

List of Changes Made to January 16, 2009 Draft – Proposed Montoursville Zoning Ordinance

Note: Latest version is dated May 29, 2009

1. Map changes:
 - a. Various parcels on Crawford Alley moved from RT to DTC
 - b. Parcels in vicinity of S. Loyalsock Ave., Jordan Ave., and Church Alley moved from RT to BSC
 - c. Parcels at intersection of S. Washington St. & South Alley moved from RT to I District.
 - d. Parcel on Tule Street moved from RS to BSC
 - e. Parcels at intersection of Jordan Ave. and Reading Lane moved from RT to I District
2. Changes to Schedule of Uses
 - a. Added “Bulk Storage Mulch” – Conditional Use in Recreation District
 - b. Added “Bulk Storage Mulch” – Permitted Use in Industrial District
 - c. Added “Uses Not Provided For” – Conditional Use in all districts
3. Revisions to Article 2 – Definitions:

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.

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.

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.

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.

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.

4. Revision to Article 3, p.3-3, I- Industrial District:
encourage industrial uses.... changed toencourage manufacturing uses....
5. Additions to Article 4:
 - a. Bulk Storage, Mulch added as a Conditional Use
 - b. Uses Not Provided For added as a Conditional Use
6. Addition to Articles 5 through 10, 12 & 13:
 - a. Uses Not Provided For added as a Conditional Use
7. Additions to Article 11:
 - a. Bulk Storage, Mulch added as a Permitted Use
 - b. Uses Not Provided For added as a Conditional Use
8. Changes to Article 16:
 - a. Section 16.2.1.2 added: 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.
 - b. Section 16.2.3.6 revised: Shall not exceed twenty (20) feet in height or the height of the on site principal building, whichever is less.
 - c. Section 16.2.8 **Storage of Hobby Vehicles in Residential Districts** deleted.
 - d. Section 16.2.10 On-Lot Commercial Storage in Residential Districts deleted.
 - e. Section 16. 2.9 added:
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.

f. Footnotes added to diagram on p. 16-10 (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)

g. Section 16.8.1.4 (2) deleted (barking dogs).

9. Changes to Article 23:

a. 1st ¶ under 23.1.2 Abandonment revised to read:

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.

b. Section 23.1.4.3 revised to read:

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.

10. Section 30.3.9 revised to read:

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.