscaping with a height of at least six (6) feet.

16.12.1.5 Buffer yards may be used for passive recreation and for pedestrian, bicycle, or equestrian trails, provided that adequate plant material is retained to achieve the buffer effect, the total width of the buffer

yard is maintained, and all other Ordinance requirements are met. The buffer yard is the applicable building setback area plus any additional buffer requirements required by Section 16.12.4 and Section 16.12.4.9.

- 16.12.1.6** All landscape plantings shall be selected, considering the proper species and growth characteristics, to ensure adequate health and character with the existing and proposed conditions, such as overhead utilities, light, moisture, tolerance or road salts, leaf and fruit litter and confinements.
- 16.12.1.7** Plant species utilized in parking lots shall be tolerant of urban conditions.
- 16.12.1.8** Where possible, a hardy mix of native tree, shrub, and grass species shall be utilized for landscaping, and in no case shall plants identified as invasive species be used. Refer to Appendix A for more information on native and invasive species and recommended tree species for communities.
- 16.12.1.9** Plantings and other landscape treatments (i.e. architectural masonry walls, fences, berms) shall be appropriately located, clustered and spaced at strategic locations along all property lines, road frontage and within parking areas to provide the maximum screening, buffering and aesthetic appeal. The exact placement of required plants and structures is the decision of each applicant, except that the following conditions shall be met:
 - 16.12.1.9.1** Where combination of plant materials and fencing is used 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.
 - 16.12.1.9.2** Landscape plantings shall be installed in such a manner as to provide clear sight distance triangles at all road and driveway intersections.
 - 16.12.1.9.3** The applicant may establish, through a written and recorded agreement, that the immediately adjacent property owner(s) agree to allow a portion or the entire required buffer yard or landscape treatment on immediately adjacent portions of their land.

16.12.1.10 Applicants are encouraged to integrate stormwater management in to landscaping areas in the form of bio-retention and infiltration areas and other Best Management practices (BMPs).

16.12.1.11 The requirements of this Section are in addition to applicable street tree requirements contained in the Borough Shade Tree Ordinance (Chapter 141 – Trees of the Borough Code).

16.12.1.12 All new plantings, and existing material credited toward meeting the requirements of this Section, shall be maintained and shall be replaced by and at the expense of the developer or responsible maintenance entity when they become diseased, fail to deliver the intended landscaping and buffer effect, or die.

16.12.2 Classification of Plant Materials. For the purposes of this Ordinance, plant materials are classified into four (4) types: deciduous trees, evergreen trees, deciduous shrubs and evergreen shrubs. The Penn State Cooperative Extension Office and the Pennsylvania Department of Conservation and Natural Resources Service Forester should be able to provide assistance in determining tree species compatible with Lycoming County climate and soil conditions that are suitable for buffer yard, parking lot and general landscaping use. Appendix A contains information pertaining to native and invasive plant species and provides a listing of recommended community trees.

16.12.3 Required Plantings. The number and quality of trees and shrubs for each development site shall be determined as follows:

16.12.3.1 Deciduous trees shall have a minimum caliper measurement of two and one half (2½) inches, measured a minimum of six (6) inches above the soil line and shall have a minimum height of six (6) feet.

16.12.3.2 Evergreen trees shall have a minimum height of six (6) feet.

16.12.3.3 Evergreen shrubs, except for those used in low ground covers, shall have a minimum height of twenty-four (24) inches, except that where used in combination with an approved earthen berm, the height may be reduced to eighteen (18) inches.

16.12.3.4 Deciduous shrubs shall have a minimum height of twenty-four (24) inches, except that where used in combination with an approved earthen berm, the height may be reduced to eighteen (18) inches.

16.12.3.5 Each site shall have a minimum of twelve (12) deciduous or fifteen (15) evergreen trees and three (3) deciduous or six (6) evergreen shrubs for each one (1) acre of the development, or any

combination of the above that meets the intent of this Section (e.g. 6 deciduous trees and 8 evergreen trees plus 2 deciduous shrubs and 2 evergreen trees for each acre). As an alternative, ten (10) deciduous trees or twelve (12) evergreen trees for each one (1) acre of the development shall be required if deciduous trees are four (4) inches in caliper or greater, and evergreen trees are nine (9) feet in height or greater. Sites less than one (1) acre shall provide a proportionate number of the required per acre plantings.

16.12.3.6 Five (5) deciduous shrubs may be substituted for one deciduous tree and/or five evergreen shrubs may be substituted for one evergreen tree for a maximum of twenty percent (20%) of the tree requirement. The preservation of existing trees may also satisfy this requirement. A tabulation of this requirement shall be summarized on each landscape plan submitted.

16.12.3.7 Applicants may substitute the use of earthen berms and fencing for a portion of the required plantings. Earth berms can vary in height and width, but should not be less than six (6) feet in height including planting types selected.

16.12.3.8 Additional planting densities and structural treatments may be required where appropriate, due to land use incompatibility and visual impacts resulting from the proposed development. See Section 16.12.4.

16.12.4 Additional Landscaping and Buffer Yard Requirements. Visual, noise, lighting, and other impacts of new development can often have a negative effect on community character, aesthetics, and property values. Additional landscaping and buffer yard is a combination of the required building setback and a visual buffer or barrier, together with required landscaping, designed to minimize nuisances between disparate or incompatible land uses caused by subdivisions and land developments. Additional landscaping and buffer yard requirements are based upon the intensity of the proposed land use and the adjacent property.

16.12.4.1 Buffer yards shall be located along the perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.

16.12.4.2 Buffer yards shall not be located on any portion of an existing or dedicate public or private street or right-of-way nor any access drive serving a lot or parcel.

16.12.4.3 Where woodlands, floodplains and drainage ways, and wetlands are in the buffer yard the following rules shall apply:

16.12.4.3.1 Woodland areas shall be left undisturbed to the width of the buffer yard. The trees in the woodland and the length of the woodland area shall be deducted from all buffer yard requirements.

16.12.4.3.2 Floodplain and drainage ways shall be treated as any other buffer yard except that all plant material shall be tolerant of very wet conditions.

16.12.4.3.3 Wetland areas in buffer yards shall be protected in accordance with PA DEP requirements. Plantings shall be selected that meet the intent of the size and type required but are tolerant of the wetland conditions.

16.12.4.4 Buffer yards in addition to the building setback requirements is not required if the land use is the same on both sides of a property boundary (i.e. two single family residences). If the land uses differ (i.e. a factory and a single-family residence) a buffer yard shall be required and the intensity classes shall be determined.

16.12.4.5 The applicant shall first determine if any portion or property line of the site constitutes a boundary between different land use intensity classes. Land uses fall within the following intensity classes for determining buffer requirements.

Class I Agricultural, Undeveloped and Vacant Uses

Class II Single Family Residential, Passive Recreation

Class III Multi-Family, Townhouse, Mobile Home Parks

Class IV Commercial, Institutional and Light Industrial uses having less than 50% impervious lot coverage

Class V Commercial, Institutional and Light Industrial uses having 50% or greater impervious lot coverage

Class VI Heavy Industrial, Extraction Operations, and Waster Processing, Storage, Treatment or Disposal Facilities

16.12.4.6 Using Section 16.12.4.9 determine the buffer yard distance requirement between the different land use intensity classes for each property line or segment thereof for the subject parcel.

16.12.4.7 All buffer yard areas shall be seeded with lawn or native/naturalized ground cover unless such vegetation is already fully established.

16.12.4.8 The Borough may require additional landscape plantings and/or a combination of plantings and structural treatments, depending on the severity of the impact of a proposed site and its use compared to uses adjacent to the site. The following formula will be used to calculate the additional landscaping that is required.

- (1) Determine the land use intensity of the proposed use of the site and all adjacent land uses.
- (2) Measure each property line in feet and divide by 100. Repeat for all property lines.
- (3) Subtract the land use intensity of the adjacent land use from that of the proposed use. For all property lines multiply this figure by the number obtained in Section (2) above. A 50% reduction of this requirement may be taken for property lines adjacent to land uses that are consider Class I intensity in Section 16.12.4.5.
- (4) Add the figures for all property line segments obtained in Section (3) above. This figure is the additional percentage of landscape plantings that the Borough will require at the site.
- (5) Multiply the base amount of landscaping (trees and shrubs) required by Section 16.12.3 by the percentage obtained in Section (4) above. This is then added to the base amount to determine the total minimum amount of landscaping required. All fractions of trees and shrubs shall be rounded to the nearest whole number.

Refer to Appendix B for two examples of how to apply the landscaping requirements of this Section.

16.12.4.9 Buffer Yard Requirement

Proposed Intensity	Adjacent Land Use Intensity					
	Class I	Class II	Class III	Class IV	Class V	Class VI
Class I	-	-	-	-	-	100 ft.
Class II	-	-	20 ft.	30 ft.	40 ft.	200 ft.
Class III	-	20 ft.	-	15 ft.	25 ft.	100 ft.
Class IV	-	30 ft.	15 ft.	-	20 ft.	75 ft.
Class V	30 ft.	40 ft.	25 ft.	20 ft.	-	50 ft.
Class VI	100 ft.	200 ft.	100 ft.	75 ft.	50 ft.	-

16.12.5 Parking Lot Landscaping Standards

16.12.5.1 All residential and nonresidential parking lots with twenty (20) or more spaces shall contain a minimum amount of landscaping within the parking lot interior and adjoining entrance drives.

16.12.5.2 Parking aisles exceeding twenty (20) contiguous spaces shall be separated by a planting area.

16.12.5.3 150 square feet of landscaped area shall be provided per twenty (20) parking spaces in the parking lot interior. The minimum planting per 150 square feet area shall be one (1) deciduous tree and three (3) evergreen or deciduous shrubs or two (2) deciduous trees in accord with the quality standards of Section 16.12.3.

16.12.5.4 Parking and storage of vehicles in front yards of properties, other than lots in single family subdivisions, shall be screened from the public right-of-way by an earthen berm and/or plant material which provides a dense visual screen.

16.12.6 Landscape and Buffer Yard Maintenance

16.12.6.1 It shall be the responsibility of the developer, property owner or an association of property owners to permanently maintain required landscaping and buffer yards.

16.12.6.2 Any plant material that does not live shall be replaced within one (1) year.

16.12.6.3 In the event the developer, property owner, or an association of property owners, or their heirs, successors, and assigns fail to maintain the required landscaping and buffer yards, the Borough may enter the property and take necessary and prudent action to

maintain said landscaping and buffer yards, and to charge the costs of maintenance and/or repairs to the developer, property owner, or association of property owners. However, the Borough is under no obligation to conduct said maintenance.

16.13 Storage of Discarded Materials, Junk and Certain Vehicles

The outdoor storage of any discarded materials, junk including automotive vehicles or trailers of any kind without current license plates or inspection, or other inoperative machinery shall be:

16.13.1 Prohibited in all Districts unless located in a permitted junkyard or salvage yard or an automotive sales, service or repair facility.

16.13.2 Governed for a junkyard or salvage yard use by criteria found in Section 17.13.

16.14 Unique Lots and Building Locations

16.14.1 Two or More Buildings on a Lot - Land Development

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the applicable Subdivision and Land Development Ordinance).

16.14.2 Corner Lots and Through Lots

The minimum front yard setback shall also apply to side or rear yards which abut streets.

16.14.3 Ratio of Lot Width to Length

The ratio of lot width to length for newly created residential lots shall be a maximum of one to three (1:3) for lots of less than 10 acres and one to five (1:5) for lots 10 acres or greater in size.

ARTICLE 17

Conditional Use Criteria

17.1 Conditional Use Criteria

In addition to the specific supplemental use criteria identified for uses within this article or elsewhere in this Ordinance, the following general criteria shall apply to all Conditional Use applications under this Ordinance.

- 17.1.1 Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 16 for supplemental regulations which may apply.
- 17.1.2 The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.
- 17.1.3 A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development.
- 17.1.4 A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations.
- 17.1.5 It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location.
- 17.1.6 Conditional uses proposed for Residential Districts are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such uses are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character.
- 17.1.7 The use or adaptation of a structure or lot for a Conditional Use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.
- 17.1.8 In the event sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities.

- 17.1.9** Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release, infiltration and recharge area; evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.
- 17.1.10** Compliance with the floodplain regulations of the Municipality and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.
- 17.1.11** Permanent screening and landscaping shall be provided in accord with Article 16 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 17.1.12** Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 17.1.13** Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.
- 17.1.14** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 17.1.15** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.
- 17.1.16** All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

17.2 Adult Entertainment

- 17.2.1** Adult entertainment uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.
 - 17.2.1.1** No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.
 - 17.2.1.2** In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.

- 17.2.1.3** An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft² in size.

17.3 Animal Hospitals & Kennels

Animal Hospitals and Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

- 17.3.1** The applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.
- 17.3.2** Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 17.3.3** Demonstration that all animals will be confined to the property.
- 17.3.4** Demonstration of adequate methods for sanitation and sewage disposal.
- 17.3.5** Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 100 feet from any lot line.
- 17.3.6** Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.
- 17.3.7** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

17.4 Automotive Repair Facility, Sales Facility, Service Station, or Convenience Market

An automotive repair facility, sales facility, service station, or convenience market may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted.

- 17.4.1** No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.
- 17.4.2** Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

- 17.4.3** All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.
- 17.4.4** All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.
- 17.4.5** Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain all noise, vibrations, air emissions, and odor generated by the activity.
- 17.4.6** Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.
- 17.4.7** No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.
- 17.4.8** Screening or landscaping shall be provided in accord with Section 16.12 when this use is adjacent to residences, churches or similar uses.

17.5 Bed and Breakfast

17.5.1 Intent

A Bed and Breakfast shall provide temporary travelers' accommodations and meals for guests in a single family residence for a fee, on a daily or weekly room rental basis.

17.5.2 Standards

- 17.5.2.1** Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- 17.5.2.2** Off-street parking shall be provided in accordance with Article 24. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.
- 17.5.2.3** All necessary state and municipal permits, certifications, or

requirements shall be obtained as a condition of approval of the bed and breakfast inn.

17.5.2.4 Room rentals to families or individuals shall not exceed 14 consecutive days.

17.5.2.5 Compliance with the sign regulations of Article 19 shall be maintained.

17.6 Cluster Subdivision

17.6.1 Statement of Purpose

Cluster subdivision is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section. All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Montoursville Borough Planning Commission in compliance with the Montoursville Borough Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The approval by the Borough Council for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Borough, State, or Federal Government.

17.6.2 Applications For Cluster Subdivision Development

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Zoning Officer in accord with the Conditional Use procedure. The application shall be accompanied by:

17.6.2.1 Location map showing the project in relation to the surrounding area;

17.6.2.2 Sketch plan showing:

17.6.2.2.1 Property lines and easements with dimensions and area;

17.6.2.2.2 Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;

- 17.6.2.2.3** The building types, sections, floor plan, and site sections to clearly define the character of the project; the Borough Council may require a model if deemed necessary;
 - 17.6.2.2.4** Topographic information showing existing features, conditions, and proposed grading;
 - 17.6.2.2.5** Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
 - 17.6.2.2.6** Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- 17.6.2.3** Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and
- 17.6.2.4** Written information regarding the following:
- 17.6.2.4.1** The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
 - 17.6.2.4.2** Whenever applicable, documents indicating compliance and approval of mandated Borough and State statutes or other laws shall be obtained and submitted as part of the application.

17.6.3 Criteria For Granting Conditional Use Approval For Cluster Subdivision

A conditional use approval for a cluster subdivision shall only be granted if evidence is presented that:

- 17.6.3.1** The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Montoursville Borough Comprehensive Plan, this section and the Montoursville Borough Subdivision and Land Development regulations;
- 17.6.3.2** The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

17.6.3.3 The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;

17.6.4 General Qualifications

17.6.4.1 Tract Size

Minimum development tract size shall be ten (10) contiguous acres.

17.6.4.2 Density

The gross density of a cluster subdivision shall not exceed a maximum gross density of six (6) dwelling units per acre. For example, determination of the number of units allowable on a tract for cluster subdivision in the Residential Development District is as follows:

Gross acreage of parcel, times 6 units/acre, equals total number of dwelling units permitted.

17.6.4.3 Types of Dwelling Units

Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article.

17.6.4.4 Permitted Lot Area Reductions

For cluster subdivisions single family detached and two family dwellings may be reduced up to 50% from the minimum established in Article 7 for the Residential Development District. Townhouse and multiple family dwelling lot size may be reduced to the area of the dwelling unit.

17.6.4.5 Yard Dimensions

17.6.4.5.1 Minimum Yards for Single Family Detached and Double Dwellings:

Front: 25 ft.
Side: 0 ft.
Rear: 10 ft.

17.6.4.5.2 Townhouses and Multi-Family Buildings: All buildings shall be a minimum of 20 ft. from driveways and parking lots.

17.6.4.5.3 The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

17.6.4.6 Landscaped Buffer Areas

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Borough Council. Also, refer to the Screening regulations found in Section 16.12.

17.6.5 Special Housing Qualifications

17.6.5.1 Townhouse Group

No more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

17.6.5.2 Spacing Of Structures

Minimum distances between structures shall be:

Single Family Detached	10 feet.
Double Dwelling	20 feet.
Townhouse	Forty (40) feet between buildings.
Multi-Family Dwelling	Forty (40) feet between buildings.

17.6.6 Garages and Accessory Buildings

Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principle structure and that a minimum front building line of 25 ft. is maintained.

17.6.7 Impervious Coverage

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

17.6.8 Maximum Building Height

Thirty-five (35) feet.

17.6.9 Miscellaneous Regulations

17.6.9.1 Utilities

Public or community sewer and water facilities shall be provided.

17.6.9.2 Off-Street Parking

See Off-Street Parking and Loading regulations in Article 24.

17.6.9.3 Sign Regulations

See the regulations for Signs in Article 19.

17.6.9.4 Fence Regulations

See the regulations for Accessory Structures in Article 16.

17.6.9.5 Automobile Trailers and Mobile Homes

Shall not be permitted in a Cluster Subdivision.

17.6.10 Open Space Requirements

17.6.10.1 Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

17.6.10.2 Common open space may only be dedicated to public use as approved by the Borough Council. The Borough Council reserves the right to deny dedication of open space.

17.6.10.3 Private Ownership.

When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Borough, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

-Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association

assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

-Obligate such an association to maintain the open areas and private streets and utilities.

-Empower the Borough, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

-Provide for an agreement that, if the Borough is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Borough. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Borough and any other specifications deemed necessary by the Borough.

17.7 Communications Towers

See Article 20

17.8 Day Care Center

A center which provides daytime care or instruction for 4 or more infants of age 0 to 24 months, 6 or more children age 2 to 5 years, or 7 or more persons over 5 years of age and operates on a regular basis, including nursery schools and preschools, shall comply with the following provisions:

17.8.1 A day care center shall be located in an area that is free from conditions dangerous to the physical and moral welfare of the children.

- 17.8.2** At least 100 square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.
- 17.8.3** At least 40 square feet per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.
- 17.8.4** The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Education, and Environmental Protection.
- 17.8.5** A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.
- 17.8.6** A site plan shall also be provided, drawn to scale, and clearly showing the following:
- 17.8.6.1** The dimensions and acreage of the site and its relationship to surrounding properties.
 - 17.8.6.2** The layout of the entire project including the proposed use and location of all buildings.
 - 17.8.6.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
 - 17.8.6.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
 - 17.8.6.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
 - 17.8.6.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
 - 17.8.6.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
 - 17.8.6.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

17.9 Family Based Group Home

- 17.9.1** The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

- 17.9.2** No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.
- 17.9.3** The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- 17.9.4** The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 17.9.5** The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 17.9.6** Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant caregivers, and visitors (see Article 24).

17.10 Funeral Home

- 17.10.1** Off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. This area shall be in addition to the off-street parking spaces required for this use as stipulated in Article 24.

17.11 Group Care Facility

- 17.11.1** The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 17.11.2** The Group Care Facility shall maintain a residential neighborhood character.
- 17.11.3** The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 17.11.4** The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 17.11.5** Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors (see Article 24).

17.12 Home Occupations (including Family Day Care Home)

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

- 17.12.1** The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 2 sq. ft. (see Section 19.5.4).
- 17.12.2** Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.
- 17.12.3** The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes.
- 17.12.4** All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- 17.12.5** The sale of goods shall be secondary to the occupation or service provided.
- 17.12.6** Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

17.13 Junk Yard or Salvage Yard

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the criteria outlined below:

- 17.13.1** Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in Section 16.12 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

- 17.13.2** Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
- 17.13.3** No garbage or other organic waste shall be stored in such premises.
- 17.13.4** All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility, and shall not exceed a maximum height of eight (8) feet.
- 17.13.5** No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Borough, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan and NPDES Permit for his facility.

17.14 Manufacturing, Warehousing, Laboratory, and Feed Mill Uses

- 17.14.1** These uses shall abut or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.
- 17.14.2** At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
- 17.14.3** Manufacturing uses generating noises, vibration, radioactivity, toxic or noxious materials, glare, heat, dust, fly ash, smoke or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

17.15 Multiple Family and Townhouse Dwellings

- 17.15.1** All dwelling structures shall be designed in accord with the Montoursville Borough Subdivision and Land Development Ordinance.
- 17.15.2** Driveway access to units from public roadways shall be via an approved driveway or common parking area. New streets or access drives shall be designed and constructed in accord with the Borough's approved standards.

- 17.15.3 Off Street Parking shall be provided in accord with Article 24.
- 17.15.4 A grading and landscaping plan shall be provided for the development.
- 17.15.5 Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Borough for approval.
- 17.15.6 Adequate sewer and water facilities must be provided by the developer. Documentation shall be provided to indicate that the necessary connections can be made to existing municipal sewer and water facilities.
- 17.15.7 The developer shall submit a plan of the arrangements being proposed for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the development (including access drives and driveways).

17.16 Multiple Family Housing Development, Retirement Housing Complex, or Townhouse Development

The following standards shall be met in addition to those outlined in Section 17.15:

- 17.16.1 A outdoor lighting design shall be provided in accord with Article 25 to provide for the safe movement of pedestrians and vehicles and to insure that lighting does not create excess lighting or glare onto neighboring property.
- 17.16.2 A minimum of ten (10) percent of the gross area of the development shall be reserved by the developer as common opens space for the use of all residents of the development. Such open space may include areas of land and water but shall exclude all roads, parking areas, structures or service lanes. This area shall be readily accessible to all units.
- 17.16.3 Applicants shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space to the Borough for review and approval as part of the application for such use. Copies of all approved arrangements shall be included in each deed or lease for a unit in the development.
- 17.16.4 **Building Arrangement:** 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 two (2) exterior exposures.

17.17 No Impact Home Based Business

The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

17.18 Transitional Professional Office Use

17.18.1 Residential Suburban District

This use shall be considered as a transitional use in the Residential Suburban District on the east side of Loyalsock Avenue from N. Arch St north to the Borough line and only for lots fronting on Loyalsock Avenue.

17.18.2 Residential Town District

This use shall be considered as a transitional use in the Residential Town District for lots, all or part of which, are within two hundred (200) feet of the Downtown Commercial District.

17.18.3 The normal hours of operation involving customer traffic shall be restricted between 7 am and 9 pm. The hours of operation may be extended for special events or seasonal business to 11 pm for no more than 14 days in any six (6) month period.

17.18.4 A Screening and Landscaping Plan in accordance with Section 16.12 shall be provided with the conditional use application.

17.18.5 A Lighting Design Plan in accordance with Article 25 shall be provided with the conditional use application.

17.19 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 31.2 of this Ordinance. In addition, the use may only be permitted if:

17.19.1 It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

17.19.2 It is not permitted in any other zone under the terms of this Ordinance; and

17.19.3 It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

ARTICLE 18

Floodplain Management Provisions

18.1 Identification of Floodplain

The identified floodplain area shall be those areas of Montoursville Borough, which are subject to the one hundred (100) year flood elevation, as identified in the Flood Insurance Study (FIS) dated March 16, 2004, and the accompanying maps prepared for the Borough by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

18.2 Description of Floodplain Area

The identified floodplain area shall consist of the following specific areas:

18.2.1 Floodway District

The Floodway District includes all those areas of the 100 year floodplain identified as “floodway” in the FIS prepared by FEMA. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

18.2.2 Flood-Fringe District

The Flood Fringe District includes all the remaining portions of the 100 year floodplain where a floodway has been delineated in the FIS.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

18.3 Changes in Designation of Area(s)

The delineation of any of the identified flood-prone area(s) may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

18.4 Boundary Disputes

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

18.5 Technical Requirements

18.5.1 General

18.5.1.1 No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

18.5.1.2 Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

18.5.1.3 Within any Floodway Areas, the following provisions apply:

- (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
- (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

18.5.1.4 Within any Flood Fringe area, the following provisions apply:

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

18.5.2 Elevation and Floodproofing Requirements

18.5.2.1 Residential Structures

Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at least one (1) foot above the regulatory flood elevation. The design and construction standards and specifications contained in the current adopted edition of the Uniform Construction Code shall be utilized.

18.5.2.2 Non-Residential Structures

Within any identified floodplain area, the elevation (including basement) of any new or substantially improved nonresidential structure shall be at least one (1) foot above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to or above the one hundred (100) year 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 titled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers, ED 1165-2-314, December 15, 1995 or the most current copy thereof. All plans and specification 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.

The design and construction standards and specifications contained in the current adopted edition of the Uniform Construction Code shall be utilized.

18.5.2.3 Space Below the Lowest Floor

- (1) Fully enclosed space below the lowest floor (including basement) is prohibited.
- (2) Partially enclosed space below the lowest floor (including basement) 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 entry and exit of

floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer, architect, or surveyor or meet or exceed the following minimum criteria:

- (a) a minimum of two 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.
 - (c) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- (3) Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the current adopted edition of the Uniform Construction Code.

18.5.2.4 Requirements for Accessory Structures

- (1) Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - (a) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - (b) floor area shall not exceed 600 square feet.
 - (c) the structure will have a low damage potential.
 - (d) the structure will be located on the site so as to cause the least obstruction to the flow of floodwater.
 - (e) power lines, wiring, and outlets will be at least one and one-half (1^{1/2}) feet above the one hundred (100) year flood elevation.

- (f) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (g) sanitary facilities are prohibited.
- (h) the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
 - (i) a minimum of two 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 of floodwater.
- (2) Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

18.5.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

18.5.3.1 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points 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. The provisions contained in the current adopted edition of the Uniform Construction Code shall be utilized.

18.5.3.2 Water and Sanitary Sewer Facilities and Systems

- (1) 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.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) 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. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the current adopted edition of the Uniform Construction Code, the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

18.5.3.3 Streets

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

18.5.3.4 Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

18.5.3.5 Fill

If fill is used, it shall:

- (1) extend laterally at least fifteen (15) feet beyond the building line from all points;
- (2) consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- (3) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

- (4) be appropriately stabilized upon completion of compaction to avoid erosion and scouring of the fill material;
- (5) be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
- (6) be used to the extent to which it does not adversely affect adjacent properties.

18.5.3.6 Placement of Buildings and Structures

- (1) All buildings and structures shall be designed, located, and constructed 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.
- (2) No fences, except two-wire fences, or other structures which may impede, retard, or change the direction of the flow of floodwaters, or which will catch or collect debris carried by such waters shall be placed within a designated Floodway, nor shall any such structure be placed where the natural flow of floodwater could carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

18.5.3.7 Anchoring

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.
- (3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the current adopted edition of the Uniform Construction Code and ASCE 24-98 (Sec. 5.6) shall be utilized.

18.5.3.8 Floors, Walls and Ceiling

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
- (5) The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the current adopted edition of the Uniform Construction Code and ASCE 24-98 (Chapter 6).

18.5.3.9 Electrical Systems and Components

- (1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (3) The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the current adopted edition of the Uniform Construction Code and ASCE 24 (Chapter 8) shall be utilized.

18.5.3.10 Equipment

- (1) Water heaters, furnaces, air conditioning and ventilating systems, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (2) The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the current adopted edition of the Uniform Construction Code and ASCE 24 (Chapter 8) shall be utilized.

18.5.3.11 Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

18.5.3.12 Paints and Adhesives

- (1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- (4) The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the current adopted edition of the Uniform Construction Code shall be utilized.

18.5.3.13 Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 18.5.5, Development Which May Endanger Human Life, shall be stored at least one and one-half (1^{1/2}) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

18.5.3.14 Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the applicable provisions of the International Building Code (IBC) 2006 and the International Residential Building Code (IRC) 2006 or the latest editions thereof, shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

18.5.4 Special Requirements for Manufactured (Mobile) Homes and Structures

18.5.4.1 Within any floodway areas, manufactured homes and structures shall be prohibited.

18.5.4.2 Where permitted within any flood fringe area, all mobile homes and structures, and any improvements thereto, shall be:

- (1) placed on a permanent foundation.
- (2) elevated so that the lowest floor of the mobile home or structure is at or above the elevation of the one hundred (100) year flood.
- (3) anchored to resist flotation, collapse, or lateral movement.
- (4) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- (5) Consideration shall be given to the applicable installation requirements of the 2006 IBC and the 2006 IRC or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

18.5.4.3 An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for manufactured home parks and manufactured home subdivisions where appropriate.

18.5.5 Development Which May Endanger Human Life

18.5.5.1 In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

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

18.5.5.2 Within an Floodway Areas, any structure of the kind described in Subsection 18.5.5.1, above, shall be prohibited.

18.5.5.3 Where permitted within any Flood Fringe District, any new or substantially improved structure of the kind described in Subsection 18.5.5.1, above, shall be:

- (1) elevated or designed and constructed to remain completely dry up to at least one and one half (1^{1/2}) feet above the one hundred (100) year flood and,
- (2) designed to prevent pollution from the structure or activity during

the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, ED 1165-2-314, December 15, 1995, or the most current copy thereof.

18.6 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 regardless of the underlying zoning district, but shall be subject to approval by the Borough Council (following review by the Borough 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 permit from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the PA Department of Community and Economic Development 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.

18.7 Activities Prohibited Within Floodplain Areas

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

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

18.7.1.1 hospitals

18.7.1.2 nursing homes

18.7.1.3 jails or prisons

18.7.1.4 school buildings

18.7.2 The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing mobile

home park or mobile home subdivision.

18.8 Existing Structures in Identified Floodplain Areas

18.8.1 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 18.8.2 shall apply.

18.8.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

18.8.2.1 No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

18.8.2.2 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

18.8.2.3 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

18.8.2.4 Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.

18.8.2.5 The requirements of 34 PA Code Chapter 401-405, as amended and the 2006 IRC or the latest revision thereof and the 2006 IBC or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

18.9 Variance of Floodplain Management Provisions

18.9.1 General

If compliance with any of the floodplain management provisions of this Ordinance

would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

18.9.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 30.2.4 and the following:

- 18.9.2.1** Variances may be granted for the reconstruction, rehabilitation, or restoration of structure listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- 18.9.2.2** No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- 18.9.2.3** Except for a possible modification of the one and one half (1^{1/2}) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (Section 18.7) or Development Which May Endanger Human Life (Section 18.5.5).
- 18.9.2.4** If granted, a variance shall involve only the least modification necessary to provide relief.
- 18.9.2.5** In granting any variance, the Zoning Hearing Board shall attaché whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- 18.9.2.6** Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.

18.9.2.7 In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

- (1) That there is good and sufficient cause.
- (2) The failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

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

18.9.4 Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE 19

Sign Regulations

19.1 Application of Building Code

19.1.1 In addition to the sign regulations specified in this Article, the construction, erection, alteration, maintenance and location of the signs and outdoor advertising shall be in accordance with the provisions of the Uniform Construction Code, which apply in any case, regardless of the exemptions specified below.

19.2 Exemptions

The following types of signs are exempt from the provisions of this Article:

19.2.1 Signs employed wholly for the purposes of announcement or direction in relation to any of the functions of a Federal, State, or local authority which are required to be displayed in a manner otherwise than the provisions of the Article would allow in order to secure the safe or efficient performance of those function.

19.2.2 Signs displayed on land which is wholly or for the most part enclosed within a hedge, fence, wall, or similar screen or structure, so that such signs are not readily visible from land outside the enclosure or from any part of such enclosure over which there is a public right-of-way or to which there is public access.

19.2.3 Signs displayed within a building. A sign shall be deemed to be displayed within a building where there is access to the sign only from inside the building.

19.2.4 Memorial signs or tablets and signs denoting the date of erection of buildings.

19.2.5 The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

19.3 Sign Permits

Permits shall be required for the erection and display of all signs including temporary signs in accordance with the provisions of Article 32.

19.4 Alterations

Signs may be maintained, altered, rebuilt, enlarged, extended or relocated in conformance with the provisions of this Article and Section 16.6.

19.5 Outdoor Signs – Number of Signs Permitted and Extent-of-Use (See Section 9.16 for provisions governing signs in the Large Scale Commercial District)

One (1) freestanding or attached sign is permitted on each street frontage of a lot for each occupancy or purpose as below; an additional sign for each occupancy or purpose as below is permitted for every 100 feet of street frontage or major fraction thereof. However,

19.5.1 For business signs, two (2) signs are permitted as long as their total area does not exceed the maximum below.

19.5.2 An advertising sign and business sign must be at least 60 feet apart.

19.5.3 No sign exceeding 30 square feet in size may be located within 75 feet of a residential district.

19.5.4 Signs preceded by an *asterisk do not require zoning permits

Type of Sign	Where Permitted	Maximum Size
Home Occupation or Home Profession	Any Zone but R	2 sq. ft.
Clocks, time and temperature signs and barber poles	As a conditional use in LSC, I, NB, BSC & DTC	25 sq. ft.
Identification and information of churches, schools, and other non profit institutions	Any Zone but R	25 sq. ft.
Public Service Sign	Any Zone	4 sq. ft.
Temporary Sign (Agriculture, Charitable, Political or Public Service	Any Zone	32 sq. ft.
*"For Sale" or "For Rent" Signs	Any Zone	6 sq. ft.
Construction Signs	Any Zone	32 sq. ft.
*Work Signs	Any Zone	12 sq. ft.
Business	Any Zone but R, RS & RT	50 sq. ft.
Advertising	As a conditional use In LSC & I	300 sq. ft.
Temporary Business Signs	Any Zone but R, RS & RT	See below

19.5.5 Explanation of Sign Types

- 19.5.5.1** Public Service Sign - is a sign located for the purpose of providing traffic safety, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, no trespassing, no fishing etc.). Such signs may bear no commercial advertising and shall not exceed four (4) square feet. Civic organization sponsored public service signs and public auction signs shall not be considered commercial advertising.
- 19.5.5.2** "For Sale" or "For Rent" Signs - A sign advertising a property being sold or rented which shall not exceed six (6) square feet in size and shall be removed within 10 days of the sale or rental of the premises. A maximum of two (2) such signs may be maintained for the property being sold or rented.
- 19.5.5.3** Construction Signs - which shall not exceed thirty-two (32) square feet, may identify those involved in design, development, construction, demolition or financing, when displayed during the activity described. The sign shall be removed when the project activity has ceased. Only one such sign per property is allowed.
- 19.5.5.4** Work Signs – Work signs of Builders, Painters, and other artisans while performing work on the premises. Only one such sign per contractor per property is allowed.
- 19.5.5.5** Temporary signs advertising 1) the sale of farm products produced on the premises or 2) auctions or events of charitable, political or public service groups. Such signs shall not exceed five (5) square feet of sign area nor be erected for more than 60 days in a calendar year.
- 19.5.5.6** Temporary Business Signs -
- (1)** Such signs shall not be used for a period of more than sixty (60) days, except balloons containing advertisement, hot-air balloons or other inflatable objects used as temporary signs which are limited to a maximum of seven calendar days per year.
 - (2)** A-frame signs and movable signs are permitted as long as the sign is secured to the ground so as to not become a hazard during wind conditions.
 - (3)** No temporary sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line

of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

- (4) No business shall exceed a maximum of 32 square feet of temporary sign area at any time.

19.6 Setback of Signs

19.6.1 Attached Signs: Attached signs may extend no further than 18 inches beyond the building setback line and such attached signs shall comply with all application provisions of this Article including Section 19.8.

19.6.2 Free-Standing Signs: No portion of a free-standing sign may be closer to a street right-of-way line than 10 feet, except for a sign less than 3 feet in height. Such signs shall be setback from adjacent or abutting property lines a minimum of 5 feet.

19.7 Banners, Buntings, Flags, pennants and Other Special Promotional Devices

19.7.1 In zoning districts I, DTC, BSC and NB, flags, pennants and other special promotional devices, such as balloons, shall be permitted only to announce special occasions, including the opening of a new business or department within an existing business, or in connection with a special event associated with the business.

Such advertising devices shall not be displayed for more than seven (7) days in any calendar month and must be removed immediately upon completion of the event or the allotted seven (7) days period.

19.7.2 Banners, buntings, flags and pennants are permitted in the RS or RT district only if customarily incidental to the residential dwelling.

19.8 Projection of Signs

No sign may:

19.8.1 Project over or be placed on a public sidewalk area.

19.8.2 Project over a public street unless specifically authorized by other Borough or State regulations. Traffic signs of the Borough or of the Pennsylvania Department of Transportation may project over a public street.

19.8.3 Project more than 25 feet above the ground except for an attached sign which may project 10 feet above the roof of a building providing the sign so placed does not project more than 35 feet above the ground.

19.9 Illumination of Signs

19.9.1 All Zones: Flashing and intermittent lights, scrolling message boards and digital or electronic LED signs are prohibited.

19.9.2 Free Standing Sign: A free-standing sign may be illuminated only by back lighting or by direct lighting if the lighting is so screened that it is not directed or reflected toward or onto any adjacent residence within 100 feet, and does not cast any glare upon any adjacent street.

19.9.3 Near Highway Traffic Lights: Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of 100 feet of a highway traffic light or similar safety device or in the center of any street intersection.

19.10 Movement and Sound – No rotating or swinging signs shall be permitted and no sign shall emit any sound or odor.

19.11 Placement – No sign shall be erected which will limit proper sight distance or create a safety hazard by blocking a driver's view at an intersection or along any public roadway or access drive.

19.12 Construction and Maintenance

Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated. Failure to maintain a sign in good condition shall constitute a violation of this Ordinance.

19.13 Termination of Enterprise

Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprises must be removed within thirty (30) days.

19.14 Posting of Signs, Notices, Cards, Posters and Leaflets

It shall be unlawful to paste, paint, brand, stamp or in any manner to place upon or attach to any tree, stake, utility or other pole on any street in the Borough of Montoursville any written, printed, painted or other advertisement, bill, notice, sign card or poster.

19.15 Yard Sale Signs

It shall be unlawful for the person who is granted a yard sale permit to erect, place or post or to permit the erection, placing or posting of any advertisement, notice or directional sign at any place in the Borough other than on the parcel where the yard sale is held.

19.16 Signs in the LSC District

19.16.1 General Requirements

The following general requirements shall pertain to all signs used in the LSC District.

19.16.1.1 Illumination

- (1) No flashing, animated or intermittent illumination shall be permitted for signs.
- (2) Scrolling message boards and digital or electronic LED signboards shall be prohibited.
- (3) All illuminated signs shall be internally lit and all electrical wiring for such signs shall be run internally. All such signs shall be U.L. approved assemblies.
- (4) Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or are highly reflective, may not be located within a radius of 100 feet of any highway traffic light or similar safety device.

19.16.1.2 Movement and Sound – No rotating or swinging signs shall be permitted and no sign shall emit any sound or odor.

19.16.1.3 Placement – No sign shall be erected which will limit proper sight distance or create a safety hazard by blocking a driver's view at an intersection or along any public roadway or access drive.

19.16.1.4 Construction and Maintenance

- (1) All signs shall be designed, constructed, and maintained to avoid deterioration or dilapidation. Failure to maintain a sign in good condition shall constitute a violation of this Ordinance.
- (2) Upon termination or abandonment of any establishment in this district, all signs pertaining to the activity shall be removed within 30 days by the sign owner or lessee at the expense of such owner or lessee.

19.16.1.5 Conformance with Regulations – All signs erected and maintained in the LSC District shall conform to the provisions of this Section and the provisions of any other applicable municipal, State or Federal regulations, including all requirement of the State Outdoor Advertising

Act. A determination form PennDOT regarding the applicability of such regulations shall accompany all applications for free-standing business and advertising signs in this District.

19.16.2 Business Signs (On-Premises Signs)

Permanent business signs, either free-standing or wall (attached) signs, may be permitted to be erected and maintained on any lot in the LSC District to identify the business or activity located on the premises. Such signs shall however meet the requirement set forth below.

19.16.2.1 Free-Standing Signs

Free-standing business signs identifying individual businesses located on the same premises as the sign may be permitted in the LSC District subject to the following standards.

- (1) No more than one (1) free-standing business sign shall be permitted on each lot. (A double-faced sign shall be considered a single sign.)
- (2) No free-standing business sign shall exceed 50 square feet in area.
- (3) Free-standing business signs shall not exceed a height of 25 feet above the average grade of the site.
- (4) No free-standing business sign shall be located closer to any other such business sign than 75 feet and no such business sign shall be situated closer than 100 feet to an advertising sign.
- (5) Pole designs shall be uniform throughout the District for free standing business signs.
- (6) Free-standing business signs shall not be located closer to the ground than ten (10) feet (measured from the lowest part of the sign).
- (7) No portion of a free-standing business sign shall be located closer than ten (10) feet to a street right-of-way line nor closer than five (5) feet to any other property line.
- (8) All free-standing business signs shall be anchored, weighted and properly engineered to minimize wind action. The application for all such signs shall indicate the method of anchoring to be used.

19.16.2.2 Wall Signs (Attached Signs)

Signs identifying individual business may be affixed or attached to each store in the LSC District subject to the following standards.

- (1) The total allowable sign area per business or store shall not exceed 50 square feet for each 25,000 square feet of gross floor area in the building, or fraction thereof, up to a maximum of 250 square feet.
- (2) Wall signs shall be securely fastened in a manner which will prevent their displacement. Such signs shall not project over a public sidewalk.
- (3) Wall signs shall not extend above the top of the wall nor beyond either side of the wall to which they are attached.

19.16.3 Advertising Signs (Off –Premises Signs)

Permanent, free-standing signs advertising commercial complexes or businesses located in such complexes may be permitted to be erected and maintained on sites in the LSC District other than the lots upon which the businesses are located, but shall be subject to the requirements set forth below.

- 19.16.3.1** Advertising signs may only be permitted as a Conditional Use in the LSC District.
- 19.16.3.2** Major anchor stores shall be required to utilize a common free-standing sign for advertising when such sign is to be placed on a site other than the lot upon which the store is located.
- 19.16.3.3** No more than one (1) such free standing sign may be erected at each major access to the commercial complex. (A double-faced sign shall be considered a single sign.)
- 19.16.3.4** Free-standing signs advertising more than one (1) major anchor store may include advertising space of up to 150 square feet per business establishment.
- 19.16.3.5** Advertising signs shall not exceed 30 feet in height above the average grade of the site.
- 19.16.3.6** No advertising sign shall be located closer to any other advertising sign than 100 feet and no advertising sign shall be situated closer than 100 feet to a free-standing business sign.

19.16.4 Temporary Signs

Temporary signs may be permitted in the LSC District subject to the following standards.

19.16.4.1 Temporary Business Signs

- (1) No more than one (1) temporary business sign identifying a construction contractor or an approved, future commercial establishment may be located on a lot in the LSC District during construction of the project.
- (2) Temporary business signs shall not exceed 32 square feet in area and shall be attached to the ground.
- (3) Temporary business signs shall be setback a minimum of ten (10) feet from the edge of any adjoining street right-of-way or property line. No sign shall be placed however that will limit proper sight distance or obstruct a driver's view at an intersection or along a public road.
- (4) Such signs must be maintained in good condition and shall be removed within 30 days of completion of the construction project or upon occupancy of the business.
- (5) Permits for temporary business signs shall be issued for periods of time not exceeding 90 days and may be renewed for no more than two (2) additional 60 day periods.

19.16.4.2 Banners, Buntings, Flags, Pennants, & Other Special Promotion Devices

- (1) Banners, buntings, flags, pennants and other special promotional devices, such as balloons, shall be permitted only to announce special occasions, including the opening of a new business or department within an existing business, or in connection with a special event associated with the business.
- (2) Such advertising devices shall not be displayed for more than seven (7) days in any calendar month and must be removed immediately upon completion of the event or the allotted seven (7) day period.

19.16.5 Directional Signs

Directional signs may be permitted to be erected and maintained on sites in the LSC District subject to the following standards.

- 19.16.5.1** No more than two (2) directional signs may be located on any lot.
- 19.16.5.2** Such signs shall not exceed 24 square feet in area and shall be attached to the ground.
- 19.16.5.3** Directional signs shall be setback a minimum of five (5) feet from the edge of any adjoining street right-of-way and five (5) feet from any property line. No sign shall be placed however that will limit proper sight distance or obstruct a driver's view at an intersection or along a public road.

ARTICLE 20

Wireless Communications Towers, Facilities, Equipment and Antennas

20.1 Purpose

The purpose of this Article is to establish requirements for the siting of wireless communication towers, facilities, equipment, and antennas, so as to comply with federal and state laws and so far as allowed by law:

- 20.1.1 Protect and preserve the visual character of the Borough by minimizing the visual and aesthetic impact of all wireless communication towers, facilities, equipment and antennas;
- 20.1.2 Ensure that all wireless communication towers, facilities, equipment and antennas are designed and configured in such a manner as to match or blend in with the characteristics of the areas where they are situated. Such characteristics shall include both man-made structures as well as environmental features;
- 20.1.3 Encourage the location of wireless communication towers, facilities, equipment and antennas in areas where the adverse impact on the community is minimal, through careful design, siting, landscape screening and innovative camouflaging techniques;
- 20.1.4 Minimize the total number of towers throughout the community through joint use of new and existing towers and other structures as a primary option rather than the construction of additional single use towers;
- 20.1.5 Enhance the ability of the providers of communication services to provide such service to the community quickly, effectively and efficiently;
- 20.1.6 Consider the public health and safety of wireless communication towers, facilities, equipment and antennas;
- 20.1.7 Avoid potential damage to the public and adjacent properties from the failure of wireless communication towers, facilities, equipment and antennas through engineering and careful siting.

20.2 Applicability

20.2.1 New Towers and Antennas

All new towers and antennas shall be subject to these regulations.

20.2.2 Amateur Radio Station Visual Analysis

This Article shall not govern towers or the installation of any antenna, less than seventy-five (75) feet in height which are owned and operated by federally licensed amateur radio station operators or are used exclusively for receive-only antennas.

20.2.3 Pre-existing Wireless Communication Towers, Facilities, Equipment or Antennas

This Article shall not apply to pre-existing wireless communications towers, facilities, equipment and antennas for which a building permit and zoning approval has been properly issued prior to the effective date of this Article. This Article shall, however, apply to all modification, alterations, changes or additions to pre-existing wireless communication towers, facilities, equipment and antennas.

20.3 General Requirements

The following general requirements shall apply to all wireless communication towers, facilities, equipment and antennas and to any alterations, additions or modification to pre-existing wireless communication towers, facilities, equipment and antennas.

20.3.1 Antennae Height

Any antenna that is attached to an existing structure shall not exceed the height of the existing structure by more than twenty (20) feet.

20.3.2 Antennae Offset

Any antenna that is attached to an existing structure shall not be mounted beyond the vertical face or plane of the existing structure by more than three (3) feet.

20.3.3 Tower Height

No tower, including the antenna, shall exceed one hundred fifty (150) feet in height above the ground; provided however, that such height may be increased to no more than one hundred eighty (180) feet, provided that the required setbacks from any dwelling or residential boundary are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

20.3.4 Preservation of Existing Trees

A management plan shall be submitted for approval describing how the existing trees located on the site shall be protected during the construction of the site.

20.3.5 Engineer's Certification

A professional engineer licensed by the Commonwealth of Pennsylvania shall certify any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical.

20.3.6 State or Federal Requirements

All towers, facilities, equipment and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers, facilities, equipment and antennas. If such standards and regulations are changed, then the owners of the towers, facilities, equipment and antennas governed by this Article shall bring such towers, facilities, equipment and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such towers, facilities, equipment or antennas into compliance with such revised standards and regulations shall constitute a violation and the Borough may require the removal of the towers, facilities, equipment and antennas at the owner's expense.

20.3.7 Building Codes; Safety Standards

To insure the structural integrity of towers as well as the safety of any attachment to an existing structure, the owners of towers, facilities, equipment or antennas shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute a violation and the Borough may require the removal of the towers, facilities, equipment or antennas at the owner's expense.

20.3.8 Not Utilities

Towers, facilities, equipment and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as public utilities or private utilities.

20.3.9 Collocation

In order to reduce the number of towers in the Borough in the future, the proposed tower shall be designed to accommodate at least four (4) separate commercial wireless communication companies. In addition it's design shall allow for the accommodation of Municipal Emergency Service use.

20.3.10 Tower Inspection and Removal of Abandoned Towers

An annual inspection report, which format and content will be prescribed by the Borough, shall be submitted on the date of each approval anniversary of the Certificate of Occupancy.

At the time a tower becomes empty or vacant, the owner shall supply notice to the Zoning Officer the day the abandonment occurs. This notice shall begin the time period for calculating abandonment. Any antennas or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

The owner of an abandoned antenna or tower shall remove the same within ninety (90) days of receipt of notice from the council. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the Borough to cause the removal of the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

20.3.11 Security

Unless the communications tower or antennae is located on a building or alternative tower structure, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by an eight (8) foot high chain link security fence or similar fence with self-latching gate to limit accessibility to the general public. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.

20.3.12 Lighting

No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal

Communications Commission (FCC), in which case the Borough may review the available lighting options and approve the design that would cause the least disturbance to the surrounding uses and views.

20.3.13 Signs or Advertising

No sign or other structure shall be mounted on the tower structure or antennae, except as may be required and approved by the FCC, FAA, other government agency and the Borough. No advertising is permitted on an antennae or tower, buildings or related accessory structures.

20.3.14 Principal, Accessory and Joint Uses

Accessory structures used in direct support of a tower shall be allowed but may not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

20.3.15 Flood Damage Prevention

Electrical equipment associated with towers in areas prone to flooding will be placed above the one hundred (100) year flood elevation for the site on which the tower is located.

20.4 Contents of Applications

All application for construction, alteration, addition or change of any wireless communication tower, facilities, equipment and antennas shall, if applicable, include the following content.

20.4.1 Alternatives Analysis

- 20.4.1.1** A topographic map of the proposed local service area, which identifies the local network facilities and which the proposed facility will connect. Such network information shall include sites of all carriers situated within five (5) miles of the proposed site. The specific location of existing or future sites shall be identified. The heights of the structures of the other sites shall be identified on the map.

20.4.1.2 A small scale map of the applicable franchise area, which identifies the regional network of facilities with which the local network will connect.

20.4.1.3 Identification of the following on a topographic map:

20.4.1.3.1 All other existing telecommunication facilities, including those owned or operated by the applicant for the same type of service, and those which provide other wireless services, which could potentially support the proposed facility.

20.4.1.3.2 All other existing structures which might provide an opportunity for attached facilities.

20.4.1.4 Identification of any existing service gaps in the proposed local service area as well as any service gaps, which may remain in the event that the proposed facility is approved and constructed. Such service gaps shall be determined by actual coverage measurements developed by Propagation Testing and not be predicted coverage. The coverage information, maps and supporting data must be prepared by and individual qualified by the Borough as an expert in Radio Frequency Engineering. Such service gaps shall be displayed for the carrier itself and gaps un-served by any carrier.

20.4.1.5 Identification of at least two (2) alternative service plans which could provide comparable service to the intended service area. If there are not at least two (2) alternative service plans submitted a detailed explanation must be include describing why the applicant is unable to provide alternative service plans. The applicant must demonstrate, using accepted technological evidence, why the towers, facilities, equipment and antennas are to be located where proposed. The applicant must show, with engineering certification, why lower tower height technology is not feasible.

20.4.2 Any applicant proposing construction of a new Communication Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures in the Borough or within a one (1) mile radius of the proposed Communication Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

20.4.2.1 The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

- 20.4.2.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
- 20.4.2.3** Such existing Structures do not have adequate location, space, access, or height to accommodate the propose equipment or to allow it to perform its intended function.
- 20.4.2.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 20.4.2.5** A commercially reasonable agreement could not be reached with owners of such Structures.
- 20.4.3** A visual analysis, which shall include photo montage, field, mock-up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with technological requirements of the proposed telecommunication service.
- 20.4.4** Identification of all private, commercial and public airports located within a five (5) mile radius of the proposed site on a plan. The glide path of each airport located within the five (5) mile radius shall be graphically represented on the plan to show the location of the glide path in both its horizontal and vertical elements.
- 20.4.5** Documentation to substantiate that a Balloon Test was or will be performed for period of one (1) week after a written notice is provided to all property owners within a one quarter (1/4) mile radius from the site and legal notice in newspaper of general circulation and that the site was posted in advance of and during the Balloon Test in a manner prescribed by the Borough.
- 20.4.6** A Management Plan shall be provided which details the methods that shall be used to preserve and protect the natural features, such as existing vegetation, that help screen the facility from view or mitigate the facilities impact.

20.5 Wireless Communication Towers, Facilities, Equipment and Antennas

Wireless communication towers, facilities, equipment and antennas are allowed only as a conditional use in Districts specified in Articles 4 through 13 of this Ordinance. Wireless

facilities, equipment and antennas that can be located on and in an existing structure or tower and facility are allowed as a permitted use in districts specified for conditional use of towers, facilities, equipment and antennas in Articles 4 through 12 of this Ordinance.

The following are the minimum requirements applicable to wireless communication towers, facilities, equipment and antennas in addition to the generally applicable criteria for conditional uses.

20.5.1 All such facilities shall comply with the following to the extent a Borough is allowed to require:

20.5.1.1 Any applicable easements or similar restrictions, including open space easements, on the subject property.

20.5.1.2 Any applicable general plan, specific plan, area plan, local area development guidelines, and the permit requirements of any agencies, which have jurisdiction over the project.

20.5.1.3 The height of any freestanding facility shall include the height of any structure upon which it is placed.

20.5.1.4 All setbacks shall be measured from the base of the tower closest to the applicable property line or structure.

20.5.1.5 The facility shall be operated so that it shall not result in human exposure to non-ionizing electromagnetic radiation (NIER) in excess of the levels specified in the most current standard governing human exposure to NIER utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant shall be responsible for demonstrating that the proposed facility will comply with this standard and may do so in any one of the following ways:

20.5.1.5.1 Provide evidence in the form of an FCC license or construction permit that the FCC has accepted the applicant's certification that the facility meets the FCC standard.

20.5.1.5.2 Provide evidence that the FCC has categorically excluded the applicant from demonstrating compliance with the FCC standard.

20.5.1.5.3 Provide an independent analysis by or on behalf of the applicant, which demonstrates that the facility will comply with the FCC standard by such calculations and measurements as may be necessary. The calculations, measurements, and all related methods utilized to determine compliance shall be consistent with

FCC policies and procedures. The analysis shall be prepared and certified by a professional engineer.

20.5.1.6 All antennas shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.

20.5.1.7 Approval of all towers, facilities, equipment and antenna is subject to the finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

ARTICLE 21

Performance and Design Standards for Commercial and Industrial Buildings

21.1 Purpose of these Performance and Design Standards

New construction or substantial improvements to commercial or industrial buildings shall be designed and sited so that they provide visual interest and create enjoyable human-scaled spaces that reflect upon the existing community and built environment of the Borough. The following goals are designed to achieve this impact.

- 21.1.1 Building design should blend with the natural terrain to minimize grading and create an organic approach to the existing landscape.
- 21.1.2 Designs should be compatible in form and proportion with surrounding and neighborhood buildings in the general vicinity.
- 21.1.3 Building designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.

21.2 Design Guidelines for All Building Types

- 21.2.1 Proportion. A development's buildings should be designed so as to relate to the proportions of architectural forms, planes and details within the existing physical context of the site. Proportions are the ratios established by the length, width, and height and may exist as planar or volumetric measurements. Doors, windows, stairs, porches, pediments, architraves, roof shapes, and entire facades are frequently used as the elements that create proportion.
- 21.2.2 Horizontal building elements. Buildings shall be designed with a base, middle, and top facade.
- 21.2.3 Scale. Designs should incorporate architectural elements that give scale, or a sense of scale to buildings. Scale is the relationship of a person to a building.
- 21.2.4 Entrances. Entrances should clearly identify important access points, provide an introductory architectural statement to the building and be landscaped in a fashion complementary to the architectural elements of the entranceway.

- 21.2.5 Building Elevation. All elevations of a building's exterior should be coordinated with regard to color, materials, architectural form and detailing.
- 21.2.6 Façade Treatment. The number of different materials on exterior facades should be limited to three types.
- 21.2.7 Color and Texture. The color and texture of a building aids in the expression of scale, location of entrances, and provides architectural unity to the building. Offsets in walls and building masses should be used to create visual interest in simple buildings.

21.3 Roof Design Guidelines

- 21.3.1 Roof shape, color and texture should be coordinated with the exterior materials in the building's façade.
- 21.3.2 Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
- 21.3.3 All rooftop mechanical and electrical equipment, including elevator penthouses, shall be screened from the view of persons at ground level by a parapet wall, within the roof structure itself, or removal to a screened ground level structure.
- 21.3.4 Building under 6,000 gross square feet in footprint should be designed with a pitched roof such as a gable, hip, or gambrel not less than 4 inches in rise for every 12 inches in run.

21.4 Building Lighting

- 21.4.1 Exterior lighting should be architecturally integrated with the building's style, material and color.
- 21.4.2 Lighting focused downward should be used to reinforce pedestrian and vehicular circulation (see also Section 16.9). Upward focused lighting should be used to highlight architectural elements of the building facade.

21.5 Downtown Commercial, Broad Street Commercial and Neighborhood Business District Design Standards – The following additional design standards for uses authorized in the DTC, BSC and NB Districts shall apply:

- 21.5.1 Buildings should be 2 to 2½ stories in height and located within 10 feet of the front lot line.

- 21.5.2 Apartment uses above the first floor are encouraged.
 - 21.5.3 Sidewalks along public streets should be a minimum of 10 feet wide with at least 6.5 feet free of street furniture, trees and other pedestrian obstacles. These sidewalks may be a combination of concrete, patterned concrete, brick and concrete pavers. If a pattern is used, the long axis of the pattern should be oriented parallel to main pedestrian travel.
 - 21.5.4 Pedestrian pathways shall be established from any rear parking lot to the street sidewalk system in the front and side(s) of a building (if applicable) and shall be a minimum of 6 feet wide.
 - 21.5.5 First and second or higher floors should be separated by means of a belt or string courses, pent roofs, awnings, portechoceres or similar architectural elements; however, mansard roofs shall not be permitted.
 - 21.5.6 Retail stores oriented towards a street or a pedestrian walkway connecting to other adjacent lots shall have a minimum of 50% of the first floor building façade consist of glass display windows. No more than 6 lineal feet out of each 25 feet shall be permitted to be blank wall.
 - 21.5.7 Exterior building materials should primarily be brick, wood siding, wood shingle or stucco.
 - 21.5.8 The primary entrance to a building should be accessed directly from a public street with secondary access oriented towards parking lots.
 - 21.5.9 Entrances to apartments on upper floors should be oriented towards associated parking.
 - 21.5.10 Locations for the parking of bicycles shall be provided.
- 21.6 Large Scale Commercial District Design Standards** – The following additional standards shall apply:
- 21.6.1 Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.
 - 21.6.2 Dormers should be used to visually break up large roof masses.
 - 21.6.3 Windows should be double hung sash types with the glass area divided by horizontal and vertical muntins.
 - 21.6.4 Exterior materials should be brick, stone, horizontal siding or wood shingle, or a combination of such materials.

21.7 Retail Design Standards – The following additional design standards for retail uses shall apply:

21.7.1 Retail stores oriented towards a street shall have a minimum of 50% of the first floor building façade consist of glass display windows.

21.7.2 Building entrances should be oriented towards the street.

21.7.3 Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.

21.8 Industrial and Warehousing Use Design Standards – The following additional design standards for industrial uses shall apply:

21.8.1 Variation in the apparent height of the building shall be used to articulate its mass either through actual changes in roof height or through the use of varying parapet walls.

21.8.2 Vertical offsets at least two feet in depth shall be introduced for each 100 feet of building length.

21.8.3 The exterior façade should be designed with one dominant material. This material should be varied through the use for vertical and horizontal elements that create texture changes along building facades.

21.8.4 The front and two side elevations shall be constructed of brick, architectural concrete masonry units (ie., split face block) or architectural precise concrete a minimum of 50% of the façade. Metal siding or panels shall be limited to no more than 50% of the façade. Where glass is used or required, the percentage of masonry or metal shall be correspondingly reduced. Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.

21.8.5 At least 20% of the front elevation of the building shall consist of glass window.

ARTICLE 22

Access Driveway Regulations

22.1 General

All access driveways shall be located, designed, and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance, and drainage of all streets in the Borough or the safe and convenient passage of traffic upon them.

Access driveways and parking areas shall be designed to provide ample maneuvering area off the right-of-way to permit vehicles to enter the flow of traffic without backing out and turning on the right-of-way. This provision may be waived, in specific cases, on residential access streets, at the discretion of the Zoning Hearing Board.

For property adjoining arterial or collector streets, where an adequate secondary means of access is provided, such as another street, access driveways shall be located on such secondary streets, except where the Zoning Hearing Board determines such would cause undue inconvenience or disadvantage as compared to similar premises or use in the Borough.

22.2 Location

Access driveways shall be located where street alignment and profile are favorable, such as where there are no sharp curves or steep grades, and where sight distance in conjunction with the driveway would be adequate for safe traffic operation.

22.3 Number of Driveways Per Lot

The number of driveways provided shall be the fewest required to adequately serve the abutting property for use.

Frontages of fifty (50) feet or less shall be limited to one driveway. Normally, not more than two driveways need be provided to any single lot or premises. Exceptions may be made where frontage exceeds three hundred (300) feet in length.

22.4 Common Driveway Permitted

A common driveway serving 2 adjoining lots may be permitted; provided that the lot owners submit to the Zoning Officer an instrument, duly executed and acknowledged by both lot owners, subjecting said lots to such use. The Zoning

Officer shall cause said instrument to be registered in the office of the Register of Deeds. The applicant shall pay the registration fees.

22.5 Access Driveway Standards

22.5.1 Approach Angle

Single Driveway: as near 90° as site conditions permit, but not less than 60°, for at least 10 feet within the property.

Two Driveways: two-way operation – same as for single driveway
one-way operation – between 45° and 60°

22.5.2 Driveway Approach Radius

22.5.2.1 The return radius connecting the edge of the pavement with the edge of the driveway shall be the minimum radius that will permit turns by the largest vehicle using the driveway with some frequency in conformance with the following:

	<u>radius</u>
Passenger Cars and commercial and utility vehicles of comparable wheelbase:	5-15 feet
Medium sized trucks:	15-30 feet
Tractor –trailer combinations:	30-50 feet

No radius shall be less than 5 feet nor larger than 50 feet.

22.5.2.2 Driveway approach flares shall be true arcs of circles, and shall be tangent to the pavement edge of curb.

22.5.3 Corner Clearance

22.5.3.1 At the intersection of two streets or the intersection of a street and alley, the distance between the near edge of a driveway and the paved edge of an intersecting street or alley shall be at least thirty (30) feet, measured along the extended pavement edge or curb.

22.5.3.2 The driveway approach or curb cut shall be set back from the intersecting right-of-way line at least fifteen (15) feet.

22.5.4 Edge Clearance

- 22.5.4.1** The entire driveway approach shall be within the frontage of the lot to which it gives access.
- 22.5.4.2** For driveways with angles of 90°, the edge clearance shall be at least equal to the radius of curvature of the driveway approach or curb return.
- 22.5.4.3** Edge clearance may be waived in those cases where a driveway is common to two abutting lots.

22.5.5 Driveway Width

- 22.5.5.1** The width of driveways as measured at right angles to the driveway center line shall be as follows:

	<u>Minimum</u>	<u>Maximum</u>
Residential:	10 feet	25 feet
Non-residential	15 feet	35 feet

- 22.5.5.2** Where a driveway is separated by a median divisor for two-way use, the width may exceed the maximum by an amount equal to the divisor width plus five (5) feet.
- 22.5.5.3** Properties shall be limited to one driveway per street frontage.

22.5.6 Acceleration and Deceleration Lanes

A shoulder area at either or both sides of an access driveway may be installed to provide acceleration or deceleration lanes for vehicles leaving or entering driveway; such shoulder area shall be paved and the paving shall be kept within the lot limits.

22.5.7 Sight Distance

Access driveways shall be located at a point of optimum sight distance along the street within the lot frontage limits. For driveways on arterial or collector streets, the driveway profile and grading along the right-of-way should provide sight distances of 200 feet as measured along the centerline of the traffic lane from the driveway centerline, and viewed from a point five (5) feet back from the pavement edge.

22.5.8 Driveway Slope

- 22.5.8.1** Driveways shall be constructed in such a manner as not to impair

the drainage within the street right-of-way or the adjacent areas and in a manner not to cause drainage onto adjacent properties.

22.5.8.2 Where open shoulders occur, the driveway approach shall be sloped away from the pavement at a rate between ½ and 1½ inches per foot.

22.5.8.3 Where a drainage ditch exists, adequate drainage pipe, of a size approved by the Borough Engineer, shall be installed under the driveway at the property owner's expense in accordance with any installation standards as may be required by the Borough Engineer.

22.5.9 Barriers May Be Required

Where necessary due to location of driveways and parking areas, a suitable, substantial barrier, such as a raised curb, pipe railing, bollards, or wall, shall be installed to prevent encroachment of vehicles onto street rights-of-way, sidewalks, and elsewhere as the Borough Council determines to be necessary in order to protect pedestrians and structures.

22.5.10 Design Review

Permits shall be required for access driveways which are to serve parking or loading areas for more than five (5) vehicles. Permit application shall be submitted to the Zoning Officer. Prior to approving said application, the Zoning Officer shall submit the application to the Borough Engineer and the Borough Council for their review and recommendation. Special designs may be required for large traffic generators. Application for access driveways on United States and Pennsylvania highways shall be submitted by the applicant to the District Highway Engineer of the Pennsylvania Department of Transportation for review and approval prior to any work being undertaken on the driveway.

ARTICLE 23

Nonconforming Lots, Structures, Buildings and Uses

23.1 General

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even through it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

23.1.1 Non-conforming Lots, Uses, and Structures

23.1.1.1 Nonconforming Lots

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply. The variance of setback requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots with common ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

23.1.1.2 Nonconforming Uses

A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the

nonconforming use and not in compliance with the use regulations for the district where the use is located.

23.1.1.3 Nonconforming Structures

A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

23.1.2 Abandonment

If a nonconforming use or structure is abandoned as defined by the ordinance, all subsequent use of such building or land shall be in conformity with that district's regulations. A nonconforming use shall be deemed abandoned when said use has ceased for one year or more and only when it was the intent of the tenant or owner to abandon said use permanently.

In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the Zoning Officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

23.1.3 Repairs and Reconstruction

23.1.3.1 Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

23.1.3.2 A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

23.1.3.2.1 The reconstruction starts within one (1) year of the damage;

23.1.3.2.2 The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Borough Council;

23.1.3.2.3 The location of the reconstruction does not create a safety hazard;

23.1.3.2.4 The reconstruction of a nonconformity located in the 100 year floodplain shall comply with Section 18.8 of this Ordinance.

23.1.4 Extension or Enlargement

23.1.4.1 A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension however, a Zoning Permit shall be obtained from the Zoning Officer.

23.1.4.2 Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

23.1.4.2.1 By the Zoning Officer, provided that:

- (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and
- (b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.

23.1.4.2.2 By the Zoning Hearing Board upon application for a variance, provided that:

- (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and

- (b) The proposed extension or enlargement of the nonconformity which exceeds 50 percent of the gross floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

23.1.4.3 Extension or Enlargement of a Commercial Nonconforming Structure or Building

A nonconforming structure or building can be expanded or enlarged in a manner consistent with the Natural Expansion Doctrine which does not specifically limit the expansion or enlargement to a particular percentage, but permits such expansion or enlargement that is necessary for the growing commercial use so long as it does not interfere with or impair the essential character of the neighborhood or adversely effect the adjacent and adjoining landowners.

- 23.1.4.4** A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Borough Council.

- 23.1.4.5** Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

23.1.5 Change of Use

- 23.1.5.1** Any non-conforming use may be changed to another non-conforming use by Conditional Use provided that the Borough Council shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.

- 23.1.5.2** A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

23.1.6 Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Section, it may be the duty of the Zoning Officer to document any non-conforming uses, structures, and lots identified during the evaluation of an application for a zoning permit. The application file shall identify the nonconforming aspect of the property. Any applicant aggrieved of any decision rendered there from, may file an appeal with the Borough Zoning Hearing Board.

ARTICLE 24

Off-Street Parking and Loading Requirements

24.1 General

Off-street parking shall be provided in accord with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. Uses in the Downtown Commercial District, except dwelling uses, shall be exempt from this requirement. The facilities shall be available during the entire hours of operation of the use for which they are provided.

In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

24.2 Schedule of Off-Street Parking Requirements

The required number of off-street parking spaces shall be provided as set forth in the following Schedule.

TYPE OF USE	REQUIRED SPACES - MINIMUM
Residential Uses	
Single Family, Two Family, Townhouse including Family Based Group Home	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each dwelling unit for elderly housing
Mobile Home Parks	2 for mobile home lot
<i>Institutional Uses</i>	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift

Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 seats of total facility capacity
Libraries, museums or other cultural facilities; fire or police stations	1 for each 200 sq. ft. of gross floor area
Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift
<i>Commercial/Retail Uses</i>	
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 200 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for each 2.5 seats of total facility capacity + 1 for each employee in the maximum work shift
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift
Business or professional office & financial institutions	1 for each 250 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each doctor + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling unit + 2 customer spaces

Bed & Breakfast	1 for each guest room + 2 for dwelling unit
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
<i>Industrial Uses</i>	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift
Distribution Center	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Lumber Yard, saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer spaces
Recreational Use	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

24.3 Handicapped Parking

The parking lot design shall provide handicapped accessible parking spaces in accord with current ADA or IBC standards.

24.4 Off-Street Loading

24.4.1 Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Gross Floor Area	Minimum Number of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater.	2

24.4.2 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.

24.4.3 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.

24.5 Development and Maintenance of Parking Facilities

24.5.1 Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

24.5.2 Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent or nearby lot owned or controlled by the applicant (see Section 24.5.10), or that shared parking facilities are provided in accord with Section 24.5.11;

24.5.3 Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas

shall be designed so there will be no need for motorists to back over public walkways or right-of-ways, except that single family and double dwellings need not comply with this requirement;

- 24.5.4** Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection (see Section 16.6);
- 24.5.5** The parking area, service drives and entrance and exit lanes shall be constructed in accord with the construction standards for minor collector streets found in the Montoursville Borough Subdivision and Land Development Ordinance, be graded for proper drainage, and maintained in good repair. Single and double dwellings need not comply with paving requirement for parking areas.
- 24.5.6** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'), however lots of eight (8) spaces or more may designate up to ten percent (10%) of the total number of spaces as compact spaces (8' x 16');
- 24.5.7** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a Residential District or use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Section 16.12 of this Ordinance;
- 24.5.8** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 24.5.9** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for residential dwellings that are Permitted Uses, for lots less than 5 spaces in size, or for other uses that do not have night-time hours. 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 accord with Article 25 in order to determine that adjoining property will not be adversely impacted by the proposed lighting.

- 24.5.10** In accordance with special exception procedures the Zoning Hearing Board may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.
- 24.5.11** The required parking spaces for two or more uses may be shared provided that the Zoning Hearing Board shall determine that the uses have distinct and different peak hour requirements; for example a use with evening or Sunday hours may share parking with a use that has daytime hours.

ARTICLE 25

Exterior Lighting Standards

25.1 Purpose – These standards are established for the following purposes:

- 25.1.1** To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- 25.1.2** To implement the light and energy conservation policies of the Comprehensive Plan.
- 25.1.3** To discourage excessive lighting.
- 25.1.4** To regulate the type of light fixtures, lamps and standards.
- 25.1.5** To protect residential zones from the ill affects associated with nonresidential and multi-family exterior lighting.
- 25.1.6** To create a safe environment during hours of darkness.
- 25.1.7** To avoid excessive lighting in order to protect the Borough’s natural resource of a dark night sky.
- 25.1.8** Applicants are encouraged to contact the Borough to obtain the light fixture specifications employed in the Borough’s Streetscape Project.

25.2 Applicability.

- 25.2.1** When an exterior lighting installation is part of a new development proposal requiring a site plan review, a Permitted Use application or a Conditional Use application, the Borough shall review and approve the lighting design as part of the permitting process.
- 25.2.2** These regulations do not apply to single family or duplex dwelling uses.
- 25.2.3** These regulations do not apply to Public Right-of-Way and shall not conflict with PennDOT or Borough Street Light standards and design criteria.
- 25.2.4** These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.

25.2.5 The regulation of sign lighting is governed by Article 19 of this Ordinance.

25.3 General Requirements.

25.3.1 Site lighting trespass onto adjacent residential zones shall be minimized.

25.3.2 Site lighting shall minimize light spill into the dark night sky.

25.3.3 Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

25.3.4 Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

25.3.5 Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.

25.3.6 Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

25.3.7 The applicant shall submit to the Borough sufficient information, in the form of an overall exterior lighting plan, to enable a determination that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:

25.3.7.1 Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.

25.3.7.2 The proposed location, mounting height, and aiming point of all exterior lighting fixtures.

25.3.7.3 If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

25.3.7.4 If needed to review proposed exterior lighting installations, the Borough may request additional information following the initial lighting plan submittal, such as:

- (1) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
- (2) Photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) “cut-off” fixtures.
- (3) Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the Zoning Officer. Iso-footcandle contour line style plans are also acceptable.
- (4) Landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

25.4 Lighting Standards for Uses within 50 feet of Residential Zones.

25.4.1 For exterior lighting installations and fixtures within 50 feet of any residential zones, the following requirements shall apply:

25.4.1.1 Lighting fixtures shall be no higher than 15 feet above grade.

25.4.1.2 Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.

25.4.1.3 Where feasible, additional landscaping or buffers may be required in accord with Section 16.12 to provide light screening between commercial zones and residential zones to help prevent light trespass. Where landscaping is used for light screening, the Borough shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the creation of excessive shadows or dark spaces, and views into and out of a site.

25.4.1.4 The height restrictions of this Section 25.4.1.1 above shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, except where such lighting fixtures are located within 50 feet of the property line of a residential use or vacant residential lot. Lighting of outdoor

performance areas, sport and recreation facilities, and playfields shall also meet the standards in Section 25.7.

25.5 Open-Air Parking Lot Lighting.

- 25.5.1** Open-air parking lots shall comply with the standards of this section in addition to the other requirements of this article.
- 25.5.2** Open-air parking lot lighting shall be designed to provide adequate vision, comfort and safety.
- 25.5.3** Open-air parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.
- 25.5.4** Open-air parking lot lighting shall be designed to provide a minimum value of lighting necessary for the safety and identification of features.
- 25.5.5** Open-air parking lot lighting shall not cause direct illumination on adjacent and nearby properties or streets. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.
- 25.5.6** In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving open-air parking lots, except as allowed in Section 25.5.7, shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- 25.5.7** The Borough may allow an exception to full cut-off fixtures in order to achieve a particular “period” or architectural style of lighting that is mutually beneficial to the applicant and the Borough provided that:
 - 25.5.7.1** Mounting heights of such alternative fixtures shall not exceed 15 feet above grade or pavement.
 - 25.5.7.2** Reasonable measures shall be applied to minimize light trespass and light spill into the dark night sky.
- 25.5.8** The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.
 - 25.5.8.1** The maximum permissible mounting height of open-air parking lot lighting fixtures within 50 feet of a residential zone shall be 15 feet.

25.5.8.2 The maximum permissible mounting height of open-air parking lot lighting fixtures, not listed in Section 25.5.8.1 above, shall be 25 feet.

25.5.9 The table below establishes open-air parking lot lighting standards¹.

	Standard
Minimum Footcandles on Pavement ²	0.2 fc
Maximum Footcandles on Pavement	4.0 fc
Maximum Footcandles at Property Line	0 fc
Uniformity Ratio Maximum:Minimum ³	20:1
Minimum Footcandles at five (5) feet Above Pavement ⁴	0.1 fc

Notes:

fc = footcandle

1 For typical conditions. During periods of non-use, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low point) value not be less than 0.1 footcandle. Reductions should not be applied to facilities subject to intermittent night use, such as at apartments, hospitals and transportation terminals.

2 Measured on the parking surface, without any shadowing effect from parked vehicles or trees at points of measurement.

3 The highest horizontal illuminance point at grade, divided by the lowest horizontal illuminance point or area should not be greater than the values shown.

4 Measured at 1.5 meters (5.0 feet) above parking surface at the point of the lowest horizontal illuminance, excluding facing outward along boundaries.

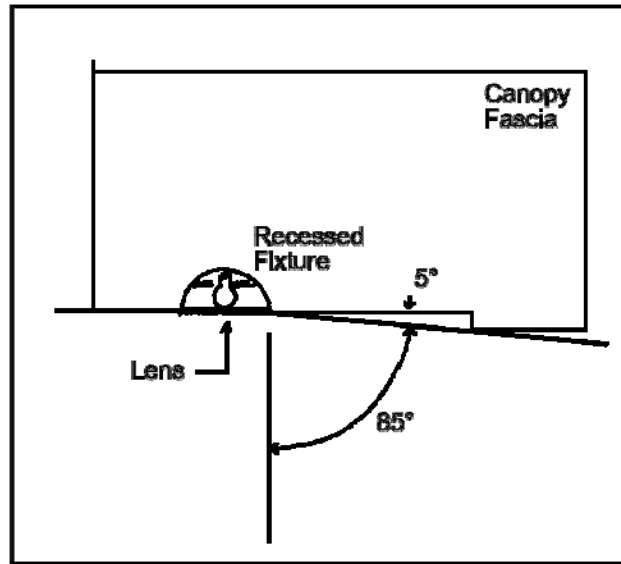
25.6 Canopy Lighting and Lighting of Service Stations.

25.6.1 Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

25.6.2 Lighting levels shall be adequate to facilitate the activities taking place in such locations.

25.6.3 In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical. The figure below, entitled Recessed Fixture, illustrates this.

Recessed Fixture



- 25.6.4** As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- 25.6.5** Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides (fascias of the canopy) shall not be illuminated in a manner other than that prescribed under the section of these regulations regulating signs.
- 25.6.6** Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 5.0 footcandles. The uniformity ratio (average illumination to minimum illumination) shall be no greater than 4:1.
- 25.7 Lighting of Outdoor Performance, Sport and Recreation Facilities and Playfields.**
- 25.7.1** Lighting levels for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.
- 25.7.2** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

25.7.3 The main lighting shall be turned off as soon as possible following the end of the event. The main lighting shall not remain on longer than 30 minutes following the end of the event. Where feasible, a low level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance and other closing activities. The low level lighting system shall provide an average horizontal illumination level at grade of no more than 3.0 footcandles, with a uniformity ratio (average illumination to minimum illumination) not exceeding 4:1.

25.8 Architectural Accent Lighting.

25.8.1 Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The Borough may allow exceptions to this provision if minimal light escapes into the dark night sky or onto adjacent properties.

25.8.2 Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property, streets or the night sky.

25.8.3 The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

25.8.4 The maximum illumination of any vertical surface or angular roof surface in light surroundings shall not exceed five footcandles.

25.8.5 Flags of the United States or Pennsylvania may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

25.9 Lighting of Landscaping.

Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

25.10 Temporary Lighting.

25.10.1 Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the Temporary Use Permitting Process.

25.10.2 The Borough may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title.

ARTICLE 26 – Reserved for Future Use

ARTICLE 27 - Reserved for Future Use

ARTICLE 28 - Reserved for Future Use

ARTICLE 29 - Reserved for Future Use

ARTICLE 30

Zoning Hearing Board Proceedings

30.1 Organization and Procedure

30.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Montoursville Borough.

30.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of Montoursville Borough who are appointed by Resolution of the Borough Council. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Borough's intent to take such a vote.

The Borough Council may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

30.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

30.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

30.2.1 To Hear and Decide Requests for Special Exceptions

Where the Governing Body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria of this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.

30.2.2 To Hear and Decide Appeals

30.2.2.1 The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer 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 registration or refusal to register any nonconforming use, structure, or lot.

30.2.2.2 The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development in the Pennsylvania Municipalities Planning Code.

30.2.2.3 The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

30.2.2.4 The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, 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.

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

30.2.3.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use 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.

30.2.3.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

30.2.4 To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally, irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. See Section 18.9 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

30.2.4.1 that 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, and 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;

30.2.4.2 that 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;

- 30.2.4.3** That such unnecessary hardship has not been created by the applicant;
- 30.2.4.4** That 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;
- 30.2.4.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

30.3 Hearing Procedures

30.3.1 Parties Appellant Before the Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

30.3.2 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

30.3.3 Application Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 30.3.3.1** the name and address of the applicant or appellant;

- 30.3.3.2 the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 30.3.3.3 a brief description and location of the parcel to be affected by such proposed change or appeal;
- 30.3.3.4 a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 30.3.3.5 a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

30.3.4 Procedure for Zoning Officer

- 30.3.4.1 The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 30.3.4.2 It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

30.3.5 Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 30.3.5.1 Public notice in accordance with the definition of *Public Notice* in Section 2.2 of this Ordinance;

- 30.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 30.3.5.3** Give written notice to the applicant, the Zoning Officer, the Borough Secretary, Secretary of the Borough Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Borough Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 30.3.5.4** In case of an appeal or a request for a variance, all adjacent property owners within 100 feet of the nearest line of the property for which the variance is sought and within 300 feet when located along the same street as the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

30.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Borough Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Borough Council once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

30.3.7 Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of

the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, 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 it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

30.3.8 Expiration of Appeal 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 Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

30.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Chapter, denies a variance or special exception, the Zoning Hearing Board may not bar a second application made within 1 year of said denial, for a variance or special exception, even if identical to the earlier application, if there had been a substantial change in conditions or circumstances relating to the land itself, or a change of conditions occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Said rehearing would be allowable upon motion of the Borough or upon a majority vote of the Zoning Hearing Board members present at the time of the rehearing.

30.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision within the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day and/or 45 day time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

30.3.11 Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

30.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 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.

ARTICLE 31

Amendments and Conditional Uses – Borough Council

31.1 Amendments to Zoning Ordinance or Map

The Montoursville Borough Council may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

31.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Borough Council or by petition, shall be referred to the Borough Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

31.1.2 Public Hearing

Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of the subsection.

31.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

31.1.4 Notice of Enactment

Prior to taking action on the amendment, the Borough Council shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

31.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Borough Council. The vote of the Council shall be within 90 days after the last public hearing on the amendment. If the Council fails to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

31.2 Conditional Uses

The Borough Council may grant Conditional Use approval for only those uses set forth in Articles 4 through 13 of this Ordinance, District Regulations, pursuant to the express standards and criteria for the specified uses outlined in this Ordinance. In addition, the Borough Council may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

31.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Borough Secretary. Upon receipt of a Conditional Use application, the Borough Secretary shall forward a copy of the application to the Borough Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

31.2.2 Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

- 31.2.2.1** the location of the tract of land;
- 31.2.2.2** the present use of the tract for which the conditional use is requested;
- 31.2.2.3** the present use of adjoining tracts;
- 31.2.2.4** the type of conditional use for which the application is made;
- 31.2.2.5** a brief description of the type and extent of the proposed activities;
- 31.2.2.6** an estimate of the total development cost of the conditional use; and
- 31.2.2.7** the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

31.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 31.2.3.1** title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 31.2.3.2** tract boundaries showing bearings and distances;
- 31.2.3.3** existing significant natural or man-made features of the site;
- 31.2.3.4** existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 31.2.3.5** existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 31.2.3.6** existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 31.2.3.7** proposed grading and drainage plan;
- 31.2.3.8** proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

31.2.3.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and

31.2.3.10 location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a Conditional Use, the Borough Council may, upon recommendation of the Borough Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

31.2.4 Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Borough Council shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

31.2.5 Criteria for Review and Approval of Conditional Use

The Borough Council shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

31.2.5.1 the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

31.2.5.2 whether the specific site is an appropriate location for the use, structure or condition;

31.2.5.3 whether the use developed will adversely affect the neighborhood;

31.2.5.4 whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

31.2.5.5 whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

31.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and

31.2.5.7 whether satisfactory provision and arrangement has been made concerning the following:

- ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
- off-street parking and loading areas;
- waste collection, storage or disposal;
- utilities, with reference to location, availability and compatibility;
- screening and buffering with reference to type, dimensions and character;
- signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
- required yards and open spaces.

31.2.6 Decisions

The Council shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

31.2.7 Failure to Hold Required Hearing or Render Decision

Where the Borough Council fails to hold the required hearing or fail to render a decision within the time periods specified in Sections 31.2.4 and 31.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Borough Council shall give public notice in the same manner as is done for the public hearing of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Council fail to provide such notice, the applicant may do so.

31.2.8 Expiration of Decision

Unless otherwise specified by the Council at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

31.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 32

Administration and Enforcement – Zoning Officer

32.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Borough Council. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. The Zoning Officer shall hold no elective office in the Borough and shall demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning, and shall meet such other qualifications as the Borough Council deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 32.2 herein.

32.2 Powers and Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 32.2.1 Receive and evaluate applications for permits, certificates, variances, conditional uses, appeals and other applications within the terms of this Ordinance;
- 32.2.2 Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 32.2.3 Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Borough Council, as appropriate;
- 32.2.4 Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 32.2.5 Examine land, buildings, and structures to determine their consistency with the Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials.

- 32.2.6** Issue or deny requests for Occupancy Permit within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 32.2.7** Issue written enforcement notices as specified in Section 32.7 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Borough as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and the Borough Council Secretaries;
- 32.2.8** 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.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

- 32.2.9** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 32.2.10** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;
- 32.2.11** Be responsible for maintaining and updating the Official Zoning Map with

respect to any amendments thereto; and

- 32.2.12** Inform the Borough Council of violation and/or enforcement notices that have been issued.

32.3 General Procedure: Zoning Permit Required

Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Borough Council, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

32.4 Zoning Permits and Certificates

32.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 32.4.1.1 Permitted Use** - Issued by the Zoning Officer on the authority granted herein;
- 32.4.1.2 Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 32.4.1.3 Conditional Use** - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Borough Council;
- 32.4.1.4 Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

32.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 19; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 32.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 32.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 32.4.2.3** cultivation of crops;
- 32.4.2.4** landscaping including the erection of land terraces, steps or other similar features; or
- 32.4.2.5** placement or location of utility distribution lines.

32.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Borough. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

32.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Borough.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

32.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

32.4.6 Changes

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

32.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

32.4.8 Time Limitations

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

32.4.9 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within six (6) months from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within two (2) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

32.4.10 Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Borough laws. The Zoning Officer shall make as many inspections as necessary to determine compliance.

32.4.11 Revocation of Permit

The Zoning Officer may revoke a Zoning 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 Officer. A report of such revocation shall also be submitted to the Borough Council.

32.4.12 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Borough and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

32.4.13 Occupancy Permits

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Borough upon request. All applications for Occupancy Permits shall be in writing.

32.4.14 Coordination With Building Permit Certificate of Occupancy

The Building Permit Certificate of Occupancy shall be deemed not valid until an Occupancy Permit as referenced in Section 32.4.13 has been secured.

32.5 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary

32.5.1 If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

32.5.1.1 all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

32.5.1.2 all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

32.5.1.3 adequate drainage is provided so as to reduce exposure to flood hazards.

32.5.2 In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in Section 18.5) as may be required by the Zoning Officer to make the above determination:

32.5.2.1 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- (1) north arrow, scale, and date;
- (2) topographic contour lines, if applicable;
- (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
- (4) the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
- (5) the location of all existing streets, drives, and other access ways; and
- (6) the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

32.5.2.2 Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- (1) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
- (2) the elevation of the one hundred (100) year flood;
- (3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
- (4) detailed information concerning any proposed floodproofing measures.

32.5.2.3 The following data and documentation:

- (1) 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 one hundred (100) year flood.

- (2) Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- (3) detailed information needed to determine compliance with Section 18.5.3.13 Storage, and Section 18.5.5, Development Which May Endanger Human Life, including:
 - (a) the amount, location and purpose of any materials or substances referred to in Sections 18.5.3.13 and 18.5.5 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 18.5.5 during a one hundred (100) year flood.
- (4) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
- (5) 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.

32.5.3 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 Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

32.6 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Occupancy Permit, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

32.7 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the

Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 32.7.1** The name of the owner of record and any other person against whom the municipality intends to take action.
- 32.7.2** The location of the property in violation.
- 32.7.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 32.7.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 32.7.5** That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- 32.7.6** That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

32.8 Cause of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Borough Council, or with the approval of the Borough Council, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

32.9 Enforcement Remedies

- 32.9.1** District justices shall have initial jurisdiction over proceedings brought under Section 32.9.2.

32.9.2 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. 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 have believed 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. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

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 judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Montoursville Borough the right to commence any action for enforcement pursuant to this section.

32.10 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Borough Council.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Borough, if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

Appendix A

Native Plants & Invasive Species

Appendix B

Landscaping & Buffer Yard Calculation Form

LANDSCAPING & BUFFER CALCULATION FORM

Step A: Determine Base Number of Plantings

Site Size: _____ (in acres)	x 12	_____ Deciduous Trees	} Option 1*
	x 3	_____ Deciduous Shrubs	
	x 15	_____ Evergreen Trees	} Option 2*
	x 6	_____ Evergreen Shrubs	

*Or select a combination of the above that meets the requirements and intent of the Ordinance.

Step B: Determine Land Use Intensities

Step C: Divide By 100

	<u>Intensity</u>	<u>Length</u>	<u>/100</u>
Property Line A:	_____	_____	_____
Property Line B:	_____	_____	_____
Property Line C:	_____	_____	_____
Property Line D:	_____	_____	_____
Property Line E:	_____	_____	_____

Step D: Subtract Land Use Intensity and Multiply by Number Obtained in Step C

	<u>Intensity</u>		<u>Proposed Intensity</u>		x	<u>Step C Number</u>		=	<u>Factor</u>
Property Line A:	_____	-	_____	=	x	_____	=	=	_____
Property Line B:	_____	-	_____	=	x	_____	=	=	_____
Property Line C:	_____	-	_____	=	x	_____	=	=	_____
Property Line D:	_____	-	_____	=	x	_____	=	=	_____
Property Line E:	_____	-	_____	=	x	_____	=	=	_____

Step E: Add Figure for Total _____

Step F: Convert to Percentage _____

Step G: Multiply % from Step F by Base Amount of Plantings.

<u>Base Amount</u>		<u>Step F %</u>		<u>Additional Plantings</u>		+	<u>Base Amount</u>		=	<u>Total</u>
_____	x	_____ (%)	=	_____	+		_____	=	=	_____
										(Deciduous Trees)
_____	x	_____ (%)	=	_____	+		_____	=	=	_____
										(Deciduous Shrubs)
_____	x	_____ (%)	=	_____	+		_____	=	=	_____
										(Evergreen Trees)
_____	x	_____ (%)	=	_____	+		_____	=	=	_____
										(Evergreen Shrubs)

Landscape Requirement Calculation - Example A

For this example a 3-acre commercial site has been used that has similar commercial uses along two property lines and residential uses along the other two.

Step A: Determine land use intensity

Land use intensity of the site proposed for development is Class IV.

Adjacent Land Use Intensities:

- Property Line A: III (3)
- Property Line B: IV (4)
- Property Line C: II (2)
- Property Line D: II (2)

Step B: Divide each property line length by 100

- Property Line A: $435' / 100 = 4.35$
- Property Line B: $300' / 100 = 3.00$
- Property Line C: $435' / 100 = 4.35$
- Property Line D: $300' / 100 = 3.00$

Step C: Subtract land use intensity and multiply by number derived in Step B above for each property Line

- Property Line A: $IV(4) - III(3) = I(1)$ $\times 4.35 = 4.35$
- Property Line B: $IV(4) - IV(4) = 0$ $\times 3.00 = 0.00$
- Property Line C: $IV(4) - II(2) = II(2)$ $\times 4.35 = 8.70$
- Property Line D: $IV(4) - II(2) = II(2)$ $\times 3.00 = 6.00$

Step D: Add figures derived from Step C above

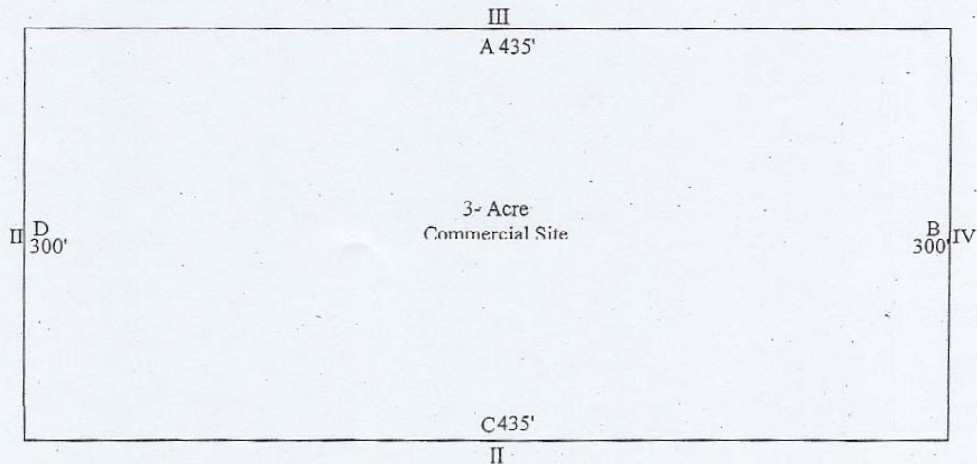
$4.35 + 0 + 8.70 + 6 = 19.05$

19.0% is the weighted land use incompatibility factor

Step E: Multiply the base amount of landscaping required by the ordinance by the percentage in Step D above

12 deciduous trees per acre x 3 acres = base amount of 36 deciduous trees (evergreen alternative of 45)
 3 deciduous shrubs per acre x 3 acres = base amount of 9 deciduous shrubs (evergreen alternative of 18)

$36 \times .19(19\%) = 6.84 = 7 + 36(\text{base amount}) = 43$ total deciduous trees (54 for evergreen alternative)
 $9 \times .19(19\%) = 1.71 = 2 + 9(\text{base amount}) = 11$ total deciduous shrubs (21 for evergreen alternative)



LANDSCAPING & BUFFER CALCULATION FORM

Step A: Determine Base Number of Plantings

Site Size:	<u>3</u>	x 12	<u>36</u>	Deciduous Trees	} Option 1*
(in acres)		x 3	<u>9</u>	Deciduous Shrubs	
		x 15		Evergreen Trees	} Option 2*
		x 6		Evergreen Shrubs	

*Or select a combination of the above that meets the requirements and intent of the Ordinance.

Step B: Determine Land Use Intensities

Step C: Divide By 100

	<i>Intensity</i>	<i>Length</i>	<i>/100</i>
Property Line A:	<u>3</u>	<u>435'</u>	<u>4.35</u>
Property Line B:	<u>4</u>	<u>300'</u>	<u>3.00</u>
Property Line C:	<u>2</u>	<u>435'</u>	<u>4.35</u>
Property Line D:	<u>2</u>	<u>300'</u>	<u>3.00</u>
Property Line E:	<u>-</u>	<u>-</u>	<u>=</u>

Step D: Subtract Land Use Intensity and Multiply by Number Obtained in Step C

	<i>Intensity</i>	-	<i>Proposed Intensity</i>	=	x	<i>Step C Number</i>	=	<i>Factor</i>	
Property Line A:	<u>3</u>	-	<u>3</u>	=	<u>1</u>	x	<u>4.35</u>	=	<u>4.35</u>
Property Line B:	<u>4</u>	-	<u>4</u>	=	<u>0</u>	x	<u>3.00</u>	=	<u>0.00</u>
Property Line C:	<u>4</u>	-	<u>2</u>	=	<u>2</u>	x	<u>4.35</u>	=	<u>8.70</u>
Property Line D:	<u>4</u>	-	<u>2</u>	=	<u>2</u>	x	<u>3.00</u>	=	<u>6.00</u>
Property Line E:	<u>-</u>	-	<u>-</u>	=	<u>-</u>	x	<u>-</u>	=	<u>-</u>

Step E: Add Figure for Total 19.05

Step F: Convert to Percentage 19%

Step G: Multiply % from Step F by Base Amount of Plantings.

<i>Base Amount</i>	x	<i>Step F %</i>	=	<i>Additional Plantings</i>	+	<i>Base Amount</i>	=	<i>Total</i>
<u>36</u>	x	<u>19 (%)</u>	=	<u>6.84=7</u>	+	<u>36</u>	=	<u>43</u> (Deciduous Trees)
<u>9</u>	x	<u>19 (%)</u>	=	<u>1.71=2</u>	+	<u>9</u>	=	<u>11</u> (Deciduous Shrubs)
_____	x	_____ (%)	=	_____	+	_____	=	_____ (Evergreen Trees)
_____	x	_____ (%)	=	_____	+	_____	=	_____ (Evergreen Shrubs)

Landscape Requirement Calculation - Example B

For this example a 1-acre commercial site has been used that has agricultural uses along one property line and residential uses along the other three.

Step A: Determine land use intensity

Land use intensity of the site proposed for development is Class III.

Adjacent Land Use Intensities:

- Property Line A: I (1)
- Property Line B: II (2)
- Property Line C: II (2)
- Property Line D: II (2)

Step B: Divide each property line length by 100

- Property Line A: $290' / 100 = 2.90$
- Property Line B: $150' / 100 = 1.50$
- Property Line C: $290' / 100 = 2.90$
- Property Line D: $150' / 100 = 1.50$

Step C: Subtract land use intensity and multiply by number derived in Step B above for each property Line

- Property Line A: $III(3) - I(1) = II(2)$ $x 2.90 = 5.80$ x .50(50% reduction granted) = 2.90
- Property Line B: $III(3) - II(2) = I(1)$ $x 1.50 = 1.50$
- Property Line C: $III(3) - II(2) = I(1)$ $x 2.90 = 2.90$
- Property Line D: $III(3) - II(2) = I(1)$ $x 1.50 = 1.50$

Step D: Add figures derived from Step C above

$$2.90 + 1.50 + 2.90 + 1.50 = 8.8$$

8.8% is the weighted land use incompatibility factor

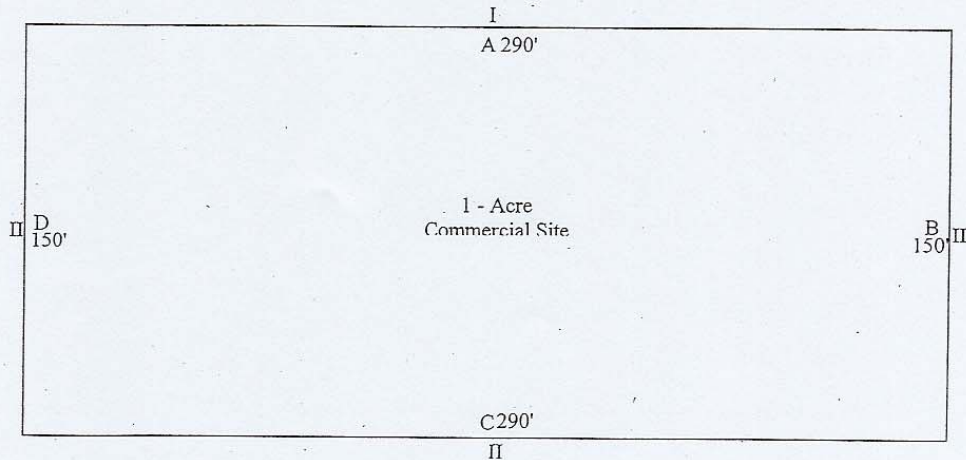
Step E: Multiply the base amount of landscaping required by the ordinance by the percentage in Step D above

12 deciduous trees per acre x 1 acre = base amount of 12 deciduous trees (evergreen alternative of 15)

3 deciduous shrubs per acre x 1 acre = base amount of 3 deciduous shrubs (evergreen alternative of 6)

$12 \times .088(8.8\%) = 1.06 = 1 + 12(\text{base amount}) = 13$ total deciduous trees (16 for evergreen alternative)

$3 \times .088(8.8\%) = .264 = 0 + 3(\text{base amount}) = 3$ total deciduous shrubs (7 for evergreen alternative)



LANDSCAPING & BUFFER CALCULATION FORM

Step A: Determine Base Number of Plantings

Site Size: 1 x 12 12 Deciduous Trees } Option 1*
 (in acres) x 3 3 Deciduous Shrubs
 x 15 _____ Evergreen Trees } Option 2*
 x 6 _____ Evergreen Shrubs

*Or select a combination of the above that meets the requirements and intent of the Ordinance.

Step B: Determine Land Use Intensities

Step C: Divide By 100

	<i>Intensity</i>	<i>Length</i>	<i>/100</i>
Property Line A:	<u>1</u>	<u>290'</u>	<u>2.90</u>
Property Line B:	<u>2</u>	<u>150'</u>	<u>1.50</u>
Property Line C:	<u>2</u>	<u>290'</u>	<u>2.90</u>
Property Line D:	<u>2</u>	<u>150'</u>	<u>1.50</u>
Property Line E:	<u>-</u>	<u>-</u>	<u>-</u>

Step D: Subtract Land Use Intensity and Multiply by Number Obtained in Step C

	<i>Intensity</i>	-	<i>Proposed Intensity</i>	=	x	<i>Step C Number</i>	=	<i>Factor</i>
Property Line A:	<u>1</u>	-	<u>3</u>	=	<u>2</u>	x	<u>2.90</u>	= <u>5.80</u> (50% reduction granted-2.90)
Property Line B:	<u>3</u>	-	<u>2</u>	=	<u>1</u>	x	<u>1.50</u>	= <u>1.50</u>
Property Line C:	<u>3</u>	-	<u>2</u>	=	<u>1</u>	x	<u>2.90</u>	= <u>2.90</u>
Property Line D:	<u>3</u>	-	<u>2</u>	=	<u>1</u>	x	<u>1.50</u>	= <u>1.50</u>
Property Line E:	<u>-</u>	-	<u>-</u>	=	<u>-</u>	x	<u>-</u>	= <u>-</u>

Step E: Add Figure for Total 8.80

Step F: Convert to Percentage 8.8%

Step G: Multiply % from Step F by Base Amount of Plantings.

<i>Base Amount</i>	x	<i>Step F %</i>	=	<i>Additional Plantings</i>	+	<i>Base Amount</i>	=	<i>Total</i>
<u>12</u>	x	<u>8.8 (%)</u>	=	<u>1</u>	+	<u>12</u>	=	<u>13</u>
<u>3</u>	x	<u>8.8 (%)</u>	=	<u>.264=0</u>	+	<u>3</u>	=	<u>(Deciduous Trees)</u>
_____	x	_____ (%)	=	_____	+	_____	=	<u>(Deciduous Shrubs)</u>
_____	x	_____ (%)	=	_____	+	_____	=	<u>(Evergreen Trees)</u>
_____	x	_____ (%)	=	_____	+	_____	=	<u>(Evergreen Shrubs)</u>